



Institute for Peace Research and Security Policy  
at the University of Hamburg / IFSH (Ed.)

# OSCE Yearbook 1998

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



Nomos Verlagsgesellschaft  
Baden-Baden

021  
610  
91. 10. 1.  
Institut für Friedensforschung  
und Sicherheitspolitik - IFSH -

an der Universität Hamburg  
- Bibliothek -

22587 Hamburg · Falkenstein 1

99.461

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**Organization for Security and Co-operation in Europe:**

OSCE Yearbook ... : Yearbook on the Organization for Security and Co-operation in Europe (OSCE) / Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.). Founded by Dieter S. Lutz. – Baden-Baden : Nomos Verl.-Ges.

Erscheint jährl. – Aufnahme nach Vol. 1/2. 1995/96 (1997)

Vol. 4. 1998 (1999)

ISBN 3-7890-6071-2

1. Auflage 1999

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## Preface

This consecutive edition of the OSCE Yearbook has rolled off the printing presses at a time when the attention of Europe is focused on finding a solution to the Kosovo crisis and preventing it from spilling over to the entire region, with knock-on effects for the entire European continent.

This is a momentous challenge for the OSCE, which must not only find a solution to the conflict but also prove irrefutably that Europe can overcome the balance-of-power system that has ruled supreme throughout the modern history of our continent. In other words, an ideally remodelled Europe would not rely for its security on a balance of power, but would rest on the firm footing provided by a system of reciprocated, self-imposed restraints, checks and balances, co-operation and international organizations performing complementary functions. This is not an easy goal but we must pool our efforts and embark upon the task of bringing it about.

The Kosovo conflict has now hotbed up and become the focal point of international attention, which is only natural. In the vast area covered by the OSCE participating States, extending from Vancouver to Vladivostok, all kinds of challenges and dangerous situations keep cropping up that call for an early-warning and conflict-prevention system. For nobody can claim to be free of the threat of danger today. During my recent visit to Central Asia, I could see for myself that terrorism, ideological and religious fundamentalism, drug smuggling and threats to the natural environment are our common cause. We must jointly face these challenges, while heeding the English proverb that "prevention is better than cure".

Democracy these days no longer needs military guarantees to make it feel secure. However, we must all redouble our efforts to protect it and have confidence that the values and standards we have embraced and cherish are still securely in place. We must also be on the alert for dangers fuelled by the low living standards prevailing in many countries and the need to usher in what are often painful economic reforms to remedy the situation there. This calls for a heightened responsiveness on the part of all the OSCE participating States to the plight of their partners, translated into broad co-operation and mutual assistance.

Last spring in Vienna saw the inauguration of work on a European Security Charter, which should be adopted by the OSCE Summit in the autumn of 1999. This work, incidentally, is no mere exercise in intellectual sophistication, as the game now unfolding is for a set of principles that would govern an efficient system of mutually supportive European security institutions,

consistent in their efforts to provide solutions to conflicts. The Charter will define the OSCE's role in this system and will possibly at long last banish from our lives the balance-of-power concept, putting in its place a new set of principles of co-operative security.

The year 1998 is a time of coming to grips with challenges, of laying the corner-stones of co-operative security, and of staking out the avenues towards the democratic coexistence of states in our continent. These were the tasks for the Polish chairmanship of the OSCE in 1998.

## Foreword

"Strengthen the OSCE": this sentence has served as a motto for the present Yearbook. By putting an exclamation mark after it the authors could make it into a call for augmenting their articles with suggestions or proposals for improving the structures and policies of the OSCE. But the same sentence, if followed by a question mark, could also be taken as a critical standard which, when applied to the most recent developments, asks to what extent they are helpful or damaging to efforts to strengthen the OSCE. The state of European security policy and of its institutions permits both options.

The strength of an international organization such as the OSCE can be seen in the quality of the three relationships on which it rests: namely, the relationships to its members, to its field of activity and to other international organizations. These three strands, in turn, are reciprocally related to one another, since the importance that the member states attach to an organization through setting goals, providing personnel and financing, and continuous engagement affects the way it carries out its responsibilities and its relationship to other organizations. And the accomplishments of an organization, for their part, strengthen its reputation with its members and its position with respect to other organizations. Finally, the relationship between the organizations has an impact on their work in the field and on the attitude of the respective governments towards them. Relationships of this kind, which vary a great deal in their character, are neither equally important nor necessarily symmetrical, especially when one views them not as statistical magnitudes but as variables which change over time.

If this model is applied to the recent development of the OSCE, it yields a picture which in the foreground highlights the extraordinary development of the Organization, particularly in connection with its complex operational activities - the missions, the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities, the Chairman-in-Office and the Troika - while in the background the equivocal attitudes of governments, along with the OSCE's wavering relationships to the other large European organizations - NATO, the EU and the Council of Europe - can be seen.

No review of the strengths and weaknesses of European institutions and, hence, of the possibilities for making them stronger, can overlook the fact that all efforts of the OSCE and others were in vain and that what had long been threatening in fact occurred: the conflict in Kosovo has turned into a

war. The means for preventing it which the "international community" (in whatever form - United Nations, OSCE, European Union or NATO) used or decreed all proved inadequate. None of these institutions and none of the states that used them or attempted to act on their own were able to prevent the disaster. This is not the place for a discussion of what legally, politically or materially available means ought to have been used, whether they ought to have been used additionally or earlier and, if so, by whom. Rather, we are forced, in passing, to face the unpleasant question of what limits apply to the availability of means for preventing and controlling conflicts. This question, however, cannot be permitted to lead to resignation or international fatalism. On the contrary, the catastrophe in Kosovo should serve as an exhortation to the European countries to strengthen their common institutions - particularly the OSCE. In view of the smouldering conflicts elsewhere on the continent this remains an urgent task.

Still, the attitude of the participating States appears to be one of equivocation, made up partly of constructive and co-operative engagement and partly of unpredictable and indecisive behaviour. It can be seen that, in addition to the fifteen members of the European Union with their Common Foreign and Security Policy, new coalitions of states have taken shape, either *ad hoc* or for a longer term, such as the so-called GUAM group (Georgia, Ukraine, Azerbaijan and Moldova), for example, or the Baltic states. As an expression of the frequently encouraged sub-regionalism, this could lead to a grouping of interests that would promote the formulation of objectives among the 55 participating States and limit the influence of the great powers. Most recently, however, certain states have begun to assert themselves individually, and that, in an organization of countries based on consensus and co-operation, is tantamount to intransigence. For example, the establishment of a Representative on Freedom of the Media, the transfer of police functions to the Mission to Croatia, and progress in discussions of a Platform for Co-operative Security have all proved difficult and the decision on a time and place for the overdue meeting of Heads of State or Government has been put off again and again - in each case because one participating State was opposed. A meeting of the Heads of State or Government ought to have been held in 1998 in accordance with the 1992 Decisions of Helsinki. There was no final decision because the Turkish government had invited the participating States to meet in Istanbul and Armenia was opposed to it as a meeting place. This resistance was supported by the position of many participating States that made the holding of a Summit contingent on the availability of important documents that would be ripe for decision and have the most favourable possible public effect, pointing in this connection to the slow progress in negotiations on the Platform for Co-operative Security. A pragmatic argument

along these lines seems plausible but is insufficient because it underestimates the value of an institution in enforcing co-operation and overlooks the importance of symbolism in the development of policy, as manifested in a meeting of Heads of State or Government. Moreover, apart from the adoption of a new "big" document, there is enough material in the form of individual issues that burden relations between countries in the area between Vancouver and Vladivostok; the meeting would only have to be appropriately organized to make it useful for clarifying such issues. In this way, the participating States have grievously violated their own agreement on the periodicity of these conferences and missed an opportunity to strengthen the OSCE.

In contrast to this obvious lack of understanding for the dignity of institutions and for symbolism in policy-making, there has been a series of operational decisions which certainly do strengthen the OSCE. The transfer of police responsibilities to the Mission to Croatia and the establishment of the office of OSCE Representative on Freedom of the Media deserve particular mention. Both of these decisions entail a significant enrichment of OSCE responsibilities. The creation of the position of Co-ordinator within the Secretariat of OSCE Economic and Environmental Activities, as well, demonstrates the willingness of the OSCE participating States to become more deeply involved in a delicate area - i.e. the relationship between security, economic activity and the environment. Another development worthy of attention is the establishment of offices in a number of Central Asian countries which see their ties to the countries of Western Europe strengthened through the OSCE. Fears expressed in the last Yearbook to the effect that new institutions related to NATO such as the Euro-Atlantic Partnership Council and the Permanent Joint Council between NATO and Russia would undermine the OSCE have so far not turned out to be justified.

The OSCE and the Council of Europe have gradually begun to develop a co-operative relationship in various fields, although the Netherlands government's initiative for an Alliance for Human Rights and Democracy between the two organizations went beyond the practical possibilities of the moment. To strengthen the OSCE: the vast majority of the representatives in the Parliamentary Assembly have committed themselves to this objective. The parliamentarians' personal commitment has been evident from their frequent appearances as election observers. What their decisions over the last few years and, most recently, at their week-long meeting in Copenhagen have done to strengthen the OSCE, is deserving of greater attention. They consist of recommendations and calls to the governments, which retain the responsibility for action, for improving the structures and the operations of the OSCE.

In sum, one can say with regard to the recent development of the relationships mentioned at the beginning of this article, on which the strength of the

OSCE depends, that their quality has increased. The problems in the field of security policy have not, to be sure, become any smaller. The editorial staff thank all of the authors who in the pages that follow have contributed to an insight into this dilemma.

## Introduction

*The OSCE Is a Moral Force. Its Role Is Vital and It Is Practically Indispensable. But It Must Be Strengthened!*

The OSCE "is perceived as a moral force by the nationals of our countries".<sup>1</sup> "The role of the OSCE in European security arrangements is vital (...)"<sup>2</sup> These statements in the present Yearbook were made by Janne Haaland Matlary, State Secretary of the Royal Norwegian Ministry of Foreign Affairs in Oslo, and by Kari Möttölä, Special Adviser to the Ministry of Foreign Affairs in Helsinki. However, they could just as well have been made, in this or in similar form, by representatives of the other participating States. Their evaluation is based, *inter alia*, on reports and articles such as those in the present Yearbook - for example, the one by Franz Vranitzky, the former Austrian Chancellor and, in 1997, Personal Representative of the OSCE Chairman-in-Office in Albania, on the activity of the OSCE "as an honest broker",<sup>3</sup> or by Elena Drozdik of the OSCE Mission to Croatia on successes and failures in connection with confidence-building measures,<sup>4</sup> or by Heinz Timmermann of the Federal Institute for Russian, East European and International Studies in Cologne on the attempts of the OSCE Group in Belarus to promote democracy there,<sup>5</sup> or by Farimah Daftary, Research Associate at the European Centre for Minority Issues in Flensburg, on the necessity of maintaining regular and confidential fora for dialogue,<sup>6</sup> or, finally, by Paulina Merino of Warsaw on the Office for Democratic Institutions and Human Rights, the OSCE's "fire brigade".<sup>7</sup>

If one agrees with the Chairman-in-Office of the OSCE in 1998 - Bronislaw Geremek, the Foreign Minister of the Republic of Poland - then the OSCE is not only of moral and vital importance but even "practically indispensable".<sup>8</sup>

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- 1 Janne Haaland Matlary, The OSCE's Role in European Security - A Norwegian View, in the present volume, pp. 131-138, here: p. 132.
  - 2 Kari Möttölä, Finland and the OSCE, in the present volume, 145-164, here: p. 164.
  - 3 Franz Vranitzky, The OSCE Presence in Albania, in the present volume, pp. 177-182, here: p. 178.
  - 4 See Elena Drozdik, The Difficult Business of Perception - OSCE Observers in Croatia, in the present volume, pp. 195-201, esp. p. 201.
  - 5 See Heinz Timmermann, The OSCE Representation in Belarus, in the present volume, pp. 203-215.
  - 6 See Farimah Daftary, The Third OSCE Implementation Meeting on Human Dimension Issues in Warsaw, 1997, in the present volume, pp. 251-270, esp. p. 269.
  - 7 Paulina Merino, The Office for Democratic Institutions and Human Rights, in the present volume, pp. 383-391, here: p. 384.
  - 8 Bronislaw Geremek, The Organization for Security and Co-operation in Europe - Its Development and Prospects, in the present volume, pp. 27-36, here: p. 27.

Even so - or, depending on one's point of view, precisely for that reason - experts from academia and political life are now for the most part in agreement that the OSCE must be strengthened. It is less clear what the call for a strengthening really means. Thus it is no coincidence that this Yearbook tries, within the framework of its pre-set structure, to contribute to the clarification of this question or, at a minimum, to make clear the range of views and the differences between them.

Niels Helveg Petersen, Danish Minister for Foreign Affairs and Chairman-in-Office of the OSCE in 1997, believes that, among other things, conflict prevention and the OSCE's crisis reaction capability must be improved: "The Albanian experience has taught us several lessons. It has underlined that immediate action in itself has an important effect (...) We *do* need to improve our ability to act quickly in crisis situations and to improve efficiency with regard to early warning, conflict prevention, crisis management and post-conflict rehabilitation."<sup>9</sup> Confirmation of this appeal is provided in the present volume by, among others, Jens Reuter, Senior Researcher at the *Südost-Institut* (Institute for Scientific Research on South-Eastern Europe) in Munich: "The international community - the European Union and the United States - failed to put the Kosovo problem on the agenda when the time was ripe for that action. At the Yugoslavia conferences, starting in The Hague in 1991 and ending in 1995 in Dayton, the Kosovo problem was swept under the carpet (...) Just as in the Yugoslavia war at an earlier time, it has become apparent in Kosovo that the OSCE's options for action once violence has broken out are severely limited."<sup>10</sup> Nils Daag, Ambassador and Head of the Permanent Delegation of the Kingdom of Sweden to the OSCE in Vienna, also provides a warning: "Efforts with regard to early warning and especially early action leave a lot to be desired (...) Its (the OSCE's) Achilles' heel, which it shares with the rest of the international community, is the tardiness in engaging in early action to prevent conflicts from developing."<sup>11</sup>

"In the end", Daag goes on to say, "any organization becomes what member states want it to be. Here there is a clear lack of a common vision."<sup>12</sup> Nikolai Afanasievski, Deputy Foreign Minister of the Russian Federation, reveals the Russian view of what this vision should be. He would like to assign the OSCE a central role as co-ordinator: "The Organization for Security and Co-operation in Europe must become a central factor in the creation of a unified Euro-Atlantic area without dividing lines (...) quite apart from its historic foundations, the OSCE enjoys by its very nature a number of advantages that

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9 Niels Helveg Petersen, OSCE: Developments and Prospects, in the present volume, pp. 37-48, here: pp. 40, 43.

10 Jens Reuter, Kosovo 1998, in the present volume, pp. 183-194, here: pp. 183, 190.

11 Nils Daag, The New OSCE: From Words to Deeds - A Swedish View on the Past, the Present and the Future, in the present volume, pp. 139-144, here: pp. 141, 144.

12 Ibid., p. 144.



permit us to put this organization at the centre of pan-European developments, to speak of its co-ordinating and system-building role and to see in it the future of guaranteed security on the continent (...) The OSCE can take over the role of co-ordinator."<sup>13</sup> Nikolai Afanasievski finds agreement, *inter alia*, in the articles of Dieter S. Lutz<sup>14</sup> and Kurt P. Tudyka.<sup>15</sup> Differing views are offered by Bronislaw Geremek<sup>16</sup> and Pál Dunay: The OSCE "cannot and will not become the 'only', or the 'most important' European security organization nor will it become an 'umbrella organization' for the others".<sup>17</sup> Out of concern for Lithuania's desire to join NATO, Ginte Damušis, Minister and Head of the Permanent Delegation of the Republic of Lithuania to the OSCE in Vienna also points out: "Calls for more regional arrangements and a central OSCE role bring out feelings of apprehension that the OSCE might be viewed as a substitute structure for states who are not, or not yet, members of other security organizations (...) Even though the OSCE has a special contribution to make to Europe's security, Lithuania does not see it as an alternative to NATO (...) Lithuania favours improving implementation of existing OSCE principles and commitments over developing new documents or structures."<sup>18</sup>

Though, doubts are occasionally raised anyway as to whether these "new documents" about which Ginte Damušis is speaking really contain any visions. For example, Adam Daniel Rotfeld, Director of the Stockholm International Peace Research Institute (SIPRI), says with regard to the "Document-Charter" introduced by the OSCE Ministerial Council in Copenhagen in 1997: "The Ministerial Council presented a catalogue of ten measures to turn this vision (of the Charter - DSL) into reality. Unfortunately, like many previous OSCE documents, it contained a menu of wishful thinking rather than operational means to make the OSCE an effective European security organization (...) However, neither internal transformation nor the best document will work unless all the states, European powers, and the United States in particular, move beyond verbal declarations and adopt strategic decisions committing them firmly to the OSCE."<sup>19</sup>

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13 Nikolai Afanasievski, The OSCE - The Present and Future of European Security, in the present volume, pp. 49-56, here: pp. 50, 55.

14 See Dieter S. Lutz, Strengthen the OSCE - The Strengths of the OSCE, in the present volume, pp. 59-75.

15 See Kurt P. Tudyka, The Quartet of European Institutions and Its Prospects, in the present volume, pp. 77-88.

16 See Geremek, cited above (Note 8), esp. p. 29.

17 Pál Dunay, Be Realistic: The OSCE Will Keep Confronting New Problems, in the present volume, pp. 119-128, here: p. 126.

18 Ginte Damušis, Lithuania and the OSCE, in the present volume, pp. 165-172, here: pp. 167, 168.

19 Adam Daniel Rotfeld, European Security: The New Role of NATO and the OSCE, in the present volume, pp. 89-117, here: pp. 106, 117.

In this criticism, Adam Daniel Rotfeld is talking, *inter alia*, about the role of the United States within the framework of European security developments. Bernard von Plate of the *Stiftung Wissenschaft und Politik* (Foundation Science and Politics) in Ebenhausen speaks even more clearly than Rotfeld: "While it is true that the United States jumped on the Charter wagon, it has not committed itself to the final objective (...) The determination not to commit to anything can be felt almost physically."<sup>20</sup> However the US decides in the end, it remains true that, even after the end of the deterrence system, the United States of America still plays the decisive, even dominant, role within the European security structure. For that reason, Kurt P. Tudyka presents in his article a number of thoughts on a new "associative relationship" with North America: "The European governments have already set out on the path to a Common House as a kind of 'clearing-house'; without stumbling and without fear of contradiction they should pursue this path to its attainable end (...) with the course of time the formal parity of the European states will become established; at the same time the status of the North American countries can be transformed into an associative relationship. In this connection, the principle should apply that joint institutions with the United States and Canada would also include Russia, Ukraine and the other CIS countries. Conversely, if Russia, Ukraine and others were excluded from European institutions, then the United States and Canada should be excluded as well."<sup>21</sup> Even more emphatically than Kurt P. Tudyka, Dieter S. Lutz pleads in the Yearbook on hand for a "Europeanization of the OSCE": "It is true that at the present time peace and security in Europe can only be enforced in concert with the US. The Dayton process, the Aegean conflict and, right now, the conflict in Kosovo, provide evidence for this assertion. But enforcing peace by military means should not be confused with a preventive peace policy based on the functioning and effective security order which Europe so urgently needs. The point of such an order, after all, is to make the use of military means superfluous, to help prevent wars. But as long as recourse to the military means and capacity of the United States remains available it is hardly likely that the Europeans will be able to agree on a common peace and security order."<sup>22</sup> Such a peace and security order, Lutz goes on to say, requires as its foundation the "strength of the law". As Gret Haller, Ambassador and Human Rights Ombudsperson in Bosnia and Herzegovina, points out in her article, the work of the Council of Europe also builds on this idea: "Wellspring of its richness and originality, Europe's cultural

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20 Bernard von Plate, A European Security Architecture for the 21st Century, in the present volume, pp. 291-304, here: p. 299.

21 Tudyka, cited above (Note 15), p. 87.

22 Lutz, cited above (Note 14), p. 72.

and national diversity was an incentive to go down the road to harmonisation of law (...)"<sup>23</sup> This also means, according to Hansjörg Eiff, retired Ambassador and formerly Head of the Permanent Mission of the Federal Republic of Germany to the OSCE, making "use of the potential offered by the OSCE's Court of Conciliation and Arbitration. While it has no direct formal jurisdiction over disputes within participating States, there ought to be ways of involving its members as experts in national conflicts along the lines of the Badinter Commission in 1991/1992 (...)"<sup>24</sup>

Anyone familiar with the discussions between OSCE participating States on the Security Model for the 21st Century, on issues of political or legal commitments, on "synergy without hierarchy", and similar subjects is likely, with good reason, to be sceptical about grand schemes. As Victor-Yves Ghebali of the Graduate Institute of International Studies in Geneva puts it, governments have a "preference (...) for quick-fixes rather than for substantive and lasting solutions".<sup>25</sup> Beyond that, according to Monika Wohlfeld, Senior Diplomatic Adviser at the OSCE Secretariat, "the implementation of political declarations leaves much to be desired".<sup>26</sup> And so it is no irony but a nod to reality when Hans-Georg Ehrhart of the IFSH, through a circular argument, concludes with regard to the Royaumont process: "The Royaumont initiative is a good idea, but one which, as of the end of 1997, had not really got going. It could pick up some momentum in 1998, however, if (...) the international community shows the necessary interest."<sup>27</sup>

Thus those proposals should be regarded as more realistic (because more pragmatic and to some extent more modest than the ones so far listed) which

- relate to the professionalism and the "corporate identity" of OSCE employees and mission members (Heinz Vetschera: "(...) a leading officer refused to wear what he called the 'scrappy yellow' beret of the OSCE."<sup>28</sup>);
- deal with the problems and difficulties of the long-term missions, *inter alia* with the own headquarters as well (Herbert Grubmayr: "The request

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23 Gret Haller, Human Rights Protection in the Field of Action of the Council of Europe and the OSCE, in the present volume, pp. 271-288, here: p. 281.

24 Hansjörg Eiff, Autonomy as a Method of Conflict Management and Protection of Minorities within the OSCE Framework, in the present volume, pp. 233-241, here: p. 241.

25 Victor-Yves Ghebali, The Decisions of the Sixth Ministerial Council Meeting of the OSCE, in the present volume, pp. 375-382, here: p. 380.

26 Monika Wohlfeld, The OSCE and Subregional Co-operation in Europe, in the present volume, pp. 347-356, here: p. 355.

27 Hans-Georg Ehrhart, Prevention and Regional Security: The Royaumont Process and the Stabilization of South-Eastern Europe, in the present volume, pp. 327-346, here: p. 341.

28 Heinz Vetschera, The Role of the OSCE in the Military Stabilization of Bosnia and Herzegovina, in the present volume, pp. 305-325, here: p. 319.

- is put to a number of different command units and the mission then waits to see who reacts fastest."<sup>29</sup>);
- show that the OSCE has learned its lessons about the use of Civilian Police (Gerald Hesztera: "Civilian Police can never make peace in an area torn by war or crisis."<sup>30</sup>);
  - think seriously about the financing of the OSCE (Werner Deutsch: "I am thinking of the (possibly not very popular) imposition of concrete sanctions in the event of arrears."<sup>31</sup>);
  - ensure complementarity and partnership between the Council of Europe and the OSCE (Jutta Gützkow: "Efficient co-operation avoids duplication and provides added value."<sup>32</sup>)

The appointment of a Co-ordinator of OSCE Economic and Environmental Activities in November 1997<sup>33</sup> shows that despite all scepticism the call for strengthening the OSCE is not just lip service. And the fact that the OSCE and its strengths are highly regarded outside of the OSCE area is illustrated in the present volume by the article of Fathi El-Shazly, Assistant Minister for European Affairs in Cairo, who points out that "the European dimension of Mediterranean security is to us a prime concern of high priority".<sup>34</sup> And so, when the Chairman-in-Office of the OSCE, Bronislaw Geremek, asks rhetorically in his article in the volume on hand "whether the OSCE, in its present form and operating under its current mandate, has any future at all",<sup>35</sup> the reply given by the contributions to the OSCE Yearbook 1998 is, overall, a clear one: The future belongs to the OSCE.

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29 Herbert Grubmayr, Problems and Difficulties of the OSCE's Long-Term Missions, in the present volume, pp. 217-232, here: p. 226.  
 30 Gerald Hesztera, The Future of the Civilian Police within the OSCE Framework, in the present volume, pp. 243-248, here: p. 248.  
 31 Werner Deutsch, Financing of the OSCE, in the present volume, pp. 393-407, here: p. 403.  
 32 Jutta Gützkow, The Council of Europe and the OSCE - How to Ensure Complementarity and Partnership?, in the present volume, pp. 417-427, here: p. 427.  
 33 See Thomas L. Price/Ryan S. Lester, The OSCE's Economic Dimension on the Eve of the 21st Century, in the present volume, pp. 359-369.  
 34 Fathi El-Shazly, Egypt's View on Co-operation with the OSCE, in the present volume, pp. 411-416, here: p. 411.  
 35 Geremek, cited above (Note 8), p. 35.

## I.

### The Situation



## OSCE: Developments and Prospects





## The Organization for Security and Co-operation in Europe - Its Development and Prospects

### *The Current Position of the OSCE in the International Environment of Europe*

During the quarter-century of its existence, the CSCE/OSCE has undergone a substantial evolution, both in terms of form and organizational structures and in the range and substance of its operations. At the opening stage, from the mid-seventies through the eighties, the Conference on Security and Co-operation in Europe was above all an instrument of what might be termed conference diplomacy, supplementing the two-way diplomatic channels linking the two rival politico-military blocs. It also served as a venue for dialogue and endeavours aimed at cushioning the impact of the division of Europe, especially by way of creating for the entire CSCE area common value systems and political "rules of the game".

The role and position of the CSCE changed dramatically in the late eighties and the early nineties when the bipolar alignment of international relations fell apart under the impact of stormy, historical democratization processes and political and socio-economic transformations sweeping through Central Europe, to be replaced by a multipolar set-up. The advent of this period of transition gave rise to many doubts and questions regarding the possibility of survival under the new geopolitical and geo-strategic conditions of a CSCE system created under the conditions of the Cold War and the division of the continent.

That was a daunting challenge, but the CSCE resolved to address it. In 1990, in Paris, a Charter for a New Europe was adopted, setting in train the process of adjustment of CSCE structures and mechanisms to the altered conditions of Europe's international environment, a process that was to unfold alongside the ongoing search for the Organization's proper place in the pan-European security system. This process has largely continued to this very day.

The Charter of Paris, subsequently supplemented by the decisions of the Helsinki, Budapest and Lisbon "Summits", re-directed the CSCE's endeavours towards conflict prevention, the promotion of democracy and broadly defined human rights, and the strengthening of the military order in Europe.

In December 1994 the CSCE was transformed into the OSCE to highlight its new functions, emphasizing the need for more actual operations on the ground, much needed under the new international conditions.

The present position of the OSCE in the international environment of Europe is best defined by a range of co-existing factors, both subjective (prompted by the Organization itself) and objective (existing outside the Organization). The factors in question include in particular: the area covered by actions and interests of the OSCE, the role of the OSCE as an institution of European security, and the impact of processes conducive to the opening up to the East of certain other organizations.

#### *The Area*

Today the OSCE is the only pan-European organization that has been extended to include very important trans-Atlantic and - to a certain extent - Euro-Asian dimensions. The geographic scope of OSCE interests now covers virtually the entire northern hemisphere. The sheer size of this operational area, perceived by some as the main source of the Organization's weakness, in fact forms the sound footing of its potential successes and effectiveness, thanks both to its pan-European nature and the genuine equality of its participating States. Moreover, this extended coverage may be helpful in assessing the nature of all kinds of possible threats to Europe's security from beyond the continent.

The enlargement of the operational area of the OSCE has also greatly influenced the prioritizing of the Organization's objectives. Although the basic goals of the OSCE have remained unchanged (despite the undeniable changes that have taken place in the political context of these goals) the new operational outreach has prompted the emergence of a catalogue of new challenges and problems for the Organization. Prominent among them are democratization processes in five countries of Central Asia that need to be helped and strengthened to achieve stability.

#### *The OSCE: The Security-Promoting Institution*

Security - the factor defining the Organization's position in the international environment of Europe - is intimately linked with the aforementioned area factor. The enhancement over the past several years of the OSCE as an organization working its way towards the maintenance and consolidation of European security anchored in common principles and values is the result of the vigorous growth of the Organization's circle of participants since the early nineties. In 1995 the OSCE became a forum for discussions on a new European security order.

We are all confident that the range and depth of the OSCE's expertise in preventive diplomacy makes it practically indispensable. However, the OSCE should see to it that European security systems are spared the pain of developing excessive rigidity. Being by nature a weaker party, the OSCE cannot take on the task of co-ordinating and overseeing those organizations that command both a military capacity and what is known as "hard guarantees" of security (NATO), wield political clout, are established on a proper financial footing (European Union) or, for that matter, have at their disposal legislative measures and occupy the moral high ground to boot (Council of Europe). The current position of the OSCE essentially stems from its active search for a model of co-operation between different organizations - incidentally, in areas other than security as well - that would keep partners out of one another's way while strengthening the complementary nature of their respective pursuits and endeavours. The OSCE can be particularly helpful in sounding early warnings and defusing conflicts, while pushing hard for democratization and respect for human rights.

One cannot overrate the importance of the OSCE in urging the need for and overseeing the observance of a whole range of disarmament agreements and arms control treaties in Europe, including the Treaty on Conventional Armed Forces in Europe (CFE) and the Treaty on Open Skies. Its importance also lies in serving as the venue for negotiations designed to hammer out new decisions in these fields. The OSCE's position is further bolstered by its splendid record in the realm of confidence- and security-building measures (CSBM).

#### *The Enlargement of the European Union and NATO*

It takes no great perspicacity to see that the enlargement of the European Union and NATO as well as the processes taking place within these (and other) organizations and institutions are influencing relations between these structures and the OSCE and, consequently, the performance of the Organization itself and its ability to discharge its obligations as well. The Organization continues also to be a hostage to all sorts of processes occurring inside other international organizations. As long as the countries of Central Eastern and Eastern Europe keep integrating with Western European and Euro-Atlantic organizations, and as long as organizations like the Euro-Atlantic Partnership Council, the NATO-Russia Permanent Joint Council or, for that matter, the NATO-Ukraine Commission go on refining their operations, the OSCE will not significantly reposition itself vis-à-vis these organizations and institutions. That may pose certain problems for the current work of the OSCE and also hamper the search for compromise in the work on a future

model of European security and in negotiations on the adaptation of the CFE Treaty or on a new generation of the Vienna Document on Confidence- and Security-Building Measures.

*The OSCE in the Areas of Early Warning and of Conflict Prevention and Solution*

Preventive diplomacy as well as conflict prevention and solution are today the key areas of the OSCE's operations, intimately linked with the protection of human rights.

Regional conflicts breaking out within the OSCE region, notably in the former USSR and Yugoslavia, constitute the paramount threat to the success of historical transformations, to common values and to stability in the entire European continent.

As long ago as the early nineties the CSCE began to specialize in broadly construed preventive diplomacy. However, the difficulties resulting from the pace of change in the international environment, a lack of political will on the part of national governments, and the absence of a coherent vision of the Conference's activities combined to undermine this aspect of its mission. The war in the former Yugoslavia is a case in point.

Today the OSCE has at its disposal a wide array of political and diplomatic instruments which enable it to embark upon and carry through effective actions to maintain or restore peace. These especially include all kinds of missions in conflict-prone or conflict-torn regions; Personal Representatives of the OSCE Chairman-in-Office, appointed to handle conflicts with a view to their solution; peacekeeping operations; and the like. The protracted presence of the Organization at a number of flashpoints has become proof of the OSCE's expertise in crisis-combating diplomacy. Through operations of its own missions on the ground, it can discover and define problems and possible areas of tension very early on, giving both the Organization itself and other relevant institutions enough time to take appropriate action. The missions are also very useful in helping with the building of democratic institutions.

The evolution of the OSCE has given rise to a whole host of institutions and organs responsible for regional stability, prevention and/or solving of conflicts and minimizing their consequences. The list of these institutions includes: the Office of the OSCE High Commissioner on National Minorities, the Conflict Prevention Centre, the Warsaw-based Office for Democratic Institutions and Human Rights - the latter with only indirect links to preventive diplomacy - and the Representative on Freedom of the Media. The quiverful of measures available to the OSCE further includes the political and diplo-

matic commitment of the Organization's main bodies (Chairman-in-Office, Troika, Secretary General).

We do realize that the OSCE's current position and role in the early warning as well as in the conflict-prevention-and-solution systems leave a lot to be desired. However, there is ample evidence at hand to support the belief that the past several years have seen substantive progress in this field of endeavour. A fundamental problem awaiting solution, which might still turn out to be a blessing in disguise, is the record of possibly useful measures, developed by the OSCE, but so far never put to the test, that might prove their worth on the ground. Hence the need to generate the political will on the part of national governments to mount common actions aimed, ideally, at conflict resolution.

Another reason for the recurring signs of the OSCE's weakness is its traditional policy orientation towards preventing conflicts between states, which are international law-makers just as is the United Nations, while putting lower priority on, for example, civil wars in the traditional meaning of the term. However, it is not inter-state relations but mass violations of human rights and the democratic deficit that generate the kind of crises that send shock waves through entire regions.

In this context, the OSCE is confronted with the novel issue of solidarity. It is our desire that this word, which carries a wealth of meaning and in the eighties both underpinned and epitomized Poland's struggle for full sovereignty and democracy, should spread to the realm of European relations as well. For there is a powerful case to be made here for solidarity with weaker partners, whose independence, sovereignty and democracy - our common values - need assistance and protection, for endorsing the application of the universal norms of the United Nations and the OSCE, and, last but not least, for solidarity in the face of displays of hegemonic attitudes in international relations, coupled with contempt for common principles and values.

Throughout its chairmanship of the OSCE Poland has highlighted the role and significance of preventive diplomacy and its relevance for the early-warning system first and foremost. We are particularly keen on improving this system as much as possible, and it is with this in mind that we have been mobilizing the efforts of the Organization's institutions. Considerable attention should also be focused on the strengthening and expanding of all forms of the OSCE's complementary co-operation with international organizations responsible for European security.

### *The Human Dimension*

The "human dimension" has for a long time been the mainstay of the concept of broad, co-operative security first advanced by the OSCE. For the maintenance of peace, conflict prevention and efforts to ensure stability are inseparably linked with respect for human rights and fundamental freedoms, democracy and the rule of law. The experience of the past few years fully bears this out.

Crucial for the development of the OSCE's "human dimension" is the principle, first spelt out in 1991 in the Document of the Moscow Meeting of the Conference on the Human Dimension, that the observance or violation of human rights is a matter of direct concern to all OSCE participating States, and that individual states may not assert unlimited prerogatives in respect of these issues. This proposition forms both the basis and the rationale of the OSCE's involvement in all situations where human rights - whether individual or collective - are breached or violated. Poland, the current Chairman of the Organization, is of the opinion that this is an area where there is a need for further improvements and modifications if the requirements of the OSCE are to be fully met.

It is worth highlighting at this juncture the importance and role of non-governmental organizations (NGOs) active in the protection of human and civil rights. These organizations should become an integral part of the OSCE's efforts to further the observance of human rights. It must be stressed that even at this stage the OSCE can rely on these organizations' experience and dedication when it comes to alerting world public opinion to instances of human rights abuses or violations. NGOs also have a good record of coming to the aid of the victims of such outrages.

Ever since the peaceful transformations that began in our country in 1989 when Poland rejoined the family of democratic states in Europe, we have been taking advantage of each and every opportunity to demonstrate our country's attachment to and support for the "human dimension"-related activities of the OSCE. This found its expression in - among other things - the opening in Warsaw of the Office for Democratic Institutions and Human Rights (also remembered under its earlier name of Office for Free Elections). Today also, when Poland holds the chairmanship of the Organization, the "human dimension" figures prominently on our list of priorities.

From our perspective, the protection of human rights needs an efficient system of mutually supportive institutions. It needs especially the Council of Europe, the European Union and a whole host of regional organizations. Good co-ordination of common endeavours aimed at strengthening the protection of human rights should be at the heart of the OSCE's work.

The same also applies to the need to impart specific meaning to the notion of "indivisibility of European security". A major political advantage of the OSCE is its informal character, which provides the flexibility much needed in all kinds of ventures related to human rights. It is also necessary to draw the attention of the OSCE participating States and institutions to the aforementioned interaction between conflict prevention and human rights-related issues.

The Polish Chairmanship has been making efforts to upgrade the role and maximize the significance of the "human dimension" of the OSCE as a factor cementing the entire area covered by the Organization's operations into a single value system and an instrument of conflict prevention. We shall also make every effort to consolidate the established principle, already noted, according to which the observance of human rights is the legitimate concern of the entire OSCE community and not merely an internal affair of a given country. This means that the "human dimension" - in other words, a combination of human rights and the rule of law - is part and parcel of the collective security issue.

### *The OSCE in the Face of Other European Problems*

#### *Military Aspects of Security*

Military matters have figured conspicuously in the CSCE/OSCE process since its very inception. As is well known, the basic aim of the CSCE was to curb conventional armaments and military activities and to secure a greater openness and transparency in the military activities conducted by different countries. After the collapse of the two-bloc system, military issues did not fade from the scene; on the contrary, they gained in importance under the conditions of a rapidly changing politico-military situation, especially in the Central Eastern and Eastern part of Europe. Today these considerations constitute a very important element of the OSCE's efforts to maintain the peace and international order in its entire operational area.

One of the basic aims of the OSCE today is to strengthen co-operative security in the entire area covered by the Organization's operations. This is an extremely ambitious task requiring the participation of all OSCE States. The OSCE is the guarantor - indirectly and directly - and the "political guardian" of many far-reaching arms control and disarmament agreements that form the foundation of the new military order in Europe. The agreements in question include: the Treaty on Conventional Armed Forces in Europe (CFE), the Concluding Act of the Negotiations on Personnel Strength of Conventional Armed Forces in Europe (CFE 1A), the Treaty on Open Skies, and the con-

secutive editions of the Vienna Document on Confidence- and Security-Building Measures.

At present, the main thrust of the OSCE's work in the military sphere is focused on the Forum for Security Co-operation (FSC). The Forum is primarily engaged in searching for ways of securing the observance of military arrangements; it also negotiates new arrangements and is involved in discussions on future arms control programmes, notably the adaptation of the CFE Treaty. At the moment, the Forum is the only disarmament negotiator on behalf of the OSCE and also the only agency of its kind in Europe with representatives of almost all European states taking part in it.

The military dimension of the OSCE undoubtedly serves as an example of an efficient instrument assisting in the reconstruction of political and military relations in the wake of the collapse of the communist system.

### *The Economic Dimension of the OSCE*

The broadly defined economic and social issues that between them have formed the economic dimension of first the CSCE and later the OSCE and which are popularly known as the "second basket", have always formed an integral part of the OSCE concept of comprehensive European security.

The dimension in question consists in deepening co-operation in the areas of economies, science and technology as well as environmental protection and ecological security, and is based on the conviction of all the States participating in the Organization that full political and military security must rest on the firm foundation of a well-functioning economy, since any turbulence in the machinery of the economy must sooner or later rebound on the policies and security of states and their citizens.

The economic dimension and all it stands for took on particular importance after the collapse of the communist system in our part of Europe. The processes of socio-economic transformation in post-communist states opened the prospect of pan-European economic co-operation resting on the bedrock of generally accepted and tested principles of the market economy. This gave the OSCE a chance to move to the forefront of all those in the business of providing conceptual assistance to the post-communist states then in the process of reforming their economic systems.

Economic reform processes, as we are only too well aware in Poland, can be difficult and time-consuming. They may also give rise to new challenges and threats, and the OSCE has to deal with both. Prominent among these challenges are the destabilizing impact of economic transformations on some countries of Central Eastern and Eastern Europe, internal tensions whipped up by growing contrasts in the living standards of different social groups and conflicts caused by the high cost of social reform.



The decisions taken by a series of meetings held within the framework of the economic dimension in Bonn, Rome, Prague and Geneva, to mention only a few, have corroborated the growing role and importance of this sphere of the OSCE's work. The tightening bonds of co-operation between the OSCE participating States and component bodies and international economic and financial institutions (the relevant agencies of the UN, OECD, WTO, IMF and others) are important for the efficient functioning of the economic dimension. As Chairman of the OSCE, Poland is desirous of helping to intensify work within the framework of the economic dimension and also to fulfil the obligations assumed earlier.

### *The Future of the OSCE*

Sometimes we ask ourselves whether the OSCE, in its present form and operating under its current mandate, has any future at all, and, if it has, what kind of a future is it going to be? Will the Organization keep developing or will it shrink and fade, withering away for lack of new ideas and creative stimuli?

The future of the OSCE depends on many different factors, such as:

- the development of the geo-strategic situation throughout the OSCE operational area (especially the continuation of European integration processes and the enlargement of NATO);
- the political will (or, for that matter, its absence) on the part of individual OSCE participating States, notably the big powers, to embrace the norms and comply with decisions of OSCE bodies and to keep the development of the Organization on track;
- the creation of a non-hierarchical system of co-operation between the European organizations and institutions responsible for security on our continent;
- the institutional and conceptual development of the Organization as the answer to the new challenges and changing realities of the international environment.

Certainly, the OSCE now has the capacity to be a useful player in carrying out many important European security-related tasks in which it could not be easily replaced by other institutions and organizations operating internationally. This is particularly true of such OSCE functions as the aforementioned political and institutional oversight of disarmament and arms control processes in Europe or of the OSCE's role and record of performance in the realm of preventive diplomacy and conflict prevention. These responsibilities

of the OSCE will in all likelihood move to the forefront of its activities in the near future. There is still much to be done in this field of endeavour, for example the possibility of extending the OSCE's sponsorship to regional arms-control and confidence-building initiatives. The OSCE is also likely to develop an interest in such disarmament- and arms-control-related matters as creating zones free of nuclear weapons or helping post-communist states implementing Western transparency and control standards in arms trading. Yet another role for the OSCE - which might also help tap the Organization's full potential in the future - is the promotion of sub-regional co-operation in Europe. It is worth pointing out that quite a few existing regional organizations are even now playing a very useful role in making co-operation easier at the regional level, in effect creating "soft" security on the continent while helping to eliminate the security "grey zone" in Central Eastern and Eastern Europe. In the future, the OSCE may support such activities by helping to create the appropriate political climate at a high level and by legitimizing regional ventures.

All this makes the OSCE useful and much-needed. One can safely assume, therefore, that over the next decade the OSCE will carry on in its capacity as a regional European security structure, focused primarily on charting the principal directions of change, strengthening democratic tenets in public life and promoting respect for human rights, as well as preventing and solving conflicts (especially in the former USSR and Yugoslavia). The Organization will also continue to strengthen the military order, refine the norms and standards of behaviour of its participating States and popularize common values. However, of key importance to the OSCE's future is whether its participating States - primarily those enjoying big power status - will permit the Organization to develop while consolidating its position as an instrument of European security.

## OSCE: Developments and Prospects

### *Introduction*

In 1997 Denmark held the chairmanship of the OSCE. It was by all standards an eventful year. Never before has the OSCE been engaged so actively in so many issues relevant to the common security of the participating States. The aims of the OSCE engagements have been to prevent conflicts, to manage crises, and to assist states in overcoming post-conflict situations and in complying with OSCE norms and principles. The point of departure has been a belief that the principles agreed upon within the OSCE form the very foundation for a secure and free Europe. The vision of this common enterprise has been and remains to make these principles a living reality in all participating States.

From the outset, the Danish chairmanship was confronted by a range of the problems and crises of a post-Cold War Europe united in political commitments but hampered by new risks and challenges. Developments in the OSCE area gave rise to new demands to be met both in 1997 and in the years to come.

In this article I shall highlight some of the main experiences gained during the Danish chairmanship of the Organization in 1997. My focus will be on areas where the OSCE merits further strengthening. Even before the Danish chairmanship, three main priorities for our efforts in that direction were identified: firstly, increased efforts to ensure compliance with OSCE norms and principles and to assist those participating States facing problems in this regard. Secondly, the OSCE itself should be strengthened both organizationally and operationally in order to remain a flexible and effective tool for such assistance. And thirdly, as a norm-based organization, the OSCE should make its contribution to the general European security environment, *inter alia* by offering closer co-operation with states and with other security organizations in addressing new risks and challenges to security.

Developments during the Danish chairmanship of the OSCE brought significant progress in all three of these priority areas.

### *Strengthening OSCE Assistance in Complying with Norms and Principles*

Over the last decade, the OSCE has played an increasingly important role in European conflict prevention. Originally, the CSCE provided a main channel

for dialogue between East and West. Its main purpose was, one could say, to bring about change while maintaining peace. Today, the task is rather to ensure peace and stability in times of change. In this process, assistance to participating States facing problems in complying with the OSCE standards of democracy, rule of law, respect for human rights, and peaceful settlement of conflicts has become one of the main features of the OSCE, if not its *raison d'être*.

And the tasks within this field are growing. During 1997 the Danish chairmanship was confronted with more crises and problems than any former chairmanship.

It began in *Chechnya*. The OSCE through its Assistance Group in Grozny has been engaged in facilitating the dialogue that led to an end to the hostilities. Elections were planned for January 1997. These elections were an important element in the peace process and thereby in the efforts to stabilize the situation in the region. Engaging the OSCE was not an easy decision. The security situation and the general conditions were not anywhere near what you would normally expect as conditions for a democratic election. But the elections went through. The OSCE provided monitoring. And the elections were considered acceptable. The main point was that people were given a real opportunity to make a choice. Throughout the rest of the year the Assistance Group continued its efforts. The deterioration of the security situation, including the rise in hostage taking, has made it practically the only international presence there.

The OSCE also continued its efforts towards finding a solution to the conflict over *Nagorno-Karabakh*. The Danish chairmanship appointed France, Russia and the United States to co-chair the negotiations on a settlement within the so-called Minsk Group. Prospects for a political settlement generally improved during 1997, although no real breakthrough was achieved.

In *Moldova* the OSCE worked successfully with Russia and Ukraine on concluding an agreement that set out the principles for a comprehensive political settlement between the parties to the Trans-Dniestrian conflict. Although much remains to be done, the agreement marked an important step ahead. The OSCE stands ready to assist in the implementation of the agreement - in particular through the OSCE Mission to Moldova. The OSCE will also continue to follow the withdrawal of Russian military forces from Moldova.

In *Georgia* the OSCE promoted negotiations on a peaceful political settlement of the conflict in South Ossetia and supported UN efforts to mediate in the conflict in Abkhazia. While no substantial progress was achieved concerning the conflict in Abkhazia, tensions gradually decreased in South Ossetia. The OSCE will continue its efforts to promote a lasting settlement of the disputes and to assist in the development of legal and democratic institutions in Georgia.

In *Tajikistan* the OSCE participated in the UN-brokered inter-Tajik talks which resulted in a final peace agreement between the Tajik government and the united Tajik opposition in July 1997. Although adjourned several times after the signing of the agreement, the so-called Commission on National Reconciliation did commence its work on military, political, legal and refugee issues in 1997. This is an important step towards the implementation of the agreement which includes elections to be held in 1998. The OSCE and its Mission to Tajikistan continue to follow and assist in this implementation process.

In *Ukraine, Estonia and Latvia* OSCE missions, supported by the OSCE High Commissioner on National Minorities, provided assistance to further integration and better understanding between communities in the populations.

In *Bosnia and Herzegovina* the municipal elections in September and the parliamentary elections in the Republika Srpska in November 1997 were of vital importance for the efforts to pave the way for a viable democratic society - and for the peace process as a whole. The OSCE, in accordance with the Dayton Peace Accords, played a major role in preparing and conducting the municipal elections in September 1997. Following the wish of the international community the OSCE took upon itself to play a similar role in the Republika Srpska parliamentary elections in November. As to the municipal elections it is fair to say that the elections went better than expected - and clearly better than those in 1996. But the real test is in their implementation. Though this is a difficult process, the results have been encouraging and local governments have been installed and are beginning to work. The national elections to be held in September 1998 will mark another important step in the peace process.

The elections in the Republika Srpska were acceptable from a technical perspective although the political atmosphere in which the election campaign took place fell well short of international standards. It is worth noting, however, that the elections brought about a democratic and peaceful change of government in the Republika Srpska in January 1998.

The OSCE also played a leading role in the progress made on implementing the agreements on arms control and confidence-building measures under Article II and IV of the Dayton Peace Accords. At the Copenhagen Ministerial Meeting in December 1997 we took an additional step by the appointment of Ambassador Henry Jacolin of France as Special Representative to help organize and conduct negotiations on arms control and regional stabilization in South-eastern Europe - the so-called Article V negotiations under the Dayton Agreement.

In the Former Yugoslav Republic of *Macedonia* the OSCE Spillover Monitor Mission to Skopje continued to monitor the situation with a view to regional stability, security and co-operation. Developments in neighbouring countries

during 1997 have maintained the focus on the continuing risk of "spillover", the reason for the Mission's inception in 1992. At the same time, significant efforts have been and will be devoted to promoting dialogue between the government and national minorities.

During the Danish chairmanship the OSCE also took on large tasks in *Croatia*. The OSCE Mission to Croatia was established in 1996 with a staff of 14 mission members in order to provide assistance in the field of protection of human rights and of the rights of persons belonging to national minorities. In 1997, however, the Mission was markedly expanded following a decision to increase the number of members up to a ceiling of 250. The purpose of this expansion is to ensure an efficient international presence in Croatia as the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) ceases its activities. A particular focus of the activities of the enhanced OSCE Mission will be monitoring the implementation of agreements and commitments on the two-way return of all refugees and displaced persons and the protection of their rights.

These tasks all called for well organized and politically sensitive action from the OSCE. Still, what was needed was to use - although on a larger scale than ever before - already existing conflict prevention methods in the tool box of the OSCE.

The Danish chairmanship, however, also was confronted with crises and problems of a new kind which involved a need to develop new approaches. Among these were the developments in Albania and in Belarus.

The crisis in *Albania* was perhaps the greatest challenge during 1997. Anarchy and chaos emerged after the collapse of major pyramid schemes. The international community reacted with determination. As Chairman-in-Office I appointed the former Chancellor of Austria, Dr Franz Vranitzky, as my Personal Representative in Albania. Dr Vranitzky succeeded in bringing together the major players and institutions, including the European Union and the Council of Europe, in a comprehensive international Presence. A Multinational Protection Force provided a secure environment. And as a new feature, the OSCE constituted the overall co-ordinating framework.

The international efforts helped to stabilize the situation in the country. Elections were held which paved the way for new, legitimate democratic structures. Since then, the OSCE has carried on its involvement in Albania within the field of democratization and human rights. The OSCE continues to provide the co-ordinating framework for the international efforts.

The Albanian experience has taught us several lessons. It has underlined that immediate action in itself has an important effect. The mandate for the Multinational Protection Force showed how an effective regional organization can facilitate a necessary decision by the UN Security Council. This may be a

model worth pursuing in relations between the OSCE and the UN Security Council.

Finally, the international Presence in Albania is an example of how co-operation between relevant organizations and interested countries, each playing their respective roles, can be made to work and bring about substantial results. This is an important and valid contribution to the ongoing efforts to design a new security architecture for Europe.

1997 also witnessed worrying developments in *Belarus*. From an early point, the Danish chairmanship expressed its concern over the shortcomings in democratic standards and other OSCE commitments. And the Danish chairmanship offered OSCE assistance to improve the situation. In December 1997, during the Copenhagen Ministerial Meeting, the Belarussian government finally accepted this offer of assistance and agreed to establish an OSCE Advisory and Monitoring Group. After this final agreement with Belarus, Ambassador Hans-Georg Wieck (Germany) was appointed Head of the Advisory and Monitoring Group, and an office was opened in Minsk in early 1998. This is a first small step towards improving an increasingly dire situation. At present, the OSCE is alone in the forefront. We hope that other international organizations, notably the EU, will follow soon.

As was the case with the OSCE Presence in Albania, the creation of the Advisory and Monitoring Group was an operational novelty for the OSCE. It is the first of its kind with a mandate focused on compliance with OSCE commitments within the human dimension. It serves to underline the commitment of all OSCE participating States to democracy and fundamental freedoms - not only in principle but also in practice. Hopefully, the future efforts of the Belarussian authorities with the assistance of the OSCE and other international organizations will contribute to a fulfilment of these commitments.

These diverse and complicated regional developments give an indication of the tasks that we have faced and of the innovations that the Organization has had to provide. The experience of the OSCE in troubled areas of Europe highlights the practical and pragmatic dimension of conflict prevention within the Organization. Here, local OSCE missions have been pivotal for the mediation and democratization efforts that play a decisive role in conflict prevention. As things turned out, not least over the last year, the Organization has confirmed its ability as a ready, workable and reliable instrument to deal with crises, be these related to post-conflict situations or to deficiencies in meeting common norms and standards.

However, the operational activities of specific OSCE missions in individual participating States were not the only OSCE efforts in 1997 aimed at promoting compliance with OSCE norms and principles. A range of OSCE institutions and representatives stand ready to assist participating States in

complying with OSCE principles as well as to monitor the general adherence to the OSCE commitments.

Most notably, the High Commissioner on National Minorities and the Office for Democratic Institutions and Human Rights have been deeply engaged in promoting democratization and respect for the fundamental freedoms of all citizens of OSCE participating States.

During the Danish chairmanship the importance of complying with the norms and principles of the human dimension of the OSCE was further emphasized. The Ministerial Meeting decided to strengthen the efficiency of the biennial implementation meetings on human dimension issues. And following the decision at the Lisbon Summit, the Ministerial also appointed an OSCE Representative on Freedom of the Media. I was happy to be able to nominate Member of the *Bundestag*, Mr. Freimut Duve, to this position.

Similarly, the ability of the OSCE to promote adherence to OSCE principles in other areas than the human dimension was strengthened during the Danish chairmanship. In November 1997 a mandate for a Co-ordinator of OSCE Economic and Environmental Activities was adopted.

The activities of the OSCE missions have, so far, primarily focused on regions in conflict or on countries where conditions for national minorities called for an OSCE presence. However, it has been important to the Danish chairmanship to go further than that. It is not enough to point fingers at lack of compliance with commitments. Instead, all OSCE participating States must show solidarity with the states that face problems. They must be helped to find solutions. We must offer our assistance in elaborating the necessary legal framework, establishing democratic institutions, organizing elections, and in every way facilitate exchange of relevant information in order to help these states along.

The establishment of the OSCE Advisory and Monitoring Group in Belarus as well as the reinforced OSCE involvement in Central Asia, which was launched during the Danish chairmanship, are examples of how the OSCE can target its endeavours in the fields of democracy and human rights. The development of more OSCE instruments in these fields will be a major task for us in the years to come.

#### *Strengthening the Operational Capacity of the OSCE*

Recent years have witnessed a steep rise in the number of OSCE missions dispersed throughout the OSCE area. Also, we have seen the creation of very big missions staffed by over 200 members. In this process, the operational capacity of the OSCE Secretariat has not kept pace. This development and



the growing responsibility of the OSCE give rise to demands for internal adjustments.

In recent years there have been a number of proposals to this end. Some of them concern the administrative set-up, others address the very core elements of the Organization, including its decision-making procedures and relations between its major institutions.

It has been the Danish assumption that we *do* need to strengthen the OSCE. We *do* need to improve our ability to act quickly in crisis situations and to improve efficiency with regard to early warning, conflict prevention, crisis management and post-conflict rehabilitation. At the same time we have been hesitant towards ideas that tend to introduce more bureaucracy or erode the fundamental political nature of the Organization. For it is precisely its political and non-bureaucratic nature that allows the OSCE to react rapidly and flexibly. We must safeguard these aspects. Consensual decision-making is and should remain the general rule, leaving no one out and committing all. The central position of the Chairman-in-Office as the political engine of the Organization should be preserved.

This does not rule out a more effective use of the Organization's resources. Contemporary management principles and full use of modern technology must be encouraged in OSCE institutions, in particular in the OSCE Secretariat in Vienna.

It was against this background that the Copenhagen Ministerial Meeting decided to initiate a study of ways of further enhancing the Secretariat's operational capacities.

Another major requirement in order for the OSCE to retain its flexibility and capacity to respond adequately and timely to erupting crises has been to reform the procedures of funding OSCE activities. The financial mechanisms of the OSCE were created to fit the needs of the conference diplomacy of the seventies and the eighties. They were not designed to respond to the challenges to the new OSCE. In order to finance the elections in Bosnia and Herzegovina in 1996 and 1997 we had to engage in fundraising exercises twice to collect the necessary voluntary contributions. This is not the proper way to proceed. Rather, participating States must match their political will to react rapidly in times of crisis with willingness to pay the costs of OSCE activities.

The necessary modernization of the financial structures of the OSCE was taken a significant step forward during the Danish chairmanship. In summer 1997, the OSCE decided to create a Contingency Fund with a view to covering expenses in the initial stage of an OSCE engagement. And at the Copenhagen Ministerial Meeting in December 1997, the participating States agreed on a project financing mechanism which applies to the funding of larger OSCE engagements. The mechanism puts the heaviest burdens on the broad-

est shoulders - the richer countries contribute relatively more, the poorer states substantially less.

Thus, while safeguarding the political nature of the OSCE, endeavours during the Danish chairmanship were aimed at strengthening the operational capacities of the Organization and at ensuring the availability of the necessary financial means. The purpose of continued efforts in this direction should be to make the OSCE more effective in the implementation of its decisions.

### *Strengthening the OSCE Contribution to Overall European Security*

The readiness of the OSCE - often with very short notice - to engage itself in mediating, solving, or preventing specific new conflicts is a valuable asset for Europe. But conflict prevention must also take on a more structural dimension. We must also seek to improve the all-European security environment in order to prevent potential future conflicts from breaking out.

Addressing this challenge has been and remains the main driving force for the processes of integration and enlargement that are set in motion in European and trans-Atlantic institutions. NATO, the primary security organization in Europe, has reached out and actively engaged its old foes in a constructive and forward-looking dialogue. The Partnership-for-Peace programme, the Euro-Atlantic Partnership Council and the agreements with Russia and with Ukraine are concrete manifestations of this co-operative approach.

The European Union has played a major role in addressing the needs of the new democracies. It has provided the modern age Marshall Plan for the half of Europe that missed out in 1947.

With the Madrid Summit and the Amsterdam Treaty both organizations have opened up to enlargement, thus offering a viable perspective for the changes taking place in countries undergoing reform.

From the outset, however, the OSCE - as the only regional organization including all European states and North America - took on its own special role. In the "Charter of Paris for a New Europe" of 1990 the Heads of State or Government of Europe, the United States and Canada set out the foundations upon which a Europe whole and free should be based.

As the new post-Cold War realities took shape, the need to develop and consolidate a new security architecture in Europe became evident. The answer of the OSCE was efforts to develop a comprehensive Security Model for the Twenty-first Century. Work on the Security Model was launched at the Budapest Summit in December 1994. The objective was to take stock of the new security environment in Europe, to address the new risks and challenges that ensued, and to focus on the role of the European security organizations in this context.

At the Summit in Lisbon two years later, Heads of State or Government analysed the progress made. They decided to strengthen the regime of consultations as well as actions to be taken in solidarity in order to defend common values and OSCE commitments. An operational agenda was set out for 1997. It called upon representatives to enhance instruments of joint co-operative action and to define modalities for co-operation between the OSCE and other security organizations. Based on this work, the OSCE should consider developing a Charter for European Security.

The Danish approach to bringing the elaboration of a Charter forward has very much been based on the concrete experience we have acquired during the Danish chairmanship. The priorities for a Charter have been threefold.

First of all, we must acknowledge that problems and conflicts are often the result of non-compliance with OSCE commitments and principles. The core issue is, therefore, not seeking adjustments to the existing norms and principles. Rather our efforts must be focused on ensuring compliance with the existing commitments. The Helsinki Final Act and the Charter of Paris remain our points of departure. Central prerequisites for this are to improve co-operation and to increase solidarity among the participating States through joint co-operative action on enhancing compliance.

Secondly, our experience has demonstrated the need for close co-operation among international organizations when it comes to finding viable solutions to crises and conflicts. It is important to stress that co-operation must take place on an equal footing. What we are looking for is not a hierarchy of security organizations, but the establishment of mutually reinforcing co-operation, where every organization contributes according to its special responsibilities and abilities. With its broad membership and its normative approach the OSCE is uniquely placed to provide the platform for such co-operation. As an organization with its own specific profile, the OSCE can complement developments in other European and trans-Atlantic security organizations, in particular the reform processes within NATO and the EU.

Finally, the OSCE should not be allowed to stagnate. The OSCE should safeguard its normative basis and its flexibility while keeping an eye on developing innovative tools and mechanisms to deal with the new risks and challenges. Therefore, the Charter should be political in nature, rather than legally binding.

During the Danish chairmanship these general discussions were taken a substantial step further when the Copenhagen Ministerial Meeting in December 1997 adopted a set of Guidelines for a Charter on European Security. The Guidelines set the agenda for further work.

They reaffirm the existing OSCE principles and their validity for continued peace and stability in Europe. They move forward by stressing the accountability of states to their citizens for respect of OSCE norms and principles by

making clear that these commitments are matters of immediate and legitimate concern to all participating States. On this basis, states will strengthen their commitment to act in solidarity and partnership to ensure the implementation of, and respect for, these principles. Accordingly, the OSCE will explore further ways to assist states facing problems in doing so.

The Guidelines underscore the right of every state to be free to choose or change its security arrangements. They establish that the OSCE will work with other security organizations to promote common security. To this end substantial progress was achieved through the adoption of a Common Concept for the development of co-operation between security organizations within a Platform for Co-operative Security. The Common Concept sets standards for those organizations with which the OSCE will co-operate. In addition, a set of practical steps were agreed upon, aimed at the development of co-operation between the OSCE and those institutions which subscribe to the Common Concept. This approach will also guide the OSCE in enhancing co-operation with sub-regional organizations.

The Guidelines also address the OSCE's own role as a regional arrangement under Chapter VIII of the Charter of the United Nations and its attendant role as a primary instrument for peaceful settlement of disputes in the region. States agreed to examine the OSCE's role in addressing new risks and challenges to security and in connection with peacekeeping operations.

The Guidelines underline the importance of the OSCE's human and economic dimensions. They confirm the importance of implementing existing arms control and confidence- and security-building measures as well as their adaptation to the new security environment.

Finally, the importance for European security of relations with adjacent areas, including with the countries in the Mediterranean, is emphasized.

### *Prospects*

At the end of 1989 Europe faced a new beginning. In Central and Eastern Europe communist dictatorships fell. The principles of democracy, the rule of law, and respect for human rights spread to the whole of the European continent.

But the end of dictatorship and of bipolar military confrontation also opened a range of new risks and challenges to European security. These risks could not be dealt with solely within the existing institutional framework.

In dealing with these challenges, the OSCE came to play a central role. The year 1997 proved that the OSCE still has an important role. The OSCE has offered its participating States a flexible and practical instrument for conflict prevention, crisis management and post-conflict rehabilitation as well as a

useful vehicle for promoting core values of democracy, human rights and the rule of law.

What are the prospects for the future? What will be the future role of the OSCE?

I believe we have already seen the main features of the future role in what the OSCE is doing today. But the environment in which we act is not static. Important processes of integration and co-operation are taking place in Europe. The OSCE must adapt itself to find its place in light of these developments. There may be a redistribution of certain tasks concerning European security. States may choose to develop new co-operative structures, including sub-regional co-operative fora. Accordingly, the role of the OSCE may gradually evolve. Nevertheless, built on past experience I see the following major prospects for the year to come:

Firstly, I believe the OSCE will maintain its focus on the so-called human dimension. The newly independent states, in particular in the Caucasus and in Central Asia, need assistance in this field. The OSCE provides the only international forum with a dual offer to these states: full and equal participation in a European organization dealing comprehensively with security issues and assistance through the same forum in the implementation of commitments on democracy, human rights and the rule of law. This is a new and important instrument in our preventive diplomacy tool box: offering assistance at an early stage in dealing with the democratic and social structure of these societies. It is a long-term engagement that we must take upon ourselves. In doing so the OSCE is uniquely placed as a facilitator of co-operation with other relevant international organizations, including the international financial institutions.

Secondly, 1997 has shown us the usefulness of a strong regional organization for dealing with specific crisis situations. The Albania crisis led to a remarkable example of interplay between the OSCE and United Nations Security Council. This experience gives us a good basis for further developing both the OSCE itself and its relations with the United Nations in taking responsibility for threats to security in Europe. The OSCE itself must remain strong, flexible and adaptable. It should be strengthened, not bogged down by unnecessary bureaucracy or procedure. We must avoid the pitfalls we have seen in other international fora. The United Nations should preserve the overall responsibility for threats to peace. But in practical terms, the OSCE can increasingly relieve the UN, allowing it to focus resources on other regions in need. Such a development is only possible if close co-operation between the OSCE and the UN is maintained. I believe the prospects for such a development are good.

Thirdly, the OSCE as the broadest of the European and trans-Atlantic fora for co-operation with a comprehensive normative basis provides a useful

meeting place to discuss the principles which should guide the overall security of Europe in the new century. To this end the work on a Charter on European Security is a major task for the OSCE. With the Guidelines for a Charter on European Security, adopted in Copenhagen, we have set the course.

I see the Platform for Co-operative Security as one of the major elements in a future Charter. Developing strong lines of co-operation between the OSCE and other organizations, including NATO/EAPC, the European Union, the Council of Europe, the WEU and others, is a prerequisite for finding solutions to the problems confronting us. Such a network of mutually reinforcing co-operation, founded on OSCE norms and principles, will be the very fabric of European security in the twenty-first century. In developing it we must keep a comprehensive and inclusive approach. All states must have their say, no matter their position in the integration processes taking place.

The OSCE offers the best platform for this undertaking. We must use it wisely.

## The OSCE - The Present and Future of European Security<sup>1</sup>

Europe is currently going through an extremely important stage of its development that calls for the exercise of extraordinary responsibility. On the threshold of the 21st century, the European states face the necessity of practical measures to achieve a unified security space, free of dividing lines, on the continent. In an objective sense, too, the situation is developing in this direction. After the end of the Cold War and a phase of euphoria at the beginning of the nineties, when the realization of a Europe both unified and free of conflict appeared to be within easy reach, there followed a stage of sober reflection on the many difficulties in a multi-polar system such as the one that has been developing in the Euro-Atlantic area. Against the background of the common values and goals which the participating States have identified and embodied in the documents adopted at OSCE Summit Meetings, the different interests that continue to exist in reality in the economic realm, in military policy and in other fields of interest have made themselves felt.

Differences and conflicts between ethnic groups have become an important and dangerous destabilizing factor in the Euro-Atlantic area. Not only do they "tear apart" individual countries but they threaten to spread to neighbouring states and thus represent a serious threat to the stability of Europe as a whole. This does not apply just to the post-Soviet area or to former Yugoslavia. Inter-ethnic conflicts are continuing to smoulder in "prosperous" European countries as well. They should not be underestimated because there are already signs that virulent inter-ethnic conflicts could ignite the latent ones. Nor can we close our eyes to such phenomena as the spread of drugs, organized crime, the pollution of the environment and similar problems. Thus Europe is now being confronted with a whole range of old and new threats of the most varied kind. The Europeans must decide how they want to deal with them so as to attain the lofty goals that they have set for themselves and to ensure their security.

In our view, the establishment on this continent of a full-fledged regional organization based on a treaty on European security is the surest way to guarantee security and stability as well as to forestall further conflicts in Europe. The Organization for Security and Co-operation in Europe must become a central factor in the creation of a unified Euro-Atlantic area without dividing lines. Viewed in historical perspective, this organization has played the most

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1 Responsible for the translation from the authorized Russian version are the editors and the editorial staff.

important positive role in the rapprochement between East and West and in the development of contacts and co-operation between the opposing social systems. It has been possible, within the framework of the OSCE, to work out and agree upon common principles and "fair rules of the game" for relations between countries with contrary interests. In the course of decades, mechanisms and instruments for early warning and the settlement of conflicts were developed and tested. And, quite apart from its historic foundations, the OSCE enjoys by its very nature a number of advantages that permit us to put this organization at the centre of pan-European developments, to speak of its co-ordinating and system-building role and to see in it the future of guaranteed security on the continent.

First, there is its broad geographic extension - the OSCE comprises 55 participating States, among them not only traditional European countries but a number of Asian ones as well as the United States and Canada. In addition, it maintains contacts with a large number of partner countries in the Mediterranean area and in East Asia which make their own contributions to a co-operative relationship with the OSCE.

Second, unlike all other European organizations the OSCE has not focused on one particular aspect but operates on the basis of a comprehensive understanding of security that includes military, economic, environmental, humanitarian and other considerations.

Third, the OSCE, except in matters affecting the guarantee of human rights, works on the consensus principle. Practice has shown that this principle is the best one for upholding the interests of individual participating States while at the same time retaining flexibility and the ability to act. Moreover, it reflects the democratic character of the Organization in which the vote of the smallest country has exactly the same "weight" as that of a great power.

Fourth, the OSCE has, so to speak, two faces. It is on the one hand a forum for dialogue, negotiations and co-operation and thus stimulating and setting the direction of the process of building a new Europe. The OSCE fulfils an important norm-creating function by making possible a detailed conceptual review of theoretical issues related to security and co-operation in the Euro-Atlantic area. And the Organization is indispensable as a structure for working out compromises on key issues of European life in which all of us, who are neighbours in the European house, participate.

On the other hand, the OSCE has at its disposal a broad range of practical instruments for its operational activities, *inter alia* in the fields of early warning, conflict prevention, crisis management and post-conflict rehabilitation. There is no other organization that has instruments such as the long-term missions. The High Commissioner on National Minorities and the Personal Representatives of the Chairman-in-Office have also been effective. Recently two new institutions - the OSCE Representative on Freedom of the



Media and the Co-ordinator of Economic and Environmental Activities - were established from which we expect a serious and positive contribution, in their respective areas of work, to the task of building security.

If the OSCE is to operate successfully it is extremely important to maintain the proper balance between these two functions. It would not be appropriate to limit the role of the OSCE to its operational responsibilities while pushing the norm-setting function into the background. Unfortunately, a number of participating States are tending in this direction. The Organization urgently needs a legal basis provided by a treaty - clear documents which regulate both its overall activity and the activities of individual instruments such as the missions. If the consensus principle were to be violated there would be a risk that OSCE decisions might be taken in the interest of individual countries or groups of countries. The Organization still falls far short of meeting all the criteria for a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations. But none of these problems arise from the essential nature of the OSCE. Every organization is only as effective as its members want it to be. What is most important, therefore, is the political will of the participating States of the OSCE to develop its considerable potential.

There has, after all, been a fair amount of progress in this direction. The idea we presented a number of years ago for working out a new Security Model for Europe for the 21st Century is taking form and heading for success. It was developed further at the Lisbon Summit in 1996. There was general acknowledgement of the need to discuss working out and adopting a new and comprehensive document for the Organization - a Charter on European Security. The meeting of the Ministers of Foreign Affairs of the OSCE participating States in Copenhagen in December 1997 adopted a document on the parameters of the Charter setting forth its fundamental elements, on which further work is needed.

It is our view that the working out of this Charter should be the OSCE's main point of emphasis in the current phase. It is, after all, a document whose importance can be measured against that of the Helsinki Final Act. As was stated in the decision at the Copenhagen meeting of the Ministerial Council, the Charter should serve the needs of our peoples in the new century, address the risks and challenges to security, and complement and advance the processes of integration across the OSCE area. The Charter should reaffirm the principles of the OSCE and acknowledge its continuing validity and applicability in ensuring peace and stability. At the same time, it should continue to uphold consensus as the basis for decision-making in the OSCE.

It is of importance that the Copenhagen decision stressed the need to strengthen the OSCE in its ability to carry out those activities that are peculiar to it. The Foreign Ministers agreed that the OSCE is the only pan-Euro-

pean security organization and hence that it plays the key role in securing peace and stability in Europe.

In this connection, the Copenhagen Document emphasizes the innovative character of the Charter, which is intended as a further step in developing the standards and practice of the OSCE participating States. We attach particular importance to this aspect. It is true that the basic principles of the OSCE continue unchanged and must be observed strictly. But we believe that changes in the real political and economic situation in Europe positively demand that these principles be applied in a new way, without departing from the provision of the Helsinki Final Act that all principles are "of primary significance, and, accordingly, they will be equally and unreservedly applied, each of them being interpreted taking into account the others". The OSCE participating States are to respect these principles and apply them fully and "in all aspects, to their mutual relations and co-operation in order to ensure to each participating State the benefits resulting from the respect and application of these principles by all".

It is our view, given the present circumstances and based on these provisions of the Final Act, that it is time to give greater precision to the contents and application of existing norms and principles. This process has, *de facto*, been under way in the OSCE for a long time. One example is the decisions of the Moscow meeting of the Conference on the Human Dimension of the CSCE in 1991, which provide an interpretation of the principle of non-intervention in internal affairs for the period after the end of the Cold War. All we are proposing is that this process be regulated and given a clear organizational and legal framework. The working out of the Charter offers one opportunity for doing this.

At the same time, we are categorically against exploiting the Charter to give individual states or groups of states the opportunity to violate the sovereignty of their OSCE partners or to interfere in their internal affairs under the pretext of "ensuring the implementation of OSCE commitments" or of "solidarity", or through the introduction of new institutions and mechanisms as a "reaction against violations of the principles and decisions of the OSCE" without any clear mandate or regulation for their activities and without subjecting them to review by the collective leadership organs of the OSCE, particularly the Permanent Council. Russia shares the concern that all participating States should fully observe OSCE principles and the commitments they have undertaken. As we see it, however, this implementation should apply equally to all. That means, as we understand it, that there can be no "double standards" within the OSCE with regard to one group of states or another. All of the partner countries within the Organization must meet their obligations equally, irrespective of the developmental state of their democratic, economic or other institutions and without assuming the mantle of judges

pointing out the weaknesses of other participating States. Every country, without exception, has problems in this area. The only question is whether the violation of norms reflects an objective inability to meet the high OSCE standards - whether for financial, economic or other reasons that need to be taken into consideration. What is called for in such a case is help from the international community - but not given in the tone of a "prosecutor" and not accompanied by heavy penalties.

An outstanding example of obvious, crude and continuous violations of OSCE principles and norms can be seen in the behaviour of the leaders of Latvia and Estonia towards the non-titular populations residing on the territory of these countries. Immediately after attaining independence these countries imposed unequal status on a substantial portion of their inhabitants, and failed to implement the recommendations of international organizations.

The result of this policy, which has been going on for seven years, is the splitting of Estonian and Latvian society and the aggravation of their relations with neighbouring states. And all of this is taking place against the background of a generally successful solution of a similar situation in Lithuania. We believe that the status of the non-titular population in the Baltic states (which is not only Russian - there are Poles, Jews, White Russians and others among them) is not an exclusively internal affair of Latvia and Estonia but that it merits regular and strict monitoring by the OSCE.

Another categorical imperative is the rejection of new dividing lines on the European continent created by emphasizing the right of membership in military alliances. This trend, unfortunately, can be seen especially in the positions of those countries that seek to join NATO as quickly as possible. We regard this approach as an attempt to establish an "official interpretation" of sovereign equality and of respect for the rights inherent in sovereignty which will seriously damage the interests of European stability and security.

The right of each participating State to "be free to choose or change its security arrangements, including treaties of alliance, as they evolve" is contained in many OSCE documents, including the decisions of Copenhagen on the Guidelines for the Charter on European Security. But the same document has another clearly stated provision which the proponents of a free choice of alliances like to ignore: "They will not strengthen their security at the expense of the security of other States."

The Copenhagen Ministerial meeting also stated that "(w)ithin the OSCE, no State, organization or grouping can have any superior responsibility for maintaining peace and stability in the OSCE region" and that none of them may "regard any part of the OSCE region as its sphere of influence". This means that the above-cited provisions of Copenhagen must be viewed in their entirety. Only then will the goal of equal security for all OSCE participating States be ensured, as set forth in the Charter of Paris of 1990.

One fundamental issue is that of retaining the consensus principle. As already mentioned, a departure from this principle is permissible in strictly limited exceptional cases related to respect for human rights. However, this does not affect the fundamental provision in the decisions of Copenhagen that consensus shall continue to be upheld as the basis for decision-making within the OSCE. Otherwise, the OSCE might be used not for the implementation of agreed common interests but for promoting the day-to-day politics of certain countries with the aim of pressuring other countries to subject the rights inherent in their own sovereignty to the interests of the former, which would thus be able to gain all kinds of advantages. In other words, what is involved here is a strategic threat to the OSCE - the risk of violation of those principles by which the participating States, in conformity with the Helsinki Final Act, have hitherto been guided in their mutual relations.

Viewed in this context, the question of a need to deviate from consensus "in order to ensure the OSCE's flexibility" appears inappropriate. The effectiveness and, in this case, the flexibility of the OSCE are determined not so much by the method of reaching decisions as by the political will and the willingness to compromise of the participating States.

With regard to the OSCE as a regional arrangement in the sense of Chapter VIII of the United Nations Charter and its central role in guaranteeing European security, the Russian side proposes that this role be strengthened by agreement on taking on the obligation - thus further developing the principle of refraining from the threat or use of force - to assist, with all available means, any state which has become the object of aggression. The determination of when an act of aggression has taken place should be made by the Security Council of the United Nations. Such an agreement, as we see it, would refute arguments about the relative "weakness" of the OSCE and reinforce its close ties to the UN.

The most important characteristic of the Charter is its comprehensive character - the fact that it takes into account all aspects of security - military, economic, humanitarian and other.

The Charter is designed to secure the successes already achieved in the fields of military co-operation, arms control and confidence- and security-building measures.

As for economic policy, particular attention ought to be given to the interests of the transformation countries and their integration into the global economic system.

In addition, the Charter should strengthen the OSCE's potential for combating such threats to common security as violations of human rights and fundamental freedoms, manifestations of intolerance, of aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism. In view of the current situation in Europe, issues related to upholding the inter-ethnic dialogue and

promoting the implementation of provisions related to the rights of persons belonging to national minorities will be of particular importance. We expect that the adoption of the Charter will contribute to a rapid and effective solution of situations such as the ones in Albania and Kosovo. In the process, consideration must of course be given to the interests of multi-national states as well as to the rights of national minorities. This means, among other things, strict observance of the principle of territorial integrity.

Other issues that should not be neglected are those related to the operational activities of the OSCE such as peacekeeping and improving the Organization's effectiveness in the fields of early warning, preventive diplomacy, conflict prevention, crisis management and post-conflict rehabilitation.

Finally, the Charter should provide a firmer foundation for the OSCE's role as a forum for co-operation between regional and sub-regional groupings in the OSCE area. This function has particular importance in view of the fact that there are a number of large structures that concern themselves with security in the Euro-Atlantic area. We expect that the Charter will help to improve both the structure and the arrangements for co-operation between institutions, thereby increasing its effectiveness. It is not a question of the OSCE dominating other organizations. Co-operation should not be hierarchical and it should aim at the best possible use of the capacities and potential of each organization. The OSCE can take over the role of co-ordinator in this connection. It is also not a question of putting the OSCE in opposition to other structures such as NATO, the EU or the Council of Europe. NATO's declared willingness to carry out peacekeeping operations under an OSCE mandate is, in our view, a positive factor. The Founding Act between Russia and NATO includes an obligation by both sides to contribute to strengthening the OSCE and to increase its effectiveness. We believe that developing inter-institutional co-operation and setting forth its modalities in the Charter will contribute to finding optimal co-operative solutions to a wide range of concrete problems.

The Charter on European Security should be a document at the level of Heads of State or Government and should be adopted at that level. This will call for extensive and strenuous work on the part of all participating States.

Working out and adopting a Charter on European Security should elevate the activity of the OSCE to a higher level and, as a result, strengthen its role and its significance in the guaranteeing of European security. This objective would be served, among other things, by the strict observance of decisions already made on the regular holding of political meetings of the OSCE at the level of Heads of State or Government and of the Foreign Ministers. The nature of the Organization is such that regular Summit Meetings are needed every two years to give impetus to its work. In the years when there are no Summits, meetings of the Ministerial Council should be held. The Organiza-

tion's ability to act and, ultimately, its reputation will depend to a great extent on whether we can agree on modalities for reinforcing its organizational structure and its everyday activities.

To summarize, let us again emphasize that the Organization faces serious problems and responsibilities as well as new risks and challenges. The OSCE has sufficient potential to deal with them successfully. Everything will depend on the will and the readiness of the participating States to work together in strengthening the OSCE and making full use of its inherent capacities to fulfil the hopes and expectations of the peoples living in the OSCE area - a firm commitment to democracy based on human rights and fundamental freedoms, prosperity through economic freedom and social justice, and equal security for all of our countries.

## The Strengthening of the OSCE in the Light of NATO Enlargement





## Strengthen the OSCE - The Strengths of the OSCE

### *The Strengthening of the OSCE*

At the end of the eighties and the beginning of the nineties the CSCE was supported by visions of the turning-point in history, by euphoria over the long-hoped-for end of the Cold War and by joy over the dissolution of the Warsaw Pact. The manifold objectives of the Paris Charter, the renaming of the Conference (CSCE) to make it an Organization (OSCE), the declaration that the OSCE is a regional arrangement in the sense of Chapter VIII of the UN Charter, the creation of an OSCE Court in Geneva and many other things bear witness to that time and are at the same time the results of it.

In parallel with these developments, the early nineties saw NATO going through a phase of disorientation, even of "self-pity". However, NATO emerged from this phase a stronger organization. Numerous candidates for membership are now knocking on its door. The military budgets of its (only) 16 members come to the stately sum of more than 450 billion US-Dollars. That is more than half of all arms expenditures of the approximately 190 countries of the world. NATO - so it would appear - has turned into a colossus that is simply bursting with strength and life. The OSCE, on the other hand, is occasionally referred to as a "niche" or "fair weather" organization. This comparison is, in a number of respects, unjustified.

It is true that the dynamism inherent in day-to-day politics, the force of self-preservation of existing military bureaucracies and apparatuses and the way in which the decision-making of individual countries remained tied to an outdated and dysfunctional NATO all proved too strong over the years to permit the development of strategic alternatives and conceptual visions. The force of self-preservation and the tying of decision-making<sup>1</sup> were reinforced - as cynical as this may sound - by the barbaric killing in former Yugoslavia. This brought an end to the search for new functions for NATO after the dissolution of the Warsaw Pact and also to the "lack of orientation", for instance in the German *Bundeswehr*, following the "loss of the enemy" in the East.

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1 On the force of self-preservation and the tying of decisions, see the detailed account in: Dieter S. Lutz, NATO-Osterweiterung: Rückschritt oder Chance? Zum Wandel von Organisationen und der Entscheidungsbindung ihrer Akteure [NATO's Eastward Enlargement: A Step Backward or an Opportunity? On the Process of Change in Organizations and the Way in Which Their Decision-Makers' Hands Are Tied], in: K. Peter Fritzsche/Frank Hörnlein (Eds.), Frieden und Demokratie. Festschrift zum 60. Geburtstag von Erhard Forndran [Peace and Democracy. Commemorative Volume on the 60th Birthday of Erhard Forndran], Baden-Baden 1998, pp. 21-29.

The war in Bosnia and Herzegovina, however, did not end until its perpetrators had more or less achieved their goals.

On the other hand, a serious review of events in Europe after 1989/90 makes perfectly clear just how many and varied the accomplishments of the OSCE are, even though none of its activities is as spectacular or as superficially effective in terms of publicity as military actions are - nor will OSCE activities enjoy that kind of effectiveness in the future. The OSCE Yearbooks and the articles they contain offer a variety of evidence<sup>2</sup> for this positive evaluation. The beneficent activity of the High Commissioner on National Minorities can be offered as one example.<sup>3</sup>

In the third place, it is the case that after the so-called "epochal change" war is (once again) being waged in Europe and, in recent months, has come to include Kosovo. Neither the existing security organizations in and for Europe (NATO and the OSCE among them) nor the European "security architecture", consisting of a network of "interlocking and mutually reinforcing institutions"<sup>4</sup>, were able or willing to prevent this, nor have they so far been able to end it. This is all the more astonishing because the current war in Kosovo, in particular, did not fall upon mankind out of a clear blue sky. On the contrary, scholars and politicians had been expecting it at least since 1989, issuing warnings and calling for, or promising, preventive measures. Empty words! Without results!

Finally, NATO has come to see itself and its functions in a pan-European framework, *i.e.* as part of the OSCE context. The formulations of the "Founding Act on Mutual Relations, Cooperation and Security", signed by the North Atlantic Treaty Organization and the Russian Federation on 27 May 1997 in connection with the discussions on NATO enlargement, provide a particularly good illustration of this.

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2 See, for example, the listing in: Dieter S. Lutz, Introduction. The OSCE - Foundation of the European Security Structure, Basis of the European Security Space, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1995/1996, Baden-Baden 1996, pp. 21-43, esp. pp. 35-37.

3 See, *inter alia*: Rob Zaagman/Arie Bloed, Die Rolle des Hohen Kommissars der OSZE für Nationale Minderheiten bei der Konfliktprävention [The Role of the OSCE High Commissioner on National Minorities in Conflict Prevention], in: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg [Institute for Peace Research and Security Policy at the University of Hamburg]/IFSH (Ed.), OSZE-Jahrbuch [OSCE Yearbook] 1995, Baden-Baden 1995, pp. 225-240; Franz Timmermans, The Activities of the OSCE High Commissioner on National Minorities in Conflict Prevention, in: OSCE Yearbook 1995/1996, cited above (Note 2), pp. 365-368; Max van der Stoep, Demokratie und Menschenrechte. Zur Arbeit des Hohen Kommissars für Nationale Minderheiten der OSZE [Democracy and Human Rights. On the Work of the OSCE High Commissioner on National Minorities], in: Hamburger Vorträge am Institut für Friedensforschung und Sicherheitspolitik [Hamburg Lectures at the Institute for Peace Research and Security Policy] 3/1997, Hamburg 1997.

4 See, among other things, the source and literature references in: Lutz, cited above (Note 2), here: Note 38, p. 28.

The main objective of the Founding Act is to set up a "NATO-Russia Permanent Joint Council", which is to develop "habits of consultation and cooperation between NATO and Russia". In addition, the agreement notes that NATO has "taken on new missions of peacekeeping and crisis management in support of the United Nations (UN) and the Organisation for Security and Cooperation in Europe (OSCE)", that it will "continue to develop a broad and dynamic pattern of cooperation with OSCE participating States in particular through the Partnership for Peace", that NATO and Russia will not only "observe in good faith their obligations under (...) international instruments, including (...) the *Helsinki Final Act* and subsequent OSCE documents, including the Charter of Paris and the documents adopted at the Lisbon OSCE Summit", but that they will also plan, prepare and carry out "joint operations, including peacekeeping operations, on a case-by-case basis, under the authority of the UN Security Council or the responsibility of the OSCE". In addition, the Founding Act contains the statement that "NATO and Russia will help to *strengthen* the Organisation for Security and Cooperation in Europe".<sup>5</sup> (Emphasis by DSL)

There is no doubt about it: Although the Founding Act relates "only" to Russia and the military organization NATO, it also defines the relationship of the 17 signatories within the context of another organization, the OSCE. Moreover, the OSCE is to be (or must be) "strengthened" - also and especially in the view of the NATO countries.

Why the OSCE? And what does the strengthening of the OSCE mean? In what follows I shall pursue these two questions under three different aspects: What are the OSCE's "strengths"? What does "strengthening" the OSCE call for? What does it mean to strengthen the "OSCE"?

#### *The OSCE's Strengths - The OSCE's Weaknesses*

The question as to why the OSCE (and not one of the other European institutions) should be strengthened as a matter of priority can be explained - in what at first looks like a contradiction - precisely in terms of its strengths. The OSCE strengths most commonly listed are:

- the large number of participants (55 states); no European country is missing or excluded; "undivided security" is made possible;
- its geographic extension ("from Vancouver to Vladivostok"); as a result, the OSCE is an institution of the "northern hemisphere";

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5 Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation. Issued in Paris, France, on 27 May 1997, in: NATO review 4/1997, Documentation, pp. 7-10, here: pp. 7 and 8.

- the tying of North America to and integration in Europe;
- its broad understanding of security (comprehensive security concept) which includes political, military, economic, ecological, humanitarian and other aspects of security, including the issue of democratization;
- its character as a regional arrangement in the sense of Chapter VIII of the United Nations Charter;
- the consensus principle (except in human rights matters) as an expression of the creation of a democratic will, equal sovereignty and equal and undivided security;
- unifying in one institution the responsibilities for setting norms and engaging in operational activities;
- an effective cost-benefit ratio and a lean organizational structure and administration.

Paradoxically, the OSCE's strengths are to some extent also its weaknesses. Among these the following may be mentioned:

- that the declaration on its status as a regional arrangement in the sense of Chapter VIII of the UN Charter (as well as the use made of the possibilities and instruments set forth there) remains incomplete as long as the move to a collective security structure has not been made and, at a minimum, as long as the principle of "OSCE first" has not been accepted or implemented within the network of European institutions;
- that the change of its name from CSCE to OSCE remains a cosmetic change as long as the OSCE is not in a formal sense accepted and treated as an organization by the participating States (registration with the United Nations) and the legal nature of the Organization - its decisions, agreements and activities - is not insisted upon;
- that a lean organization and administration becomes a weak organization when, unlike the EU, it lacks economic power; unlike NATO, has no means of military enforcement; unlike the Council of Europe, has insufficient personnel (the Council of Europe has ten times as many employees as the OSCE); or, unlike all other European institutions, enjoys exceptionally limited financial means (the budget of NATO, as an organization of 16 states, comes to about two billion US-Dollars while that of the OSCE, with its 55 participants, is only about 60 million US-Dollars);
- that decisions reached and decision-making by consensus are on the one hand an expression of democracy and, on the other, of respect for sovereignty and the equality of states. But in crisis situations, which are just what the OSCE has to deal with, the consensus principle can lead to failure or the paralysis of an organization;

- that the breadth of its security concept and the variety of its responsibilities reflect the demands of reality and of the causes of conflict. At the same time, they lead to disputes over the limited resources of an organization and - unlike specialized institutions - give to those on the outside an impression of insufficient vitality and effectiveness;
- that the United States' integration in and ties to the OSCE (and NATO) provide Europe with the protection of a superpower but at the same time interfere with the development of a European identity and the safeguarding of European interests. The latter applies especially to preventing conflicts and avoiding their escalation and, ultimately, the avoidance of wars in Europe;
- that the size and territorial extension "from Vancouver to Vladivostok" can exercise a powerful influence on the democratic and peaceful development of the northern hemisphere but, by including the two North American countries and five Central Asian ones, could draw into the European realm wars and conflicts that really ought to be the responsibility of the United Nations. For example, this is right now the case with regard to the tensions surrounding Afghanistan, which has common borders with the three Central Asian OSCE participating States Turkmenistan, Uzbekistan and Tajikistan;
- that establishing norms makes sense by virtue of the operations which follow and that operational decisions and actions are arbitrary in the absence of underlying norms. However, the norms established by the OSCE still lack legal force; beyond that its norm-setting activity moves on traditional paths for which there is, in particular, only a very limited amount of time. Operational decisions and activities, on the other hand, require functioning, independent bodies, automatic mechanisms that are efficient and effective, and adequate financial and personnel resources as well as competent and professional people. Nor, finally, should one forget legal security for those actively involved in operations and for those affected by them, whether for good or ill;
- that some instruments and arrangements are only partly used, or not at all, and that their possibilities are not exhausted. Thus the High Commissioner on National Minorities, already mentioned and certainly deserving of praise for his activities and their results, directs his attention only towards the East. Another example is that the OSCE's Court of Arbitration, four years after its establishment, has still not been used a single time by the European community of states and its members.

### *"Strengthening" the OSCE*

These lists of the OSCE's strengths and, especially, of its weaknesses, are not exhaustive. But anyone who wants to "strengthen" the OSCE will find among the items listed a wealth of possible approaches. Thus the setting of priorities is of particular importance. The current tendency seems to be to regard the OSCE as a "soft organization" and to locate the main focus of its activities in conflict prevention and post-conflict rehabilitation. The Founding Act on Mutual Relations, Cooperation and Security between the North Atlantic Treaty Organization and the Russian Federation, cited above, has the following to say:

"NATO and Russia will help to strengthen the Organisation for Security and Cooperation in Europe, including developing further its role as a primary instrument in preventive diplomacy, conflict prevention, crisis management, post-conflict rehabilitation and regional security cooperation, as well as in enhancing its operational capabilities to carry out these tasks."<sup>6</sup>

What this means in concrete terms has not yet been discussed, at least not exhaustively. Thus we will list a number of proposals by way of example:

- expanding the mandate and, thus, the political and legal options, of the High Commissioner on National Minorities, the recently established OSCE Representative on Freedom of the Media and the even newer Coordinator of OSCE Economic and Environmental Activities, as well as enlarging their financial and personnel resources;
- making use of the OSCE Court of Arbitration, whether through the example of individual states (such as the Federal Republic of Germany) in accepting its compulsory jurisdiction for themselves, or through an expansion of the competences and activities of the Court of Arbitration (e.g. providing expert assessments for the High Commissioner or the Representative on Freedom of the Media), and similar approaches;
- establishing international police units and taking over police responsibilities, whether for building democratic political and administrative structures, for the support of national police activities, or (depending on whether the OSCE is viewed as more than just a soft organization) for such additional tasks as monitoring sanctions, controlling borders and other activities, including enforcement measures that may very well require the use of force below the threshold of military action;

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6 Ibid., p. 7.

- improving reaction capabilities. Avoiding the escalation of conflicts and preventing war depend on reaction speed and the capacity of the potential aggressor to make calculations in advance. Existing OSCE bodies such as the Conflict Prevention Centre could be strengthened for this purpose or, if necessary, new ones could be created. In any event, it is important to provide adequate financial and personnel support;
- improving training and ensuring over the long term a high standard of professionalism for the OSCE as an organization, its missions, observers and other members and actors. An OSCE Academy is urgently needed, along with appropriate training and continuing education programmes;
- support for scholarship. A large organization like the OSCE, comprising 55 countries, needs support, ideas and criticism from and by an independent scholarly institution that focuses on subjects relevant to it. Thus a recommendation should be made to the OSCE, and to its members or participating States, that a European research institute be founded or, as the case may be, supported for this purpose.

Although it is important to strengthen the operational responsibilities and capabilities of the OSCE, this does not mean that its norm-setting function should be curtailed. Contrary to views that are occasionally heard, there is still a substantial need in this field. It is related, for example, to:

- a new definition of state sovereignty viewed under the aspect of human rights and the right of self-determination of peoples, including the issue of autonomy for minorities;
- a new definition of the permissibility or impermissibility of intervention, seen from the vantage point of assistance and solidarity, whether in connection with co-operative security or to serve the goals of collective security;
- coming to terms with those big existential risks which, on a global scale "from Rio to Peking", are not substantially closer to being solved and for which the OSCE, with its comprehensive concept of security and geographic unity, could offer better conditions for improving the situation, at least regionally;
- the future of democracy which, increasingly, has to solve problems that do not stop at borders, whether of a territorial or temporal kind. Strengthening the Parliamentary Assembly of the OSCE might be a helpful first step in coming to terms with such issues because it would provide legitimation by the peoples and expand the Assembly's competences.

Those who wish to strengthen the "OSCE" should not lose sight of reality. But this reality looks different, depending on one's vantage point.

The first reality is: the main goal of peace and security policy has not been attained. There is still war in the middle of Europe.

The second reality is that the countries comprising the OSCE, and other European organizations as well, are not at present willing to abandon their sovereignty to the extent necessary to make possible an effective and functioning system of collective security in and for Europe - a system that would replace the law of the strongest with the strength of the law, and thus have a deterrent effect, and one that would, if necessary, have available to it the required means of enforcement.

The third reality can be formulated as follows: a European security architecture made up of a network of interlocking and mutually reinforcing institutions enjoying equal status under the motto "synergy rather than hierarchy" has, so far, been no more than frequently repeated talk.

The fourth reality, finally, is that European security policy is (still) being determined largely by a non-European country. Or, to formulate it in clearer and sharper terms: it is dominated by the United States. The United States and the OSCE, however, are a "morganatic union" (Jonathan Dean).

What is "*realpolitik*" when viewed against the background of these and similar considerations? Is it a policy that persistently seeks to change the reality of war by all possible means and methods? Or is it one that praises "adaptability" as a virtue in itself, as it were, "adapts" itself to the reality of war and pursues a day-to-day policy of muddling through?

Even if we assume that a strategic and conceptual security policy aimed at a collective security system in and for Europe and based on the strength of the law is still a long way from being attainable, the present security structure cannot be regarded as genuinely adequate to reality as long as it permits war in Europe - because it is neither functional nor efficient. It does not matter what aspect of reality we adopt in looking at Europe - war remains unacceptable in any case. And so, if the present network of institutions is not simply to be carried forward in a Parkinsonian sense<sup>7</sup> but, rather, to be made to serve the goals of conflict management, the avoidance of crises and escalation and the prevention of war, then more than just a strengthening of the OSCE at the operational level is called for; structural reforms of the OSCE and of our understanding of the OSCE as a European security organization

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7 See C. Northcote Parkinson, *Parkinsons Gesetz und andere Untersuchungen über die Verwaltung* [Parkinson's Law and other Studies on Administration], Reinbek bei Hamburg 1978.



are also needed. In my view, these structural reforms involve at least three levels:

1. the (leadership) role of the OSCE within the network of European institutions;
2. the Europeanization of Europe;
3. a new definition of the leadership role within the OSCE itself.

*Ad 1: Strengthening the "OSCE" Means "OSCE First"*

The "strengths" of the OSCE mentioned at the beginning of this article, especially the number of participants, the extent of its territory and the comprehensive security concept - including the wide range of responsibilities associated with that concept - show that the OSCE, unlike NATO or the Council of Europe or the European Union, is not a specialized organization. To put it in a nutshell: if these other institutions did not exist the OSCE would be perfectly capable of taking over their responsibilities and functions and implementing them as part of a rational peace and security policy.

In the real world of Europe's international relations, however, there is a substantial number of institutions that are relevant to security policy. These various European institutions are not only in a competitive relationship with the OSCE but with each other. Insofar as the concept of interlocking and mutually reinforcing institutions is pursued and carried out, the European institutions expressly refuse to have any kind of hierarchy amongst themselves. If one uses the factual situation, including widespread public perceptions and the self-evaluation of the Alliance,<sup>8</sup> as a measuring stick, then NATO clearly has the leading security policy role in Europe. Thus authors like Bernard von Plate and Adam Daniel Rotfeld are right when they speak in the present volume about NATO as the "fly-wheel of security policy"<sup>9</sup> with a "dominant position"<sup>10</sup>, or as a "centre of gravity"<sup>11</sup>. And it is therefore not surprising that in the reality of the European security architecture it is, contrary to frequent assertions, not civil prevention activity but the use of military means that enjoys priority. But if our motto is not "preventing is better than curing" but "cure rather than prevent" then war cannot be ruled out; indeed, it may be pre-programmed. Kosovo is currently the best evidence of this.

Thus NATO's leadership role in the present network of European institutions, however negatively it needs to be judged, has the merit of making clear

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8 The Communiqué of the Ministerial Meeting of the North Atlantic Council, Noordwijk aan Zee, The Netherlands, 30 May 1995. in: NATO review 4/1995, pp. 31-35, here: p. 31, contains, for example, the statement: "We have worked to make the Alliance an agent of change (...)"

9 See the article by Bernard von Plate in the present volume, pp. 291-304, here: p. 293.

10 Ibid., p. 301.

11 See the article by Adam Daniel Rotfeld in the present volume, pp. 89-117, here: p. 99.

that even institutions of equal status require a substantial measure of leadership. This does not have to mean hierarchy in the pejorative sense of the word; rather, if understood positively, it calls for a co-ordinating role,<sup>12</sup> on the one hand in order to avoid competition and duplication of effort but also to make the most in terms of synergy of the various proposals and options - whether jointly or as individual institutions.

In addition, optimal teamwork urgently requires regulation of the right of initiative and, possibly, of subsidiarity. If these elements are viewed functionally, the necessary decisions can only favour the OSCE. And so, even if we want to go on avoiding institutional hierarchy in Europe, it is in the interest of effective conflict management and prevention of war to regard the OSCE as the foundation of the European security architecture and, in accordance with the formula "OSCE first", to assign responsibility for leadership and co-ordination to it.

The European security structure, the common house, has various rooms and chambers (e.g. bedroom, kitchen, bathroom, children's rooms, etc.). No one will deny that in these rooms and through them (NATO, European Union, WEU, Council of Europe) certain special tasks can be carried out and specified activities pursued. And yet, there is also a living room in the common house in which (and from which) the OSCE regulates the course of daily life and, as needed, initiates and co-ordinates the specific requirements and efforts of the individual institutions, or of all of them. Hence the Foreign Ministers of the OSCE participating States were right when, at the sixth meeting of the Council on 18-19 December 1997 at Copenhagen, they spoke of the OSCE as a "framework for co-operation of the various mutually-reinforcing efforts".<sup>13</sup> With regard to the relationships between European institutions and with the United Nations, this statement needs to be supplemented by the principle of "OSCE first".

#### *Ad 2: Strengthening the "OSCE" Means Strengthening "Europe"*

The OSCE is the Organization for Security and Co-operation *in Europe*. Although its participants come from the entire "northern hemisphere" and include, in particular, the United States of America and Russia, it is and remains primarily a security organization in and for Europe. This point is stressed again and again, both directly and indirectly, in the OSCE's own documents and in documents about it. For example, the above-mentioned

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12 On the OSCE's co-ordinating role, see *inter alia* the "Platform for Cooperative Security" introduced in 1996 by the European Union in Lisbon, which contains a proposal along these lines - Presidency of the European Union, EU Platform for Cooperative Security. OSCE Common Concept for the Development of Cooperation between Mutually-reinforcing Institutions, Document REF.RM/182/96 (12 November 1996).

13 Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, reprinted in this volume, pp. 431-457, Annex: Common Concept for the Development of Co-operation between Mutually-Reinforcing Institutions, pp. 449-451, here: pp. 450-451.

Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation of June 1997 states:

"The OSCE, as the only *pan-European* security organisation, has a key role in European peace and stability. In *strengthening the OSCE*, NATO and Russia will cooperate to prevent any possibility of returning to a Europe of division and confrontation, or the isolation of any state. Consistent with the OSCE's work on a Common and Comprehensive Security Model *for Europe* for the Twenty-First Century, and taking into account the decisions of the Lisbon Summit concerning a Charter on *European Security*, NATO and Russia will seek the widest possible cooperation among participating States of the OSCE with the aim of creating *in Europe* a common space of security and stability, without dividing lines or spheres of influence limiting the sovereignty of any state." (Emphasis by DSL)<sup>14</sup>

As this quotation shows, the OSCE is a pan-European organization whose goal is security in and for Europe. Among the OSCE's 55 participating States there are, in addition to the European countries, also trans-Caucasian and Central Asian states. Moreover, there is Russia, which possesses both an Asiatic and a European part. And, finally, there are two North American countries. The interests of all these countries are not necessarily always identical with those of the OSCE's other participating States or of Europe as a whole. This is particularly true of the United States of America.

Viewed from the standpoint of civilization and culture the United States of America and Europe have common roots. There is no other country in the world with which Europe (and Germany, in particular) so closely share the same values, among them democracy, the market economy and the rule of law. Nowhere in the world do such friendly relations exist between two regions - relations characterized at once by a high level of mutual understanding and by economic efficiency - as they do between Europe, especially Germany, and the United States of America.

Nevertheless, the existing differences and growing divergences between Europe and America cannot be overlooked. The notions of national greatness and "second to none" represent goals and values which, over the long term, are adopted only by a country with a will to hegemony - occasionally going beyond the terms of international law and in any case at the expense of third parties, sometimes at the expense of the own allies in Europe. The capacity for global intervention and "power-projection", moreover, represent an orientation in foreign policy and in the pursuit of national interest which defines

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14 Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation, cited above (Note 5), p. 7.

the essence of a military superpower and is fundamentally foreign to most European countries. The consequences include e.g. the Helms-Burton Law/Libertad Act, which is contrary to international law; disregard for the International Court of Justice in The Hague; arrears in payments to the United Nations (which have now reached the level of two billion marks); and the reckless consumption of non-renewable resources and unsparing pollution of the environment. They also involve nearly complete domination of a large number of international organizations such as the World Trade Organization (WTO) and NATO. In any event, a political orientation of this kind has little in common with civil precautions and a preventive peace policy of the kind that are so urgently needed in European conflict situations - whether in Bosnia or Kosovo, in Cyprus or the Aegean dispute between Greece and Turkey, in the Caucasus, especially in Chechnya, or in other areas of crisis and war.

It is true that the US - as the only remaining superpower - is able to insist in short order on the "law" of the strongest when it believes its strategic interests are affected. By contrast, "Europe's cultural and national diversity", "(w)ellspring of its richness and originality", argues - according to Gret Haller in the present volume - for going down "the road to harmonisation of law".<sup>15</sup> Europe urgently needs a security system that is durably and dependably built on the strength of the law and able to assert itself - against the outside but, above all, internally. That kind of security order, which requires every member or participant to comply with and submit itself to existing law, has so far not existed in and for Europe. The decisive question is whether it can exist at all if the US is involved. Will America, renouncing elements of its sovereignty and, if necessary, putting aside opposing political and economic interests, comply with and submit to a European security system worthy of the name? Hardly! At least not under present circumstances.

But the question of bringing about an effective security order in and for Europe with American participation does not relate only or even primarily to the United States. Rather, it is Europe itself and the European states that are at issue. Henry Kissinger reduced the problem to the question: "When I want to speak to Europe, whom do I call?"<sup>16</sup>

There is no Europe in the sense of a player on the stage of security policy acting alone or with equal rights. During the East-West conflict (Western) Europe delegated its security concerns either directly to the US or to the military pact, NATO, which was dominated by the US. The US represented the solution to the problem of (European) security. Today, nine years after the epochal changes, the Warsaw Pact, the Soviet Union and the system of deterrence no longer exist, but little or nothing has changed in the structural dependence of Europe on America. The former adviser to the US President,

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15 See the article by Gret Haller in the present volume, pp. 271-288, here: p. 281.

16 See *The Economist* of 22 March 1997, p. 38.

Zbigniew Brzezinski, gives this situation an apt name - although one which is hardly flattering to Europe - in his book "The Grand Chessboard": "The brutal fact is that Western Europe, and increasingly also Central Europe, remains largely an American *protectorate*, with its allied states reminiscent of ancient *vassals* and *tributaries*."<sup>17</sup> (Emphasis by DSL)

But how is Europe to be transformed from an American protectorate into a genuine ally of the US? Zbigniew Brzezinski, in a lecture in Berlin in November 1997, said: "To make this possible there must be more sharing of responsibility with the emerging Europe. This calls for a policy that is not aimed at dictating to alliance partners how they are to behave in respect to particular political issues or at imposing American views on them."<sup>18</sup>

In light of the status quo these ideas of Brzezinski's are revolutionary. But are they enough? Is it not the case that a functioning and effective security order calls not only for a sharing of power but also for compliance and submission - meaning, in the final analysis, a curtailment of sovereignty?

Who, then, will lead Europe? The continuing dominance of the US in Europe at the present time reflects (presumed) American interests. Conversely, one must conclude that America will lead Europe as long as it lies in its national interest to do so. From the American viewpoint that is legitimate, and it is comfortable for the Europeans. But no lasting order for peace and security can emerge from these attitudes. If there is to be a leading power, Europe needs one that will lead, not for the pursuit of national interests, but exclusively to serve Europe and the cause of peace.

But does Europe still need a dominant power at all? In the words of Egon Bahr: "Europe no longer needs America to protect it against an opponent who no longer exists."<sup>19</sup> This analysis is correct, partly, of course, because the enemy has disappeared; but also because Europe, in economic, financial and also military terms, does not need to shy away from comparison even with the US - if only the Europeans were in agreement.

The gross domestic products of the United States and of the member states of the European Union are very similar at roughly eight trillion US-Dollars each. The population of the United States is presently around 270 million people. The population just of the NATO member countries in Europe runs to more than 300 million. The United States has about 1.5 million soldiers. At three million, the corresponding figure for NATO-Europe is twice as high. And the number of soldiers in the non-NATO European countries

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17 Zbigniew Brzezinski, *The Grand Chessboard. American Primacy and Its Geostrategic Imperatives*, New York 1997, p. 59.

18 Zbigniew Brzezinski, *Vom Protektorat zum globalen Partner* [From Protectorate to Global Partner], in: *Frankfurter Allgemeine Zeitung* of 10 November 1997, p. 15 (own translation).

19 Egon Bahr, *Deutsche Interessen. Streitschrift zu Macht, Sicherheit und Außenpolitik* [German Interests. A Polemical Treatise on Power, Security and Foreign Policy], Munich 1998, p. 43 (own translation).

(without Russia) - roughly two million more - is not even part of this substantial calculation.<sup>20</sup>

To summarize, this means that America is no longer the solution but, increasingly, part of the problem. It is true that at the present time peace and security in Europe can only be enforced in concert with the US. The Dayton process, the Aegean conflict and, right now, the conflict in Kosovo, provide evidence for this assertion. But enforcing peace by military means should not be confused with a preventive peace policy based on the functioning and effective security order which Europe so urgently needs. The point of such an order, after all, is to make the use of military means superfluous, to help prevent wars. But as long as recourse to the military means and capacity of the United States remains available it is hardly likely that the Europeans will be able to agree on a common peace and security order. And as long as the Europeans do not reach agreement America will retain its dominant, even hegemonial, influence. It lies in the interest of the US, not of Europe, to have this vicious circle endlessly repeating itself. To break through it there must be a breaking of taboos. Either the Americans must comply with and submit to (the vision of) a security order based on the principle of the strength of the law or Europe's security architecture will, at least for a time, have to do without the United States.

Thus Kurt Tudyka deserves agreement when in the present volume he broaches the idea that "the status of the North American countries can be transformed into an associative relationship".<sup>21</sup> Neither this proposal nor the foregoing analysis affect in any way the deep gratitude which the Europeans, and particularly the Germans, feel towards the US. The struggle for equal rights and partnership does not detract from friendship. On the contrary, in the long run it makes it stronger.

### *Ad 3 Strengthening the "OSCE" Means Strengthening the Organization's leadership*

A European security order worthy of the name "European" calls for European capacity to act. For that reason, Europe and the European nations must emancipate themselves from America. This holds true especially for the Germans, concerning whom David Binder, the New York Times correspondent in Berlin, writes: Even today I am still surprised by "the loyalty of Germans towards America, which borders on servility and sometimes works against the interests of European unity".<sup>22</sup>

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20 These figures stem for the most part from 1996; they were taken from: The International Institute for Strategic Studies (IISS), *The Military Balance 1997/1998*, London 1997, pp. 18-90, 294.

21 See the article by Kurt P. Tudyka in the present volume, pp. 77-88, here: p. 87.

22 David Binder, *Das zahme Monster* [The Tame Monster], in: *Der Spiegel* 2/1998, p. 40 (own translation).

What role can and should Germany assume in Europe's search for unity and in the framework of a European security structure? At least at first glance, Germany - and Europe along with it - appear to face a dilemma in answering this question. In their book "The German Predicament" Andrei S. Markovits and Simon Reich call this dilemma an "unenviable predicament": Germany "is damned, if it acts in a way commensurate with its structural power, and it is damned, if it stays aloof and acts small. Germany is caught between the Scylla of collective memory which will not permit it to exercise power in a normal manner, and the Charybdis of contemporary exigencies, which demand German acceptance of its responsibilities in Europe and maybe even the world."<sup>23</sup>

Talk of a dilemma or a predicament, however, only makes sense if one confuses emancipation from the US with the automatic substitution for American leadership of a (single) new leading European power and if one assumes in the traditional way that leadership always signifies military dominance. Neither of these things is relevant to the creation and operation of an effective European security order. On the contrary, the supposed dilemma can also be seen as a virtue and used as an opportunity.

For Germany, as the strongest power in Europe, this has a twofold meaning: on the one hand, division of the leadership role; on the other, "leadership through service".

What does "division of the leadership role" mean? Apart from the United States, the willingness to assume leadership in Europe can presently be found in its strongest form in the other countries that make up the so-called "Contact Group". They are - along with Germany - France, Great Britain, Italy and Russia. If this group of countries were supplemented by those states that at any given time constitute the OSCE Troika, one could speak of a leadership core of the OSCE comparable, say, to the Security Council of the United Nations. What is important is to strengthen this core, in legal and in political terms, perhaps including the Secretary General of the OSCE for the purpose. The building of Europe can only succeed and a European security architecture can only function under conditions of solidarity and collaboration between the named countries, and perhaps others.

What does "leadership through service" mean? For Germany, the answer can be found in the Basic Law of the Federal Republic, which was adopted on 8 May 1949 and, *inter alia*, embodied lessons learned from Germany's past. For that reason, it contains a large number of noteworthy norms which remain valid today.<sup>24</sup> According to the Basic Law of the Federal Republic "the

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23 Andrei S. Markovits/Simon Reich, *The German Predicament. Memory and Power in the New Europe*, Cornell University Press 1997, p. 7.

24 Dieter S. Lutz: *Krieg und Frieden als Rechtsfrage im Parlamentarischen Rat 1948/49, Akten und Protokolle* [War and Peace as a Legal Question in the Parliamentary Council 1948/49, Documents and Protocols], Volume 5/1, published by the German *Bundestag* and the Federal Archive, Boppard am Rhein 1993.

German people want to serve the cause of peace in the world" (Preamble). "Serve", however, means "to place oneself actively at the disposal of others". To make oneself available for peace also calls for the readiness to make "advance concessions" and, if necessary, even to "put up with disadvantages" (in the short term). The active character of the concept of "serving" precludes, moreover, any interpretation of this declaration of intention along the lines of "wait and see" or "keeping one's cool" or "leaving the initiative to others". Rather, it calls for involvement and initiative on the part of the "German people" in the form of a steady and persistent peace policy aimed at eliminating the institution of war once and for all through the dynamic creation of non-violent (international) structures. If "serving" is understood in this sense then it should be quite possible for Germany to take over the role of "pacesetter" in bringing about the unification of Europe. That means: demonstrating leadership and strength without acting in contradiction to past experience, to the constitution or to forms of co-operation and restraint that have proven themselves over the years. In this sense, "leadership" and "service" are two sides of one and the same coin.

An illustrative example: a functioning OSCE calls for an efficient international court (of arbitration). So far there has been no such court, not even a start at it. For that reason, the Federal Republic of Germany should - even if unilaterally - declare its readiness to submit to compulsory and legally binding international (arbitration) proceedings. The OSCE Court in Geneva, for example, could be substantially strengthened in this way. To lessen the risk of making this move as an advance concession and to provide an additional incentive for others to follow the German example, the declaration of submission could be made for a limited period of time and tied to the future issuance of declarations of submission by other states.

#### *On the Feasibility of Visions*

A lasting order of peace and security without war is a vision. If one agrees with Federal President Roman Herzog then "no one is responsible for the advent of a utopia because it cannot happen; we ourselves are responsible for realizing visions". According to the President, man "needs visions if he wants to live in a humane and responsible way; and peoples and states need such visions as well".<sup>25</sup>

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25 Roman Herzog, *Demokratie als Friedensstrategie. Reden und Beiträge des Bundespräsidenten* [Democracy as a Peace Strategy. Speeches and Articles of the Federal President], edited by Dieter S. Lutz, Baden-Baden 1997, pp. 99, 40; see also p. 67.



With the East-West conflict a thing of the past we have - still - the chance of a century to turn the vision of a Europe living in peace and security into a reality.



## The Quartet of European Institutions and Its Prospects

The OSCE regards itself as the most *comprehensive* European organization and it is frequently so described. This characterization is applied in two ways: on the one hand, with reference to the group of participants and, on the other, in regard to the content of its security concept.

Owing to changed international conditions, the other three large European security organizations - the North Atlantic Treaty Organization (NATO), the Council of Europe and the European Union (EU) - have enlarged their membership or the number of candidates for membership and have expanded or deepened their fields of responsibilities.<sup>1</sup> How does this quantitative and qualitative enlargement of organizations occur and what does it mean for the OSCE? What might be accomplished by the growth and possible (at least partial) pulling together of the quartet of European institutions?

### *Quantitative and Qualitative Growth*

Two things can be seen immediately when one looks at NATO, the Council of Europe and the EU: they are supposed to or they want to get bigger, and they are supposed to or want to assume more responsibilities; the "be supposed to" emerges from the ranks of the member states, the "want to" comes more from the Secretariats. By way of justification, both sources point to the fact that countries that have so far stood aside or been kept at a distance are now applying for membership and that some problems call for an international approach. Thus the institutionalization of Europe appears to be intensifying in a variety of forms.<sup>2</sup>

There are also contrary tendencies of various kinds such as exclusions, separations, rapprochement and membership with reservations, which is often referred to in very general terms as "renationalization". Moreover, an enlarged organization is not necessarily able to retain the substantial depth it has already attained and for the short term deepening is sacrificed to enlargement.

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1 "Expanded" refers to the assumption of new responsibilities; "deepened" stands for the growth of competences related to responsibilities already taken on. This distinction can also be described in terms of "horizontal" vs. "vertical" expansion as was done, for example, by Ingo Peters, *The Relations of the OSCE to Other International Organizations*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1995/1996*, Baden-Baden 1997, pp. 385-399, here: p. 386.

2 With regard to the concept and various aspects of institutionalization, mainly relating to Europe, see: Thomas König/Elmar Rieger/Hermann Schmitt (Eds.), *Europäische Institutionenpolitik [European Institutional Policy]*, Frankfurt/New York 1997.

But substantial changes may also be needed before enlargement to make sure that the organization will continue, after enlargement, to function as it has done in the past. Experience shows that increasing the number of members is not without influence on the way in which an organization carries out its responsibilities and attains its goals. What seemed possible for the six-member EEC, for example, may prove to be unattainable for an EU with 20 or even 25 members. It is not just that the candidates for membership have to adapt themselves to what an organization has accomplished; the organization itself, or its original members, must also give up some things they are accustomed to and get used to the behaviour of those who have recently joined.<sup>3</sup>

When it comes to acquiring new members, some organizations have a greater need than others to catch up. This depends on the existing number of members and on the conditions for admission in each case. For example, the Council of Europe has since 1990 rapidly increased its membership from 23 to 40 and at the same time eased the conditions for admission. The EU, too, has taken on three new members since 1990, is examining six more as well as a possible five others and at the same time is taking a look at its own capacity for further admissions. NATO has so far stayed at its 1990 level but has made an initial decision to accept three more candidates and is examining the structural possibilities for continued enlargement. Since 1990 the OSCE has also increased the number of its participating States, at least formally, from 35 to 55, although mainly as a result of the division of a number of its existing participating States. All European states belong to it. Thus every country participates in at least one of the large organizations - i.e. the OSCE; of the 55 OSCE participating States 24 are members of one additional large organization, seven belong to two others and eleven to three (and, hence, are represented in all four).

For a variety of reasons there are definitional limits and, at least for the time being, also narrow political limits to the growth of all organizations and, conversely, to the international institutionalization of the states. The largest potential EU enlargement would include Poland, to the east, Bulgaria, to the south-east (and thus no members of the Commonwealth of Independent States/CIS), and Cyprus, to the south (but apparently not Turkey). The Council of Europe has a broader concept of Europe which includes Russia, Ukraine and Turkey (but not Georgia, Armenia or Azerbaijan). The potential limits to NATO membership are less clear, especially because it - as well as the OSCE - does not define itself as an exclusively "European" organization. The participating States of the latter, as an organization of the "northern hemisphere"<sup>4</sup>, are found on the territory "between Vancouver and Vladivo-

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3 Empirically informative on this is: Lykke Friis, And then they were 15: The EU-EFTA-Enlargement Negotiations, in: *Cooperation and Conflict* 1/1998, pp. 84f.

4 Thus Willy Wimmer, Member of the German *Bundestag* and Vice President of the Parliamentary Assembly of the OSCE, in his plenary speech at Stockholm, 1996.

stok" and include three Trans-caucasian, five Central Asian and two North American states.

In assuming new responsibilities the organizations were guided by the changed circumstances; they repackaged those responsibilities, giving attention to matters that had been neglected in the past or ones that had recently come to the fore, and in the process were able to strengthen their competences. This came about with the co-operation of the members, partly as a result of the organization's own urge for self-preservation, partly owing to the expansionist tendency common to all bureaucracies and partly from the force of circumstances. It was inevitable - indeed, it was sometimes the result of deliberate action - that responsibilities were taken on which factually belonged to another organization; and some did not even shrink from expanding into a field where others were already active. But there are limits even to this "competency-imperialism", for a variety of reasons. One is that the field of activity being claimed is simply too far removed from the purposes and competence of the organization. Another emerges from the attitudes of both members - reservations to protect their own sovereignty, for example - and non-members - say, in relation to their strategic interests.

When institutionalization meets its limits, either in the form of programmatic or procedural deepening or through growth of membership, it makes sense to think in terms of co-operation, networks and interconnectedness between the organizations as an appropriate form of future action. This provides room for creative political action of a more extensive and important kind than could be either sought or found through the further enlargement of each existing institution.

One structural problem in carrying out the concept of close institutional co-operation is that eleven of the OSCE participating States belong to all of the organizations while 13 of them (are able to) participate in only one - the OSCE. The result is that the European organizations are unevenly fitted out with competences, resources and personnel - depending on the interests of their members. Moreover, the Secretariats incline more to jealousy, competition and domination than to division of labour and co-operation. This results in redundancy, overlapping and lack of clarity and, as a consequence, in mis-spent funds.<sup>5</sup>

### *Co-operation and Networking*

In the period after 1945, the relationship to existing international institutions, especially the United Nations, has traditionally had a bearing even on the founding act of an international organization. Thus the North Atlantic Treaty

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5 For a critical summary of this situation see Peters, cited above (Note 1), pp. 397ff.

of 1948 refers to the principles and objectives of the Charter of the United Nations and the Treaty establishing the EEC (1957) mentions obligations that the member states have undertaken in other international agreements.<sup>6</sup> Those are, of course, no more than declarations that serve to provide legitimation for their own actions, which are perforce of limited scope.

The Final Act of Helsinki of 1975 goes farther because it does not limit itself in general terms to the principles of the United Nations but wishes to take advantage of other organizations, especially the United Nations Economic Commission for Europe, for co-operation in the fields of economics, science and technology, and the environment.<sup>7</sup>

A European organization's relationship to the United Nations, as compared with other organizations, can influence its legal status, its political effectiveness and its reputation. From the very beginning, the CSCE/OSCE sought successfully to establish close formal and material relations with the United Nations, something which finds clear expression in the declaration of 1992 aimed at making it a "regional arrangement" of the United Nations in the sense of Chapter VIII of the UN Charter.<sup>8</sup> In this matter and, hence, in its relations with the other European organizations, the question of the CSCE/OSCE's legal status has always had a precarious significance.<sup>9</sup>

Only after 1990, an inter-institutional relationship based on *mutual* recognition, co-ordination and, particularly important, division of labour is a possibility - owing above all to the disappearance of the Eastern European "counter-organizations" such as the Warsaw Treaty Organization (WTO) and the Council for Mutual Economic Assistance (CMEA). And so the Charter of Paris, after listing a number of economic and environmental organizations, including the European Community, states: "In order to pursue our objectives, we stress the necessity for effective co-ordination of the activities of these organizations and emphasize the need to find methods for all our States to take part in these activities."<sup>10</sup>

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6 Cf. Preamble, Arts. 1 and 5, North Atlantic Treaty; Art. 37(5) EEC Treaty.

7 Cf. Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 141-217, here: pp. 156-157; on relations between the OSCE and the United Nations, see Ralf Roloff, *Die OSZE und das Verhältnis zu den Vereinten Nationen - Im Wechsel von Kooperation, Konkurrenz und Subsidiarität* [The OSCE and its Relationship to the United Nations - Between Co-operation, Competition and Subsidiarity], in: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg [Institute for Peace Research and Security Policy at the University of Hamburg]/IFSH (Ed.), *OSZE-Jahrbuch* [OSCE Yearbook] 1995, Baden-Baden 1995, pp. 375-383.

8 See Roloff, cited above (Note 7).

9 On this see Marcus Wenig, *The Status of the OSCE under International Law - Current Status and Outlook*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook* 1997, Baden-Baden 1998, pp. 367-383, esp. pp. 375-383.

10 Charter of Paris for a New Europe, Paris, 21 November 1990, in: Bloed (Ed.), cited above (Note 7), pp. 537-566, here: p. 546.

Since that time, the participating States have on various occasions declared their intention to tie the existing organizations together in a network of "interlocking institutions" in which each would find its place according to its "comparative advantage". Thus the communiqué of the 1991 North Atlantic Council meeting in Copenhagen states with regard to Central and Eastern Europe: "Our common security can best be safeguarded through the further development of a network of interlocking institutions and relationships, constituting a comprehensive architecture in which the Alliance (i.e. NATO - author's note), the process of European integration (i.e. the EU - author's note) and the CSCE are key elements."<sup>11</sup>

Since the Prague meeting of the CSCE Council in 1992, relevant CSCE/OSCE documents have devoted a special section to relations with international organizations; thus they spoke in Prague of the necessity of "full co-ordination" between the CSCE on the one hand and the Council of Europe, North Atlantic Alliance and Western European Union (*inter alia*) on the other; later, the Helsinki Document of 1992, referring to the Prague meeting, spoke of an "information exchange" and the document of the Stockholm Council Meeting mentioned "improved co-operation and close contacts".<sup>12</sup> This referred primarily and explicitly, but not exclusively, to the United Nations and its organs. The 1993 Council meeting in Rome decided to establish organized forms for consultation and the co-ordination of activities with other "European and Transatlantic institutions".<sup>13</sup>

These declarations of intent have long since been followed by the contacts called for with the Council of Europe and NATO. Since 1993 the Secretary General of the OSCE has been reporting on them with growing frequency.<sup>14</sup>

These contacts take place at various levels and in a variety of fields. A simple form is the participation by representatives of other organizations in OSCE meetings and, conversely, the attendance of OSCE representatives, particularly the Secretary General, in meetings of the others. Especially worthy of mention are the so-called "2+2 meetings" between the Chairmen and the Sec-

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11 Partnership with the Countries of Central and Eastern Europe. Statement issued by the North Atlantic Council meeting in Ministerial Session in Copenhagen on 6th and 7th June 1991, in: NATO's Sixteen Nations 4/1991, pp. 73-74, here: p. 73.

12 Prague Meeting of the CSCE Council, 30-31 January 1992, Prague Document on Further Development of CSCE Institutions and Structures, in: Bloed (Ed.), cited above (Note 7), pp. 830-838, here: p. 837; CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: *ibid.*, pp. 701-777, here: p. 731; Stockholm Meeting of the CSCE Council, Stockholm, 15 December 1992, in: *ibid.*, pp. 845-899, here: p. 860.

13 CSCE Fourth Meeting of the Council, Rome, 30 November - 1 December 1993, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Basic Documents, 1993-1995*, The Hague/London/Boston 1997, pp. 192-214, here: p. 206.

14 Cf. Annual Reports of the Secretary General: Annual Report 1993, in: Bloed (Ed.), cited above (Note 13), pp. 2-20, here: pp. 17-18; Annual Report 1994, in: *ibid.*, pp. 21-52, here: pp. 47-49; Annual Report 1995, in: *ibid.*, pp. 53-86, here: pp. 82-84, and in: OSCE Yearbook 1995/1996, cited above (Note 1), pp. 483-516, here: pp. 512-513; and Annual Report of The OSCE Secretary General 1996, in: OSCE Yearbook 1997, cited above (Note 9), pp. 447-482, here: pp. 477-478.

retaries General of the OSCE and the Council of Europe, which have become a firm component of their mutual relations. There are relations at the "working level" and operational co-operation "in the field", i.e. at the locations of OSCE missions, has finally been achieved. The many forms and situations of co-operation that have been developed can be categorized as information, as informal, *ad hoc* and formal consultation, as co-ordination, and as operative co-operation in the fields of general security policy and its human and economic dimensions.<sup>15</sup>

A special security policy role for the OSCE in its relationship with the United Nations - and thus implicitly with respect to its status vis-à-vis the other European organizations - was to be governed by a form of subsidiarity which, formulated as "OSCE first", was proposed in a joint initiative of the German and Netherlands Foreign Ministers in 1994, the year of the Budapest Summit (Kinkel-Koojmans initiative).

The two Foreign Ministers had had their proposals presented to the Permanent Council in May 1994 under the motto "on the path to collective security in the CSCE area" and "strengthening the operational capacities of the CSCE". The purpose was to make it possible to apply the collective security system of the United Nations more effectively. Henceforth the OSCE was to be the first to deal with tensions and disputes arising in Europe; only if its efforts were unsuccessful should the UN Security Council become involved. At the same time, the OSCE's decision-making ability was to be strengthened through introduction of the majority rule for procedural and administrative decisions and of the principle of "consensus-minus-n" with regard to certain decisions on conflict management.

In view of the current status of international law, the introduction of mechanisms for regional collective security was not, in principle, a matter of dispute. The provisions of Chapter VIII, Art. 52, Para. 2 of the UN Charter give the members of regional organizations the authority to make every effort to achieve peaceful settlement of local disputes through the appropriate arrangements before referring them to the Security Council. What was controversial, however, was a provision stating that the possible involvement of the Security Council along these lines would, first, have to be preceded by an evaluation of the situation and appropriate proposals and, second, that it could be decided upon without the agreement of the countries involved in the conflict. When it became clear that consensus was unobtainable, the Chairman-in-Office, following adoption of the Budapest Document, declared that this matter would be turned over to the Permanent Council for further handling; once adopted, the arrangements would be considered an integral part

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15 For more detail on a large number of cases, see Peters, cited above (Note 1), pp. 391-397.



of the Budapest Decisions. But a further effort on the part of the Chairman of the Permanent Council in the first quarter of 1995 met with no success.

The debate on a Security Charter and the so-called Platform for Co-operative Security it would contain has given a new character to the issue of mutual relations, since it is now a question of joint formalization, especially as between all four organizations.

At the Budapest Summit in 1994 the Heads of State or Government decided to start a "discussion on a model of common and comprehensive security" in the coming two years. This decision contained a variety of recommendations on the conduct of the discussion and stipulated that its results be presented by the Chairman-in-Office to the Lisbon Summit in 1996. At that Summit, the Heads of State or Government then adopted a 12-point "Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-first Century". The result of further discussions was to emerge as a Charter on European Security.

For the purposes of these consultations, the delegates could take encouragement from references in a series of NATO documents, e.g. the Madrid Declaration of the NATO Summit on 8-9 July 1997 which states, among other things: "We reaffirm our commitment to further strengthening of the OSCE as a regional organisation according to Chapter VIII of the Charter of the United Nations and as a primary instrument for preventing conflict, enhancing co-operative security and advancing democracy and human rights. The OSCE, as the most inclusive, European-wide security organisation, plays an essential role in securing peace, stability and security in Europe. The principles and commitments adopted by the OSCE provide a foundation for the development of a comprehensive and co-operative European security architecture. Our goal is to create in Europe, through the widest possible co-operation among OSCE states, a common space of security and stability, without dividing lines or spheres of influence limiting the sovereignty of particular states."<sup>16</sup>

At their OSCE Ministerial Council meeting in December 1997 in Copenhagen, the Foreign Ministers provided detailed instructions tasking the Permanent Council of the OSCE in Vienna with continuing discussions on "Guidelines on an OSCE Document-Charter" and the Platform to be contained in it. In addition to this currently pursued paramount project in the field of pan-European security and institutional policy, the government of the Netherlands undertook an intermediate step with its initiative for an alliance between the OSCE and the Council of Europe on human rights and democracy,

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16 Madrid Declaration on Euro-Atlantic Security and Cooperation. Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Madrid on 8 July 1997, in: NATO review 4/1997, Documentation, pp. 1-4, here: point 21, p. 3.

which suggested a new approach.<sup>17</sup> This lavish undertaking was risky and in the end probably failed to meet the expectations of its initiators. Nevertheless, it was useful because it focused the attention of all on the weaknesses of institutional policy, because it shook the participants out of their indolent attitudes, and because it demonstrated the possibilities and limits of such co-operation while at the same time opening a debate on the subject.<sup>18</sup>

### *Fitting into a "Common House"*

For various reasons there is a risk that the institutionalization of Europe that has so far been achieved will end up as an "abandoned building". Further expansion of the existing organizations is meeting with resistance.

One way out of the impasse in institutional enlargement might be a direct tying together of the European institutions and their restructuring, on the principle of division of labour, and thus fitting them into a "Common House". If in a spirit of resignation one wanted to make fun of past efforts to create "interlocking institutions" on the basis of "comparative advantages" by describing them as stubborn actors running in circles, then the aftermath - to pursue the same image - might be called the squaring of that circle, i.e. the designing of a *single* institution to replace the four or, to put it another way, the institutionalization of the institutions themselves. However, the experiment set forth here does not exist in a vacuum and is not meant to portray a utopia inappropriate to the times. On the contrary, it takes up the current work of the OSCE which, since the Copenhagen Ministerial Council, has been heavily preoccupied with work on the so-called "Platform for Co-operative Security" as part of the Security Charter. This phase of formulating a workable Platform for Co-operative Security, which is to be decided at the next OSCE Summit Meeting of Heads of State or Government, is taken to be the point of departure for a three stage process as set forth in the remainder of this paper.

### *The Stage of the Platform as a Common Basis*

The available drafts already give an idea of what the Platform can deliver. Even if what is ultimately achieved falls short of more adventurous proposals, these drafts provide a glimpse of an institutional combination which many of those involved consider feasible even today.

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17 See: Address by Hans van Mierlo, Minister for Foreign Affairs of the Netherlands, to the OSCE Permanent Council, Vienna, 26 March 1998, pp. 4-6.

18 Cf. Discussion Paper for the 5 June OSCE-Council of Europe Seminar "Alliance for Human Rights and Democracy" in The Hague, incl. Summary of the Seminar.

Viewed soberly, the Platform is nothing more than the formal recognition by the other organizations of principles which have already been put forward by OSCE organs and their representatives and of various forms of co-operation already being practised in certain fields. In addition, the Platform points to the necessity of reforms in the relationships between the organizations and hence to their further development.

Among the principles mentioned here are statements about the OSCE area as a common security space and about the predominant position of the OSCE in view of its being the only trans-Atlantic and pan-European organization. Given equal emphasis is the need for mutually reinforcing co-operation on an equal basis between the OSCE and the other security-oriented organizations, including the requirement for framework agreements on co-ordinated approaches in reacting to particular crises. The following are cited as premisses of the Platform: (1) no organization can effectively meet the many different security challenges of the future alone; the common security space can only be achieved by intensive co-operation between the organizations; (2) political and operational coherence is needed between the various organs that deal with security issues, especially with regard to their reactions to existing crises and working out reactions to new risks and challenges; (3) co-ordinated action is necessary to avoid duplication and to ensure the efficient use of available resources; (4) the OSCE provides a particularly suitable and flexible framework for inter-institutional co-operation owing to its comprehensive membership and its norms.

Agreement on these guidelines was reached at the Ministerial Council in Copenhagen. Now the agreement of the other organizations must be obtained. A further step will be to extend the Platform beyond its politico-military origin in order to make possible co-operation with those institutions which are also involved in promoting comprehensive security. All participating States at Copenhagen stated their willingness to work in the organizations of which they are members to gain acceptance of the Platform for Co-operative Security.

Agreement was also reached on certain steps of a practical kind: regular contacts and meetings within an established framework for dialogue; greater transparency and more practical co-operation, including the appointment of contact persons and establishment of points of contact; and reciprocal attendance at appropriate meetings. Comparative advantages should be identified and synergies promoted so as to encourage complementarity and avoid unnecessary competition between the organizations.

Europe's further institutionalization through the linking of institutions should then proceed in two stages. The four large organizations would incorporate the Platform in a framework agreement that would be valid for a limited period of time and then be replaced by a common statute. The framework agreement would obligate the organizations (and thus their members) to redistribute responsibilities and to open their ranks for other states that want to join.

If new foundations and different forms of consultation, co-ordination and co-operation between the four large organizations are to be established it will be necessary to think in terms of reforming their areas of responsibility, methods of work and membership practices. There are, above all, two important problem areas that must be attacked. First, the often criticized duplication and overlapping of responsibilities and competences must be recorded and reduced. Second, the membership practices of the organizations must be made compatible with each other.

Before the organizations can be further linked together in the following stage they must first be delinked so as to ensure that their existing functions can be carried out smoothly. The proliferating network of security institutions (agreements, treaties and organizations), which ties countries together in a variety of ways, should be thinned out with a view to strengthening its effectiveness and then put in a clearer relationship with one of the four organizations. One example of such a procedure would be the transfer of the Pact on Stability, along with the many bi- and multilateral treaties associated with it, to the OSCE.

Among the oft-stated convictions of Western politicians is the assertion that no one wants to have a new partition of the continent and that security is indivisible. The division of the continent into a "great Europe" and a "little Europe" has become obsolete. For that reason, every country that is a member of one organization ought to be regarded as a candidate for membership in the others if it is not already represented there.

Separation and exclusion do not eliminate the sources of conflict, even if they do remove them for a time from the field of vision of the few privileged countries. Rather, they make it easier to ignore existing conflicts and they create new ones. If this kind of situation, which only serves to evoke the destructive forces of nationalism and chauvinism, is to be avoided on the European continent, then this stage will call for both pragmatic *and* creative solutions.

As the various countries have only a limited number of experts in security and foreign policy and in view of the large number of *ad hoc* parliamentary bodies such as the Parliamentary Assembly of the OSCE, that of the Council

of Europe, the Assembly of the Western European Union, the North Atlantic Assembly, the Inter-Parliamentary Assembly of the CIS, and the Plenary Assembly of the Nordic Council (leaving aside the permanent and privileged European Parliament), the question arises whether a linkage of these parliamentary bodies would not enhance the quality and effectiveness of international parliamentary activity. One could imagine one Parliamentary Assembly that would have committees for the OSCE, the Council of Europe, the Western European Union/WEU, NATO, etc. Hence it is up to the Parliamentarians to take the first steps into the Common (High) House!

### *Towards European Confederation*

In the third stage, now following, the framework agreement would be transformed into a charter governing a UN regional organization and into a constitution for a confederation of European states.

The European governments have already set out on the path to a Common House as a kind of "clearing-house"; without stumbling and without fear of contradiction they should pursue this path to its attainable end, to that level of "finality" which has always been invoked in the European movement. The "Common European House" would, after all, already have four chambers *in statu nascendi*: one having to do with security policy generally, constituted by the participating States of the OSCE; one concerned with economic and social policy constituted by the EU members; one preoccupied with law and culture, constituted by the members of the Council of Europe; and one specialized in military security policy, constituted by the members of NATO and the WEU.

The European states are thus represented in a number of "chambers" or "assemblies". Initially there will continue to be for some of them organs of an inclusive and exclusive nature, full membership, associate membership, observer and advisory status. But with the course of time the formal parity of the European states will become established; at the same time the status of the North American countries can be transformed into an associative relationship. In this connection, the principle should apply that joint institutions with the United States and Canada would also include Russia, Ukraine and the other CIS countries. Conversely, if Russia, Ukraine and others were excluded from European institutions, then the United States and Canada should be excluded as well.

The common roof should institutionalize the close co-operation needed for a policy of comprehensive security. This would mark a beginning on the way to a pan-European confederation. It could have a synergistic effect if the states "put together what belongs together".

Just how rapidly and how far this development goes will of course always depend on the insight, courage and will of the 55 governments, especially of those which are striving, for the most part unsuccessfully, to achieve a Common Foreign and Security Policy within the European Union and ought to do this within the OSCE framework and not in competition with the OSCE.

If the European countries succeed in developing their system of co-ordination and co-operation, by way of the continental/regional clearing-house, into a regional organization of the United Nations in the form of a confederation, they will have prepared themselves in exemplary fashion for a leadership role in a co-operative, global policy.

The concept of pan-European linkage represents the attempt to achieve a normative hegemony based on development of the Helsinki Final Act of 1975. In the pan-European context and from the standpoint of a cost-benefit analysis, it offers the best prospect for a European institutional policy.

## European Security: The New Role of NATO and the OSCE<sup>1</sup>

### *Introductory Remarks*

In his recently published book, James E. Goodby proposed for consideration three alternative developments to reconcile the traditional contradictory security concepts, as they are seen from Russian and US perspectives: that is, the organization of the security regime in Europe within spheres of interest as opposed to a collective security system.<sup>2</sup> In his view, one might imagine these alternative developments:

1. a security arrangement dominated by spheres of interest with little room or need for collective security questions;
2. a security arrangement dominated by spheres of interest in which collective security could play an important but lesser role; and
3. a security arrangement understood to be a transition to collective security in which spheres of interest are expressed mainly by non-military means.

The third alternative seems to be the most desirable and also reflects the NATO commitment to "further strengthening the OSCE as a regional organisation according to Chapter VIII of the Charter of the United Nations and as a primary instrument for preventing conflict, enhancing cooperative security and advancing democracy and human rights".<sup>3</sup> This article provides an analysis of the NATO enlargement process (second section) in the context of the recent activities of the OSCE (third section), the most inclusive Euro-Atlantic security organization, and offers some recommendations for the future (fourth section).

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- 1 This article is based upon the author's two contributions: Europe: the transition to inclusive security, in: Stockholm International Peace Research Institute (Ed.), SIPRI Yearbook 1998: Armaments, Disarmament and International Security, Oxford 1998, pp. 141-184; and: Prescriptions for improving OSCE effectiveness in responding to the risks and challenges of the twenty-first century, in: Victor-Yves Ghebali/Daniel Warner (Eds.), The OSCE and Preventive Diplomacy (PSIO Occasional Paper 1/1999), Geneva 1999, pp. 51-70.
  - 2 James E. Goodby, *Europe Undivided: the New Logic in US-Russian Relations*, Washington, DC/Palo Alto, Cal. 1998, pp. 173-177.
  - 3 Madrid Declaration on Euro-Atlantic Security and Cooperation.. Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Madrid on 8 July 1997, in: NATO review 4/97, Documentation, pp. 1-4, here: para. 21, p. 3, and: North Atlantic Treaty Organization (NATO) Press Release M-1 (97)81.

After the dissolution of the Warsaw Treaty Organization (WTO) and the break-up of the Soviet Union in 1991, the issue of the mandate of the Atlantic Alliance came to the fore. Since the external threat to NATO had disappeared, NATO's main future tasks were reoriented from deterrence, or the defence of Western nations against aggression from the east, to stability in Europe and co-operation between the United States and European states in wider security matters. The new challenge for NATO is co-operation among its member states and with those states which wish to join it as well as between the Alliance and those states which wish or will have to remain outside it.

A central issue of 1997 in this regard was that of the forms and scope of co-operation between NATO and Russia. The general directions of NATO-Russia collaboration were discussed by Russian President Boris Yeltsin and US President Bill Clinton at the summit meeting in Helsinki on 20-21 March 1997.<sup>4</sup> The outcome was that: (a) NATO enlargement will go forward; (b) no European nation will be excluded from consideration; (c) there will be no "second-class" membership - NATO's new members will enjoy the same benefits and obligations as its current members; (d) a new forum will be established for consultation and co-operation between and, where possible, joint action by Russia and NATO;<sup>5</sup> and (e) NATO will continue to evolve but its core function of collective defence will be maintained and enhanced.

Russia also wanted the USA and other NATO members to undertake, without reservations, commitments regarding the non-deployment of nuclear and conventional forces on the territories of new NATO member states. NATO offered instead to confirm the 1996 statement of the North Atlantic Council (NAC) that currently and in the foreseeable future there is "no intention, no plan, and no reason" to station nuclear weapons in the new member states.<sup>6</sup> NATO also declared that it did not contemplate a "permanent stationing of substantial combat forces" on the territories of new member states.<sup>7</sup> The binding limits on conventional armed forces in Europe were to be agreed under the adapted Treaty on Conventional Armed Forces

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4 At the Helsinki summit meeting the Russian and US Presidents issued a joint statement which contained the following information: "While they continue to disagree on the issue of NATO enlargement, in order to minimize the consequence of this disagreement, they agreed to work, together with others, on a document to establish a cooperative relationship between NATO and Russia as an important part of a new European security system." Joint Statement on European Security released at the US-Russian summit meeting in Helsinki, 21 March 1997, in: *Arms Control Today* 1/1997, pp. 20-21.

5 In a statement before the Senate Armed Services Committee on 23 April 1997, US Secretary of State Madeleine Albright explained that such a forum will not have the power "to dilute, delay or block NATO decisions", nor will it supplant NATO's North Atlantic Council. Office of the Spokesman, US Department of State, Washington, DC, 23 April 1997.

6 NATO Press Communiqué M-NAC-2(96)165, 10 December 1996.

7 NATO Press Release 97(27), 14 March 1997.



in Europe (the 1990 CFE Treaty). After the Helsinki summit meeting it became clear that the USA was interested in engaging Russia in an active, constructive and co-operative relationship, with the understanding that the new NATO-Russia security arrangement would offer Russia neither a veto right nor a *droit de regard* over NATO enlargement.

#### *The NATO-Russia Founding Act*

Following several rounds of negotiations initiated in January 1997 between NATO Secretary General Javier Solana and Russian Foreign Minister Yevgeniy Primakov, the text of the NATO-Russia Founding Act on Mutual Relations, Cooperation and Security was completed in Moscow on 14 May and signed in Paris on 27 May 1997. The document established a permanent institutional framework for a security partnership between NATO and Russia.

The aim of the Founding Act is to "build together a lasting and inclusive peace in the Euro-Atlantic area on the principles of democracy and co-operative security" (Preamble).<sup>8</sup> NATO and Russia agreed to develop their relations around a shared commitment to seven principles defined in the Founding Act and based on an allegiance to shared values, commitments and norms of behaviour.

The main operational instrument for consultation and co-operation is the NATO-Russia Permanent Joint Council (PJC), established in Section II of the Founding Act. The signatories agreed that their consultations will not extend to the internal affairs of NATO, its member states or Russia. The key provision is that neither NATO nor Russia has "a right of veto over the actions of the other". None of the provisions can be used "as a means to disadvantage the interests of other states".<sup>9</sup> In the Founding Act the two parties are committed to identify and pursue as many opportunities for joint action as possible. They will inform each other of the security-related challenges they face and the measures that each intends to take to address them. The PJC is to meet twice annually at the level of Foreign Ministers and Defence Ministers and monthly at the level of Ambassadors/Permanent Representatives to the NAC.

In order to implement these decisions, a working programme was agreed by the parties.<sup>10</sup> Headed by Ambassador Vitaliy Churkin, the Russian mission to

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8 Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation. Issued in Paris, France, on 27 May 1997, in: NATO review 4/1997, Documentation, pp. 7-10, here: p. 7.

9 Ibid., p. 8.

10 NATO Secretary General Javier Solana informed the Conference on European Security with an Enlarged NATO, held in Rome on 3 October 1997, that "(a) very ambitious and detailed work programme has already been agreed between the two parties until the end of the year, covering issues for NATO-Russia consultations, issues for practical co-operation between NATO and Russia and the implementation of the structures mentioned in the

NATO included a senior military representative and staff for military co-operation. Russia has also established working contacts and consultations with NATO. Nonetheless, its view of NATO enlargement to the east is still negative. Russia is also critical of NATO's internal transformation because, in its view, NATO should become a political rather than a military organization.<sup>11</sup> Nineteen areas for consultation and co-operation at PJC meetings were defined in Section III of the Founding Act. In politico-military matters, NATO and Russia committed themselves to "work together in Vienna with the other States Parties to adapt the CFE Treaty to enhance its viability and effectiveness, taking into account Europe's changing security environment and the legitimate security interests of all OSCE participating States".<sup>12</sup> The Founding Act encouraged other States Parties to the CFE Treaty to lower their levels of armaments and armed forces in the area of application of the Treaty. NATO and Russia committed themselves to exercise restraint in relation to their current postures and capabilities during the period of negotiations.<sup>13</sup> The Founding Act also contains other recommendations for giving the concept of inclusiveness a more concrete operational meaning and removing Russia's resistance and fears regarding NATO enlargement. Whether the accord will meet the expectations of both sides will be determined by how it is implemented. Although there were indications that they had different interpretations of some issues even before the Founding Act was signed - primarily regarding whether the NATO enlargement process is open-ended - there

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Founding Act. (...) All in all, six months since the signing of the Founding Act, the PJC will have met three times at ministerial level and five times at ambassadorial level". Text of the keynote speech delivered by the NATO Secretary General to the Conference on European Security with an Enlarged NATO, Rome, 3 October 1997. After the second NATO-Russia PJC meeting at the level of Foreign Ministers, held in Brussels on 17 December 1997, the Ministers noted "the positive development of NATO-Russia relations and the substantial increase of consultation and cooperation achieved over the last few months, at the level of Foreign Ministers, Defence Ministers, Chiefs of General Staff, and Ambassadors". NATO Press Summary, 17 December 1997, in: <http://www.nato.int/docu/pr/pr97e.htm>, version current on 3 April 1998.

11 Igor Sergeyev, We are not adversaries, we are partners, in: NATO review 1/1998, p. 17.

12 In this context Russia and NATO stated that they share the objective of concluding an adaptation agreement "as expeditiously as possible and, as a first step in this process, they will, together with other States Parties to the CFE Treaty, seek to conclude as soon as possible a framework agreement setting forth the basic elements of an adapted CFE Treaty, consistent with the objectives and principles of the Document on Scope and Parameters agreed at Lisbon in December 1996". NATO-Russia Founding Act, cited above (Note 8), Section IV, p. 9.

13 This commitment was earlier expressed in the 1996 OSCE Lisbon Summit Document, cf. Lisbon Document 1996, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1997, Baden-Baden 1998, pp. 419-446, Appendix: Document adopted by the States Parties to the Treaty on Conventional Armed Forces in Europe on the Scope and Parameters of the Process Commissioned in Paragraph 19 of the Final Document of the first CFE Treaty Review Conference, pp. 422-446, here: p. 446.

are many indications that Russia has reconciled itself to the fact that some or all of the former non-Soviet WTO countries may join NATO.

#### *The NATO-Ukraine Charter*

On 9 July 1997, soon after the signing of the NATO-Russia Founding Act, the Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and Ukraine was signed in Madrid.<sup>14</sup> However, the institutionalization of relations between NATO and Ukraine is different from that of relations between NATO and Russia. While the NATO-Russia document is considered by Russia as a kind of "containment" of the Alliance, the NATO-Ukraine Charter is oriented towards "convergence" of Ukraine in a closer relationship to the Alliance.<sup>15</sup> One of the indirect effects of the Charter is that Ukraine has become more self-confident in pursuing a constructive partnership with Russia.

#### *NATO and the Baltic States*

For NATO, enlargement to the east - particularly the prospect of admitting Estonia, Latvia and Lithuania - was much more controversial than establishing relations with Ukraine. This was mainly because of the reaction of Russia. On the other hand, from NATO's overall perspective, admission of the Baltic states would be less controversial if the Nordic non-aligned countries (Finland and Sweden) were to join.

Before the NATO-Russia Founding Act was signed, Russian Foreign Minister Primakov warned that if NATO were to consider admitting any of the former Soviet republics (in fact referring to the Baltic states) Russia would reconsider its entire relationship with NATO.<sup>16</sup> In 1997, however, Russia's position vis-à-vis the Baltic states underwent an important evolution. In response to the reorientation of the Baltic states' policies towards closer integration with the West, Russia resorted to political, diplomatic and economic pressure and aggressive rhetoric, taking advantage of the fact that NATO will not admit countries with outstanding national minorities problems or those

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14 Cf. Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and Ukraine. Issued in Madrid, Spain, on 9 July 1997, in: NATO review 4/1997, Documentation, pp. 5-6. The idea that the Western countries, in their dialogue on security, treat Russia, Ukraine and the Baltic states equally was reflected in the conclusions of: A Future Security Agenda for Europe, Report of the Independent Working Group established by the Stockholm International Peace Research Institute (SIPRI), published in October 1996, in: OSCE Yearbook 1997, cited above (Note 13), pp. 497-512, here: p. 511.

15 Cf. Olga Alexandrova, Die Charta NATO-Ukraine: Euro-atlantische Einbindung Kyïvs [The NATO-Ukraine Charter: Kyïv's Europe-Atlantic Integration], in: Außenpolitik 4/1997, pp. 325-334.

16 Cf. Nezavisimaya Gazeta, 25 May 1997.

without definitively demarcated borders. Both these issues, alongside economic issues, became Russia's main leverage against the Baltic states and at the multilateral level - in the Council of Europe and the OSCE as well as in the security dialogue between Russia and other countries in the Baltic Sea region.<sup>17</sup>

In 1997 Russia undertook a series of initiatives to obstruct the diplomatic efforts of the Baltic states to be included among the candidates for NATO membership. The most important of these were the proposals presented by Prime Minister Viktor Chernomyrdin in early September and a set of proposals presented by Russia to Lithuanian President Algirdas Brazauskas during his visit to Moscow on 23-24 October. President Yeltsin offered unilateral Russian security guarantees to the Baltic states<sup>18</sup> which would be strengthened under international law.<sup>19</sup> As a rule, guarantees are offered to states threatened by third countries, but in this case Russia proposed guarantees aimed at deterring threats which the Baltic states perceive to emanate from Russia itself. Moreover, Russia expressed its willingness to include France, Germany, the USA and other Western states in the regime of security guarantees. Finally, it contemplated the idea of establishing a Baltic regional stability and security space which would include the Nordic states. Russia proposed nearly 30 specific regional measures in the security, economic, humanitarian and ecological spheres, all intended to constitute a kind of future regional stability and security pact.<sup>20</sup> As a manifestation of Russia's good intentions, during Brazauskas' visit to Moscow Lithuania and Russia signed a treaty confirming the demarcation of the border between the two states and the delimitation of the exclusive economic zone and continental shelf in the Baltic Sea.<sup>21</sup> These Russian initiatives were not well received in the three Baltic capitals; they were seen as an attempt to "single out" the Baltic states and impose on them uni- or multilateral guarantees which would make it impossible for them to be integrated in the Western security structures even in the long term.<sup>22</sup>

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17 Cf. Russia and the Baltic States, Executive Summary of the Report by the Council on Foreign and Defence Policy of Russia, Moscow 1997, pp. 6-15.

18 For the text of Yeltsin's offer see: Yeltsin offers unwanted security to the Baltics, in: Baltic Times, 30 October - 5 November 1997, p. 8.

19 Cf. V. Shustov, The Russian attitude towards the security problem - measures to strengthen confidence and stability in the Baltic region, in: J. P. Kruzich/A. Fahraeus (Eds.), 2nd Annual Stockholm Conference on Baltic Sea Security and Cooperation: Towards an Inclusive Security Structure in the Baltic Sea Region, Stockholm 1997, p. 19.

20 Cf. Baltic Times, cited above (Note 18); and Shustov, cited above (Note 19).

21 The border agreement between Lithuania and Russia was signed by the two residents in Moscow on 24 October 1997; it determines the south-western border of Lithuania with the Russian Kaliningrad *oblast*. Cf. Is Russia's Baltic policy changing?, in: Baltic Review 1997, p. 6. Russia did not sign a border agreement with the other two Baltic states.

22 In the highly critical rhetoric on the guarantees proposed by Russia, the experience of the Molotov-Ribbentrop Pact of 1939 was recalled; the "security guarantees" given at that time eventually led to the incorporation of these states into the Soviet Union in 1940.

In his diplomatic offensive to the Northern European states, during a visit to Sweden on 3-4 December 1997 President Yeltsin outlined a number of proposals for co-operation and made a unilateral declaration regarding a 40 per cent reduction of land and naval forces in north-western Russia, to be completed within a year. This declaration should be seen, however, in the light of the reductions in armed forces already envisaged in both the NATO-Russia Founding Act and the framework agreement outlining the basic elements for adaptation of the CFE Treaty<sup>23</sup> as well as the reform of the Russian Army and reduction of manpower and armaments.<sup>24</sup> At the same time Russia linked the improvement of its relations with Estonia and Latvia - including the conclusion of border treaties and the development of economic co-operation - to acceptance of its demands concerning the status of the Russian-language population in these countries. Such a linkage has been rejected by the states directly concerned and by those with which Russia is engaged in a dialogue on security in the Baltic Sea region.

In the view of the Nordic states, while constructive Russian involvement in the Baltic region is a positive development, there is no room or need for separate regional security pacts in the new Europe nor any reason to treat Baltic security in isolation from that of the rest of Europe.<sup>25</sup>

### *The US-Baltic Charter of Partnership*

A new element of Russia's position on the Baltic states was its willingness to enter into talks with NATO and the USA on Baltic security. In turn, the Baltic states, wishing to be admitted to the Western security structures, have begun an intensive dialogue with the United States. This dialogue resulted in the signing by the US and three Baltic Presidents of a Charter of Partnership on 16 January 1998.<sup>26</sup> The credibility of the US position on the Baltic states

23 The framework agreement is laid down in the 1997 Decision of the Joint Consultative Group Concerning Certain Basic Elements for Treaty Adaptation.

24 See also: Kontseptsia Voyennoi Reformy Rossiiskoi Federatsii [The Concept of Military Reform of the Russian Federation], elaborated by the Institute of World Economy and International Relations (IMEMO) of the Russian Academy of Sciences: (Moscow 1997) and published as an annex in: Yezhegodnik SIPRI 1997: Vooruzheniya, Razoruzheniye i Mezhdunarodnaya Bezopasnost [SIPRI Yearbook 1997: Armaments, Disarmament and International Security], Moscow 1997, pp. 445-476 (Russian edition).

25 See, e.g.: Finland: Nordic ministers on Russian Baltic security initiative, 13 November 1997, in: Foreign Broadcast Information Service, Daily Report-West Europe (FBIS-WEU), FBIS-WEU-97-317, 13 November 1997, for statements by the Swedish, Finnish and Danish Foreign Ministers. For the Swedish position, see also Presentation by Swedish Minister for Foreign Affairs Lena Hjelm-Wallén at the Central Defence and Society Federation National Conference, Sälen, Sweden, 19 January 1998; and: Utrikesdeklarationen 1998 [Swedish foreign policy statement 1998], 11 February 1998, in: <http://www.ud.se/utrpolit/utrdekla/utrdek98.htm>, version current on 27 March 1998.

26 Cf. A Charter of Partnership Among the United States of America and the Republics of Estonia, Latvia, and Lithuania, in: United States Information Service, U.S. Information and Texts, 22 January 1998, pp. 12-15. The Charter was signed in Washington, DC, on 16 January 1998.

stems from the fact that the USA never recognized the forcible incorporation of the three republics into the Soviet Union and "regards their statehood as uninterrupted since the establishment of their independence" (Preamble). The aim of the Baltic states in signing the Charter was to obtain a formal commitment by the USA that an invitation to join NATO would eventually be extended to them, but it contains a general statement of the principle that security institutions "should be open to all European democracies" (Article III). For its part, the USA reiterated, in carefully worded phrases, its view that "NATO's partners can become members as each aspirant proves itself able and willing to assume the responsibilities and obligations of membership, and as NATO determines that the inclusion of these nations would serve European stability and the strategic interests of the Alliance" (Article III). The US-Baltic Charter of Partnership thus confirmed the "open door policy" of NATO but did not offer any binding commitments from the USA regarding admission of the Baltic states to the Atlantic Alliance.

In this context, the USA and the Baltic states underscored their interest in Russia's democratic and stable development and stated their support for a strengthened NATO-Russia relationship "as a core element of their shared vision of a new and peaceful Europe" (Article III). The USA left its Baltic partners in no doubt that, in the US perspective, Russia occupies a critical place in Europe. In 1997 it was demonstrated that both the USA and NATO consider relations with Russia to be of key importance and that the security of Russia's neighbours on its western frontier is treated in large measure as dependent on NATO-Russian relations.

#### *The Euro-Atlantic Partnership Council*

NATO took additional steps during 1997 to include the countries of the former Eastern bloc in an enhanced security partnership. In order to unite the positive experience of the North Atlantic Cooperation Council (NACC) and the Partnership for Peace (PfP), the ministerial meeting of the North Atlantic Council - held in Sintra, Portugal, on 29 May 1997 - proposed that the NACC and PfP partners launch the Euro-Atlantic Partnership Council (EAPC) at their meeting the next day. The EAPC is meant to provide "the overarching framework for political and security-related consultations and for enhanced cooperation under PFP, whose basic elements will remain valid".<sup>27</sup> The Basic Document of the Euro-Atlantic Partnership Council was

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27 Ministerial Meeting of the North Atlantic Council in Sintra, Portugal, 29 May 1997, Final Communiqué, in: NATO Press and Media Service, Press Communiqué M-NAC-1(97)69, 29 May 1997, p. 1. For the text of the Basic Document of the Euro-Atlantic Partnership Council see: Basic Document of the Euro-Atlantic Partnership Council, in: NATO Press and Media Service, Press Communiqué M-NACC-EAPC-1(97)66, 30 May 1997.

agreed on 30 May 1997 and the inaugural meeting of the EAPC was held the same day. As a result of this decision, NACC ceased to exist and the EAPC took over its mandate. The basic principles of NACC and the PfP will be applicable to the EAPC: *inclusiveness*, with an understanding that opportunities for political consultations and political co-operation will be open to all NATO allies and partners equally; and *self-differentiation*, in the sense that partners will be able to decide for themselves the level and areas of their co-operation with NATO.

#### *The Madrid Declaration*

The Madrid Declaration on Euro-Atlantic Security and Cooperation was approved at the NATO Summit Meeting held on 8-9 July 1997.<sup>28</sup> It contains two major decisions. First, the NATO Heads of State and Government invited the Czech Republic, Hungary and Poland to start accession talks with the aim of joining the Atlantic Alliance in 1999 (paragraph 6); NATO also agreed to review the process of enlargement at its next Summit Meeting, to be held in 1999, and in this context Romania and Slovenia were mentioned as possible new candidates for membership (paragraph 8).<sup>29</sup> Second, the essence and scope of the partnership with non-NATO countries in Europe were expanded, in particular the PfP.

#### *A New NATO in the New Europe*

NATO's inclusion of three Central and East European states, its new relationships with Russia and Ukraine, its co-operation and partnership with the states in the north and south that remain outside the alliance, and its dialogue with its Mediterranean partners will all be determinants of the future role of NATO in Europe. At the same time, a process of internal adaptation is under way, with its own political and military dimensions.

Twelve European countries have so far submitted requests to join NATO.<sup>30</sup> In other states - mainly the traditionally neutral and non-aligned states - public debates are under way about whether to apply for NATO membership.<sup>31</sup>

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28 Cf. Madrid Declaration, cited above (Note 3).

29 This was a compromise formula to address the French endeavours to get Romania included in the first round of new NATO members and the proposal to invite Slovenia to ensure territorial continuity between Hungary and the other NATO allies.

30 These twelve countries are: the three invited candidates (the Czech Republic, Hungary and Poland), Slovakia, the three Baltic states (Estonia, Latvia and Lithuania) and five Balkan states (Albania, Bulgaria, Croatia, Romania and Slovenia).

31 Although the Minister for Foreign Affairs of Sweden stated on 19 January 1998 that the official Swedish position remains unaltered (Sweden's policy of non-participation in military alliances remains unchanged; see note 25), a different position is taken by the leader of the Conservative Party (Moderates), Carl Bildt, Cf. Dagens Nyheter (Stockholm), 28 January 1998. Accession to NATO is also the subject of an open debate in Austria and, to a lesser degree, in Finland. In all these countries the restraint with regard to

At the Brussels NAC ministerial meeting, identical protocols of accession were signed with the Czech Republic, Hungary and Poland on 16 December 1997.<sup>32</sup> At the Madrid meeting it was decided that, pending accession, the applicant countries will become involved in NATO activities "to ensure that they are best prepared to undertake the responsibilities and obligations of membership in an enlarged Alliance".<sup>33</sup> The participants also gave assurances that the process of enlargement will be continued.<sup>34</sup> The open character of NATO was confirmed in the statement that no European democratic country whose admission would fulfil the objectives of the 1949 North Atlantic Treaty will be excluded from consideration.

The Madrid Declaration indicates that the main candidates for the second phase of NATO enlargement are Romania, Slovenia and other South-eastern European countries.<sup>35</sup> The Madrid meeting also decided to direct the NATO Council in Permanent Session to examine the 1991 Alliance Strategic Concept.<sup>36</sup> The work on a new strategic concept will be carried out in 1998 with the aim of presenting it to the next NATO Summit Meeting, to be held in April 1999.

### *The Two Enlargement Processes: NATO and the European Union*

The nature and aims of EU and NATO enlargement are quite different. However, in the post-Cold War period, as a result of their internal transformations and expansion of participation, the two organizations have each acquired a new function in the shaping of European security. NATO - along with the PfP, the EAPC and its bilateral security arrangements with Russia, Ukraine

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- joining NATO, manifested chiefly by the Social Democrats, stems more from psychological and historical motives than from an assessment of the new situation in Europe.
- 32 The three protocols will enter into force "when each of the Parties to the North Atlantic Treaty has notified the Government of the United States of America of its acceptance thereof". The text of the accession protocols is reproduced in: SIPRI Yearbook 1998, cited above (Note 1), Appendix 5A, pp. 181-82.
- 33 Madrid Declaration, cited above (Note 3), para. 6, p. 1.
- 34 Ibid., para. 8, p. 1-2. The understanding that the current round of accessions is only the beginning of the process was confirmed by the NATO Foreign Ministers at the NAC meeting in Brussels on 16 December 1997.
- 35 With regard to aspiring members, the Madrid Summit Meeting recognized "with great interest" and took account of positive developments "in a number of South-eastern European countries, especially Romania and Slovenia". It is symptomatic that the formula regarding the Baltic states is different: "we recognise the progress achieved towards greater stability and cooperation by the states in the Baltic region which are also aspiring members". Madrid Declaration, cited above (Note 3), para. 8, p. 2.
- 36 The Alliance's Strategic Concept, agreed by the Heads of State and Government participating in the meeting of the NAC in Rome, 7-8 Nov. 1991, in: NATO Secretariat (Publ.), *The Transformation of an Alliance: The Decisions of NATO's Heads of State and Government*, Rome, 1991, pp. 29-54.



and the Baltic states - has become more than just a defence alliance: it is now the centre of gravity in the search for a new security order in Europe. The EU is facing the challenge of creating new capabilities within the framework of the CFSP and, in close co-operation with the WEU, moving beyond rhetoric and declaratory policies to give a genuine meaning to the vision of a European Security and Defence Identity.

In the case of NATO, the decision about the accession of new members, motivated by the new security environment, is "more demanding in some ways and less complex in others".<sup>37</sup> Although the decision-making process of both organizations is based on consensus, NATO is much more dependent on the decisions of the big powers in the alliance.

The NATO enlargement decisions are expressions of arbitrary political will, while the EU requires its new members to undergo much more complex adjustment processes. In NATO, the external and internal adaptations of the alliance's structure are seen as complementary, mutually reinforcing processes, but in the EU tension and contradictions continue to permeate the "widening *versus* deepening" dilemma.

Enlargement of NATO, by its very nature, affects the security interests of both members and applicants as well as the interests of countries remaining outside the alliance. This was the rationale behind the documents that define the new relations and co-operation between NATO and Russia, Ukraine and the Baltic states. The implications of EU enlargement are of a different nature and call for different solutions. In the historical perspective, both processes will overcome the divisions in Europe and enhance stability throughout the continent.<sup>38</sup> It may also be noted, for example, that Russia, which sees new threats in NATO's eastward enlargement, has not voiced fears concerning EU enlargement and has officially declared its interest in promoting it.

Three aspects of institutional co-operation were highlighted in the 1997 NATO Madrid Declaration: close co-operation with the WEU, integrated within the EU; the building of a European Security and Defence Identity within NATO; and the strengthening of the OSCE as a regional organization and as "a primary instrument for preventing conflict, enhancing cooperative security and advancing democracy and human rights".<sup>39</sup> The role and place of the OSCE have undergone a necessary evolution in recent years. It is worth considering the function this organization plays today and should play in the context of NATO and EU enlargement.

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37 S. Serfaty, The logic of dual enlargement, Paper presented at the Conference in Rome on the Fifth Castelgandolfo Colloquium on Transatlantic Affairs, 3-4 October 1997.

38 The Swedish Minister for Foreign Affairs has stressed the significance of EU membership "as part of a deliberate endeavour to make warfare between European countries inconceivable throughout our continent". Presentation by Swedish Minister for Foreign Affairs Lena Hjelm-Wallén, cited above (Note 25).

39 Madrid Declaration, cited above (Note 3), para. 21, p. 3.

Both NATO and the EU have described the OSCE as "the most inclusive European-wide security organization"<sup>40</sup> and have ascribed it an essential role in securing peace, stability and security in Europe. They have acknowledged that OSCE principles and commitments provide a foundation for the development of a comprehensive and co-operative European security architecture. At the same time, however, the OSCE is seen by many - decision-makers and experts alike - as a fair-weather, loosely organized body. They have noted various weaknesses of the Organization: its lack of strong instruments similar to those provided by Chapter VII of the UN Charter; its consensus-based decision-making process; its lack of authority (it has no organ comparable to the UN Security Council); and the gap between many accomplishments in conflict prevention, crisis management and post-conflict rehabilitation, on the one hand, and their coverage in the media and information provided to the broader public about the Organization, on the other hand. It is also the "youngest" European security institution, undertakes activities mainly on an *ad hoc* basis and lacks a firm bureaucratic structure.

The OSCE is associated mainly with the human dimension of security (human rights and "Basket 3" issues - contacts among people, information, culture and education), which attracted much public and media attention during the last stages of the Cold War. The public is less apprised of the OSCE's role in the achievement of accords on confidence- and security-building measures - the Vienna Documents 1990, 1992 and 1994 - and on conventional armaments in Europe - the 1990 CFE Treaty - or in monitoring their implementation. The public is even less aware of OSCE activities under its new mandate as "a primary instrument for early warning, conflict prevention and crisis management".<sup>41</sup>

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<sup>40</sup> E.g., on the part of NATO, see: *ibid.*

<sup>41</sup> Budapest Document 1994, Budapest, 6 December 1994, in: Arie Bloed (Ed.) *The Conference on Security and Co-operation in Europe, Basic Documents, 1993-1995*, The Hague/Boston/London 1997, pp. 145-189, here: Budapest Summit Declaration: Towards a Genuine Partnership in a New Era, pp. 145-149, para. 8, p. 146. See also: Adam Daniel Rotfeld, *Europe: the multilateral process*, in: Stockholm International Peace Research Institute (Ed.), *SIPRI Yearbook 1995: Armaments, Disarmament and International Security*, Oxford 1995, pp. 265-301; and Adam Daniel Rotfeld, *Europe: towards new security arrangements*, in: Stockholm International Peace Research Institute (Ed.), *SIPRI Yearbook 1996: Armaments, Disarmament and International Security*, Oxford 1996, pp. 279-324; and Document adopted by the States Parties to the Treaty on Conventional Armed Forces in Europe on the Scope and Parameters of the Process Commissioned in Paragraph 19 of the Final Document of the first CFE Treaty Review Conference, cited above (Note 13). A systematic review and assessment of OSCE activities are presented in two regular publications: Netherlands Helsinki Committee/International Helsinki Federation for Human Rights, *Helsinki Monitor: Quarterly on Security and Co-operation in Europe*; and Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook* (published since 1995, in German, English and Russian), Baden-Baden 1995ff.

In 1997 the activities of the OSCE were oriented towards early warning, conflict prevention, crisis management and post-conflict rehabilitation. During the year, the number of its field operations increased through the establishment of the OSCE Presence in Albania, created in response to the serious political crisis that erupted in February 1997,<sup>42</sup> and the Advisory and Monitoring Group in Belarus. The OSCE monitored elections in Bosnia and Herzegovina, Yugoslavia (Serbia and Montenegro) and Chechnya (Russia). The establishment of the Mission to Croatia in 1996 has become more important in view of the expiry of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) on 15 January 1998.<sup>43</sup>

The effectiveness of the OSCE missions results from the working co-operation between the organization and the UN and the Council of Europe. In the OSCE Secretary General's assessment, the reinforcement of co-operation with intergovernmental bodies was remarkable in 1997.<sup>44</sup>

### *OSCE Missions*

In 1997 the OSCE operated long-term missions in Skopje (the Spillover Monitor Mission), Bosnia and Herzegovina (including a separate mission to Sarajevo), Croatia, Estonia, Georgia, Latvia, Moldova, Tajikistan and Ukraine. The other OSCE field activities were the OSCE Assistance Group to Chechnya, activities of the Personal Representative of the OSCE Chairman-in-Office (CiO) on the Nagorno-Karabakh conflict, dealt with by

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42 The chaos and crisis in Albania broke out in January 1997 in the wake of mass protests of people who had lost their lifetime savings as a result of fraudulent pyramid investment schemes and the complete loss of government control over these developments. In effect the state collapsed as an institution. The greatest exodus of Albanians to Italy since the end of World War II forced international security institutions to undertake actions in accordance with Chapter VII of the UN Charter. In its Resolution 1101, the UN Security Council voted in favour of the OSCE proposal for a three-month deployment of a Multinational Protection Force to create a secure environment for the work of EU and OSCE assistance missions and UN and NGO humanitarian activities in Albania. Forces from France, Greece, Romania, Spain and Turkey participated in the military operation, under Italian leadership. See also E. Foster, *Intervention in Albania*, in: Royal United Services Institute for Defence Studies/RUSI (Ed.), *The New International Security Review 1998*, London 1997, pp. 208-216.

43 According to the OSCE Secretary General, the Mission to Croatia (as the successor to UNTAES) has been, along with the Albanian mission, the biggest and the most efficient mission ever to have operated under OSCE auspices. Cf. Organization for Security and Co-operation in Europe, The Secretary General, *Annual Report 1997 on OSCE Activities*, in this volume, pp. 459-515, here: p. 464. It should be noted that the UN decided to establish a support group of 180 civilian police monitors for a single period of up to nine months, with effect from 16 January 1998, to monitor the performance of the Croatian police in the Danube region. Cf. UN Security Council Resolution 1145, 19 December 1997.

44 Cf. The Secretary General, *Annual Report 1997*, cited above (Note 43), p. 464.

the Minsk Group, and the newly established operations in Albania and Belarus.

One of the OSCE's achievements in 1997 was a peace plan for solution of the dispute over Nagorno-Karabakh between Armenia and Azerbaijan, prepared by the Minsk Group with the strong support of France, Russia and the USA. However, the plan generated a serious political crisis in Armenia and was not implemented. As a result, the President of Armenia was dismissed in early February 1998. The plan offered broad autonomy to the Armenian population of Nagorno-Karabakh (including an independent military police formation) with the understanding that this territory is under the sovereignty of Azerbaijan.<sup>45</sup>

#### *OSCE Presence in Albania*

On 4 March 1997 the OSCE Chairman-in-Office, Danish Foreign Minister Niels Helveg Petersen, responding to the crisis in Albania, appointed former Austrian Chancellor Franz Vranitzky as his Personal Representative. On 27 March the Permanent Council, the central OSCE decision-making body, established the OSCE Presence in Albania to provide Albania with advice and assistance in democratization, establishment of independent media, protection of human rights, and preparation and monitoring of elections. The OSCE also functioned as the co-ordinating framework for the work of other international organizations regarding Albania. The offices of the OSCE Presence in Albania worked in close co-ordination with such intergovernmental institutions as the Council of Europe, the WEU (its Multinational Advisory Policy Element) and the EU (its Customs Advisory Mission and the European Community Monitoring Mission, ECMM).

The activity in Albania was effective for several reasons: primarily because of the heavy political, military and financial involvement of Italy and four other European states (France, Greece, Romania and Spain) but also because three international organizations (the OSCE, the Council of Europe and the European Parliament) were represented by prominent persons with authority.<sup>46</sup> In addition to the main office of the OSCE Presence in Tirana, two field offices were opened in October 1997. They work in the areas of human rights and the rule of law, democratization and civil rights, electoral assistance, media monitoring and institution building. The Administrative

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<sup>45</sup> Cf. *Izvestiya*, 6 February 1998.

<sup>46</sup> In addition to the key role played by Vranitzky, the group of international observers to the elections in Albania was led by Catherine Lalumière, former Secretary General of the Council of Europe and Member of the European Parliament, as the OSCE Special Co-ordinator. Lord Russell-Johnston, Head of the Council of Europe Parliamentary Assembly, and Javier Ruperez, President of the OSCE Parliamentary Assembly, also participated. See also Vranitzky bids farewell to Albania, in: *OSCE Newsletter* 10/1997, pp. 1-2.

Centre for the Co-ordination of Assistance and Public Participation, sponsored by the OSCE, co-ordinates foreign and domestic assistance and public participation in the constitutional drafting process.

#### *Mission to Croatia*

The mandate of the Mission to Croatia was to monitor the return of refugees and displaced persons on a case-by-case basis by studying the existing property law.<sup>47</sup> In co-operation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Mission participated in monitoring the April 1997 elections to the Croatian House of Counties and the June 1997 presidential election. The Special Co-ordinator for the OSCE Observer Mission, US Senator Paul Simon, declared the elections to have been "free, but not fair" - with candidates being able to speak freely but with the process leading up to the elections being fundamentally flawed.<sup>48</sup> In view of the imminent termination of UNTAES, the Permanent Council authorized the OSCE Mission to gradually increase its personnel up to a 250-member international staff.<sup>49</sup> The Mission was also tasked in 1997 with assisting in the drafting of Croatian legislation and monitoring implementation of agreements on the two-way return of all refugees and displaced persons and the protection of persons belonging to national minorities. In its activities, the Mission co-operated with the ECMM and many other governmental and non-governmental organizations.

#### *Mission to Belgrade*

As a result of the protests and tensions generated by the decision of the Yugoslav authorities to annul the results of the November 1996 municipal elections, the OSCE was committed to obtaining the facts. On 17 December 1996 the Chairman-in-Office appointed former Spanish Prime Minister Felipe González as his Personal Representative, with the mandate to investigate the situation and present conclusions to both Yugoslavia (Serbia and Montenegro) and the OSCE. After extensive talks with government officials, opposition leaders and media representatives, González reported his findings. In his view, the elections reflected the will of the majority of citizens and the authorities should accept and respect their outcome; on 4 February 1997 the Yugoslav authorities agreed to acknowledge the results. The CiO Personal

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47 The activity resulted in a detailed background report on "The protection of property rights in the Republic of Croatia". Cf. The Secretary General, Annual Report 1997, cited above (Note 43), p. 477.

48 Cf. *ibid.*

49 Cf. OSCE, Permanent Council, PC Journal No. 121, 26 June 1997, Decision No. 176. The Zagreb headquarters is supported by co-ordination centres in Vukovar, Knin, Sisak and Daruvar and by field offices in 16 other locations.

Representative also concluded that the current electoral system should be improved as soon as possible and steps should be taken towards democratic reform.<sup>50</sup>

#### *Other OSCE Activities*

In 1997 OSCE activities also involved assistance in the implementation of Russian-Estonian and Russian-Latvian agreements on military pensioners and in promoting democratic institutions in Belarus. On 18 September 1997 the Permanent Council decided to establish an OSCE Advisory and Monitoring Group in Minsk.

As in previous years, activities developed by the OSCE High Commissioner on National Minorities (HCNM) in Croatia, Estonia, Georgia, Greece, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Macedonia, Romania, Slovakia and Ukraine were praised by the OSCE participating States.<sup>51</sup> The CiO Personal Representative for Kosovo (Federal Republic of Yugoslavia), former Netherlands Foreign Minister Max van der Stoep, was authorized to explore possibilities for reducing tensions in Kosovo; the Yugoslav government continued to link the renewal of the activities of the Missions to Kosovo, Sandjak and Vojvodina with Yugoslavia's participation in the OSCE.<sup>52</sup> It is noteworthy that the Kosovo case calls into question the conventional wisdom that early warning is of key importance in preventing conflicts. It is a necessary - but not sufficient - condition for actions aimed at preventing conflicts. However, the international community does not possess adequate instruments to prevent tensions from escalating to a conflict.

In 1997 the OSCE was engaged in significant activities in Central Asia. Most importantly, it was a signatory to the General Agreement on the Establishment of Peace and National Accord in Tajikistan on 27 June 1997.<sup>53</sup> The ODIHR increased its involvement in the promotion of democratic institutions and human rights in Central Asia. Although the ODIHR was active mainly in the field,<sup>54</sup> some activities were oriented towards integration of the new OSCE participating States.

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50 Cf. The Secretary General, Annual Report 1997, cited above (Note 43), pp. 482.

51 Cf. *ibid.*, pp. 483-491; see also: OSCE Implementation Meeting on Human Dimension Issues, Warsaw, 12-28 November 1997, Report of Max van der Stoep, OSCE High Commissioner on National Minorities.

52 Yugoslavia (Serbia and Montenegro) has been suspended from participation in the OSCE since 1992.

53 The OSCE Mission to Tajikistan was also a signatory to the Protocol on the Guarantees of Implementation of the General Agreement, signed in Tehran in May 1997. In addition, the Mission provided assistance to the Commission for National Reconciliation, established in September 1997.

54 Cf. The Secretary General, Annual Report 1997, cited above (Note 43), pp. 499-501. In 1997 election processes were monitored in Croatia (13 April), Bulgaria (19 April), Croatia (15 June), Albania (29 June - 6 July), Bosnia and Herzegovina (13-14 September), Serbia (21 September - 5 October), Montenegro (5-19 October), the Republika Srpska (22-23 November) and Serbia (7 December).

Co-operation between the OSCE, the UN and the Council of Europe improved qualitatively during the year.<sup>55</sup> The annual High-Level Tripartite Meeting in Geneva, in 1997 held on 24 January, was attended by the representatives of the International Organization for Migration and the International Committee of the Red Cross. Co-operation in the field between the UN and the OSCE was developed in Georgia, Moldova and Tajikistan.<sup>56</sup> The working meetings of the Chairmen and Secretaries General of the OSCE and the Council of Europe in Oslo on 4 February 1997 and of experts in Strasbourg on 10 March paved the way for the close collaboration of these organizations in Albania, Belarus, Bosnia and Herzegovina, Croatia and the Caucasus.

#### *A Charter on European Security*

The 1994 OSCE Budapest Summit Meeting took decisions on a Common and Comprehensive Security Model for Europe for the 21st Century which in 1997 led to the adoption of the OSCE Guidelines on a Charter on European Security, adopted on 19 December at the Copenhagen OSCE Ministerial Council meeting.<sup>57</sup> The Ministerial Council referred to two documents: the 1992 Helsinki Summit Declaration (paragraph 22), according to which "the OSCE is a forum (...) providing direction and giving impulse to the shaping of the new Europe";<sup>58</sup> and the 1994 Budapest Summit Declaration (paragraph 8), which states that primary new tasks of the OSCE are early warning, conflict prevention and crisis management.<sup>59</sup> In addition, the 1996 Lisbon Declaration on a Security Model<sup>60</sup> pledged a central role for the OSCE in ensuring security and stability.

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55 For a detailed review of all such forms of co-operation see: The OSCE in the web of interlocking institutions, PC/SM/7/97, Vienna, 19 September 1997; and Reports from the OSCE Seminar on Co-operation among International Organizations and Institutions: Experience in Bosnia and Herzegovina, Portoroz, Slovenia, 29-30 September 1997, Consolidated Summary, Vienna 1997.

56 The 52nd session of the UN General Assembly adopted Resolution A/RES/52/22 on co-operation between the United Nations and the OSCE, New York, 16 January 1998.

57 Organization for Security and Co-operation in Europe, Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, in the present volume, pp. 431-457, here: Decision No. 5, Guidelines on an OSCE Document-Charter on European Security, pp. 444-452.

58 CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 701-777, here: Helsinki Summit Declaration, pp. 701-710, p. 706.

59 Budapest Summit Declaration, cited above (Note 41), p. 146.

60 Cf. The Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century, in: Lisbon Document 1996, cited above (Note 13), pp. 426-430.

Reaffirming the significance of the basic documents of the process initiated in Helsinki (the 1975 Final Act and the 1990 Charter of Paris), the ministers decided to develop a Charter on European Security as "a comprehensive and substantive" new OSCE document. The charter is to "be politically binding and take a further step with regard to standards and practices of OSCE participating States".<sup>61</sup> By addressing the risks and challenges to European security in the next century, it is intended to contribute to "a common security space within the OSCE area". The OSCE should be able to achieve this aim through a strengthened organization, undertaking mutually supportive co-operation with other competent organizations on an equal basis. This should complement the processes of integration across the OSCE area and promote adherence to common values and implementation of commitments. The Charter on European Security should continue to uphold consensus as the basis for OSCE decision-making. Flexibility and the ability to respond quickly to a changing political environment are seen as the main quality and advantage of the OSCE in comparison with other European security institutions.

The Ministerial Council presented a catalogue of ten measures to turn this vision into reality. Unfortunately, like many previous OSCE documents, it contained a menu of wishful thinking rather than operational means to make the OSCE an effective European security organization. The paradox is that the element which determines the authority of the OSCE is at the same time, in the view of many analysts, its weakness - its decisions by consensus. While consensus decision-making is rooted in the democratic principles of respect for the equality of states, it fails or becomes hamstrung in crisis situations. The comprehensive nature of the Organization, embracing nearly all aspects of inter-state security - political, economic, legal, military, civilizational and human dimension - provides an opportunity to seek comprehensive solutions. This is important for conflict prevention, crisis management and post-conflict rehabilitation activities, but it is not helpful for concentrating limited resources on systematic activities in innovative approaches to problems. *Ad hoc* measures often facilitate flexibility, improvisation and novel solutions, but they also expose the organizational weaknesses of structures and the lack of resources.

In 1997 the OSCE demonstrated new approaches to fulfilling its tasks by: close interaction with other European security structures, including efforts towards institutionalized co-operation;<sup>62</sup> more efficient early-warning systems and conflict-prevention activities (involving all the OSCE bodies, e.g.,

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61 Guidelines on an OSCE Document-Charter on European Security, cited above (Note 57), paras. 3 and 4.

62 In this context, instead of separate Summit Meetings for each organization, biennial joint Summits of the OSCE and the Council of Europe might be considered, as this could inject more co-ordination and economy into their decision-making.



the Conflict Prevention Centre, the HCNM and the ODIHR); periodic evaluation and assessment of the implementation of decisions of the Permanent Council; and the direct involvement of high-ranking persons in operational activities in the field.<sup>63</sup>

### *The Agenda Ahead*

In considering what has to be done to improve OSCE effectiveness in responding to the risks and challenges of the next century, one has to ask: is the present mandate of the OSCE adequate and workable, and if so, to what extent? Any agenda is, as a rule, addressed to the questions *what, where, when, by whom and for whom* (in the Cold War period, the important question was *against whom*). Once successfully implemented, an agenda opens up new challenges: *what next and what for?* In the final stages of the Cold War, the main although not the sole tasks of the Helsinki process were:

- (a) promoting peaceful democratic domestic changes in Eastern Europe; and
- (b) shaping international instruments for tackling problems which used to be considered as those falling exclusively within the domestic competence of states (this concerned particularly human rights and the whole cluster of matters called the Helsinki human dimension).<sup>64</sup> At that time, the success of the CSCE promoted turning the Conference into an organization.

Paradoxically, the institutional and organizational weaknesses of the new organization determined its attractiveness in the early nineties. This was because, compared with other European multilateral structures, the OSCE distinguished itself in the following ways:

- a) It has the largest territorial scope, covering all European states, North America and Central Asia ("from Vancouver to Vladivostok").
- b) It has the broadest spectrum of tasks (the most comprehensive agenda), covering practically all dimensions of relations between states: political and economic life; the human dimension and military aspects of security; culture, information, education, legislation etc.

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63 See also the address by the 1998 OSCE Chairman-in-Office, Bronislaw Geremek, Minister for Foreign Affairs of Poland to the Permanent Council, Vienna, 15 January 1998, CIO.Gal/98.

64 See more on this in: Klaus Törnudd, The OSCE responses to post-cold war risks and challenges: Institutional and operational responses. Paper for the OSCE Cluster of Competence, Geneva, 23 March 1998.

- c) It is the most flexible institution and, thanks to its weakly shaped bureaucratic structures, showed that it was capable of quickly adapting to changing needs and operating *ad hoc*.
- d) It is the least costly multilateral body - its expenses are considerably less than those of other institutions.

These and other advantages of the OSCE have not influenced public opinion, which continues to perceive the OSCE as a relatively ineffective organization. Excessively high expectations and hopes pinned on the OSCE by the new states (for them, it is the only effective regional security structure, with the CIS being practically a dead body) increasingly result in frustration and disappointment. This situation calls for remedial action if the OSCE is to play "an essential role in securing peace, stability and security in Europe".<sup>65</sup> The new agenda for all European multilateral security structures, including the OSCE, should deal with three questions:

1. How can the institutional decision-making process be improved?
2. What should be done to make the existing OSCE tools and mechanism of co-operation with other European and universal organizations more efficient?
3. How may the implementation process be facilitated?

It is noteworthy that a pragmatic approach has prevailed in the OSCE practice. On the other hand, there is still no answer to the question why such ambitious solutions as e.g. the Convention on Conciliation and Arbitration (signed in Stockholm in December 1992), elaborated along the lines of classic peaceful settlement of disputes within the CSCE, do not play an appropriate role.

In analyzing these matters whose solution might enhance OSCE effectiveness in the context of the new European security environment, and the assumptions often made about the Organization, one needs to focus on the three questions of the OSCE agenda.

#### *A. Decision-making*

According to the common wisdom, the main weaknesses of the OSCE decision-making process lie in the fact that:

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<sup>65</sup> Ministerial Meeting of the North Atlantic Council, Final Communiqué, Luxembourg, 28 May 1998, in: NATO review 3/1998, Documentation, pp. D2-D3, here: p. D3..

- the basis of all decisions is consensus;
- it is necessary to reconcile the interests of too many participants because of the wide membership of the Organization;
- there is no efficient body for taking operational decisions.

In practice, the reality is quite different. Many OSCE bodies, including the Chairman-in-Office and his Personal Representatives, various missions, the High Commissioner on National Minorities, the ODIHR and some other institutions, enjoy a wide range of competencies. They are not limited by the consensus rule in their activities. It is true that consensus is necessary for agreeing on their mandates, but this is an advantage rather than a shortcoming of the decision-making process because specific actions are thus politically legitimized by all States participating in the Organization. In fact, the participating States use their right to veto decisions in a careful manner.<sup>66</sup> Besides, thanks to consensus, they feel bound to and accountable for decisions taken.<sup>67</sup> However, one cannot rule out obstruction on the part of participating States which are parties to a bilateral conflict (such as Armenia-Azerbaijan) or a bilateral dispute (Russia-Latvia). In particular cases, the "consensus-minus-one" procedure can be put into effect (as has been the case with regard to Yugoslavia). To enhance OSCE effectiveness the priority of a co-operative approach rather than a formalistic one should prevail. Politically significant OSCE decisions should be inspired by the philosophy of co-operation and *inclusiveness* rather than that of confrontation and *exclusiveness*. (Facing the dilemma of what to do with a state that blatantly and constantly violates OSCE norms and principles, steps such as the suspension of Yugoslavia should take place only in extreme cases.)<sup>68</sup> As a rule, politically binding decisions are and should be adopted by consensus at Summit Meetings and in the Ministerial Council and the Permanent Council. When it comes to operational decisions, these would be the responsibility of the Chairman-in-Office, who would take them in constant co-ordination with the participating States. He also might delegate some of his competence to his Personal Representatives. The roles of the Secretary General and heads of other OSCE institutions (the ODIHR, missions, etc.) are and should be of an executive character.

Of key importance, however, for any international, including regional, security structure is the existence of an organ like the UN Security Council. In the OSCE such a function might be fulfilled by the existing Contact Group after

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66 Piotr Switalski, *The OSCE in the European security system: chances and limits*, Warsaw, 1997, pp. 34-46.

67 Cases of the abuses of consensus, such as those by Malta in the 1970s and 1980s and by Liechtenstein in the early 1990s, are referred to as anecdotal examples of the past.

68 Another case is Belarus where the OSCE has decided not to have recourse to such a drastic step.

some modifications. Called into being for implementation of the Dayton Peace Agreement, it has become an important new institution with competencies which extend beyond its original mandate (e.g., covering the recent Kosovo conflict). In order to maintain its democratic character in decision-making, it is worth considering granting the Contact Group the status of a *sui generis* European Security Council (or Executive Council or Steering Committee). An important assumption here is that the OSCE Chairman-in-Office should be an integral part of it. In other words, representatives of the Troika would be on a rotation basis the members of this new executive organ. Their tasks would be to inform other OSCE participants of Security Council decisions. States-permanent members of such a Council would, as a rule, not apply for OSCE Chairmanship.

#### *B. The OSCE and Other European Security Structures*

Co-operation between the OSCE and the United Nations and the Council of Europe is institutionalized in different forms (High-Level Tripartite meetings, agreements, UN resolutions, etc.). Nevertheless, there are still many areas and possibilities which have not yet been explored and used. Of qualitative significance would be steps aimed in two directions:

- a) institutionalization of co-operation with NATO and the Euro-Atlantic Partnership Council (EAPC); and
- b) convening - in agreement with other European security structures - a "Common European Summit" which in a single document would set out specific tasks for different security structures functioning in Europe and lay down the scope and forms of co-operation among them.

*NATO and the EAPC.* At the Madrid Summit in July 1997, the NATO states reaffirmed their "commitment to further strengthening the OSCE as a regional organisation according to Chapter VIII of the Charter of the United Nations and as a primary instrument for preventing conflict, enhancing cooperative security and advancing democracy and human rights".<sup>69</sup>

In his letter to the Danish Chairman-in-Office, Ambassador Klaus-Peter Klaiber expressed NATO's willingness to "consider joint NATO-OSCE exploration" of different issues.<sup>70</sup> NATO's willingness to co-operate with the OSCE should not be underestimated. In practice, however, such co-operation

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<sup>69</sup> Madrid Declaration, cited above (Note 3), para. 21, p. 3.

<sup>70</sup> Letter of 8 October 1997 (Annex to Polads 97/160 Final). The Annex listed the following issues: crisis response planning, including peacekeeping activities under the responsibility of the OSCE; briefings on the progress of on-going conflict prevention missions; periodic working-level exchanges on institutional capabilities; possibilities for informal staff contacts; possible cross-representation at ministerial or sub-ministerial events.

sometimes boils down to entrusting to the OSCE tasks which it can hardly carry out because of the lack of appropriate resources, instruments and organizational capability. This is why, more than one year after the establishment of the EAPC and the decision to establish a Euro-Atlantic Disaster Response Co-ordination Centre in Brussels, as part of "enhanced practical co-operation in the field of international disaster relief",<sup>71</sup> the possibility should be considered of not only collaboration and division of labour between them but also, in the longer run, a possible fusion.

*The Council of Europe.* The mandates of the OSCE and the Council of Europe are quite similar. Further institutionalization of co-operation between them seems natural. One should not, however, ignore the fact that the Council of Europe, with its built-up specialized structures and a ten times larger staff, focuses exclusively on the problems of democracy and human rights. Issues of security are excluded from its competence. Institutionalization of Council of Europe-OSCE co-operation is encountering various obstacles and difficulties, not only political but also owing to the vested interests of the staffs employed by these organizations. Overcoming this type of resistance will be possible only after a political decision on the further strategy of co-operation between the two institutions has been taken. A practical expression of such a move could be the holding of joint Summits of the OSCE and the Council of Europe every other year instead of separate Summit Meetings. Such a decision would promote co-operation between not only the functionaries of both organizations but also Foreign Ministry officials who often see their activities in competitive terms rather than as mutual support and complementarity. Such a move would also raise the standing of the Summit Meetings, lower the costs and help co-ordinate the work of both institutions and contribute to closer rapprochement with regard to joint action on many issues (e.g., ODIHR, HCNM and some missions).

### *C. Implementation*

Important as they are in strengthening the significance of an organization, charters, declarations and resolutions do not guarantee that it will be effective in carrying out its tasks. In other words, the future of the OSCE will be determined not so much by the Charter on European Security, the text of which is now being negotiated, as by the capabilities, efficiency and effectiveness of the Organization on three planes:

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71 EAPC One-Year Anniversary. Press Statement by the Chairman, Luxembourg, 29 May 1998, in: NATO review 3/1998, Documentation, p. D8.

- a) as a primary instrument for preventing conflicts;
- b) as a forum for enhancement of co-operative security; and
- c) as a body for advancing democracy and promoting human rights.

Of key importance for conflict prevention and security enhancement functions is the adoption of an agreement proposed by the EU on Solidarity in Assistance.<sup>72</sup> The essence of the agreement consists not so much in opening up a "fast path" towards the urgent start of discussions and consultations as in promoting two other matters: *first*, setting in motion - in agreement with the UN Security Council - the procedure provided for in Chapter VII, and *second*, taking, if necessary, such a decision "in the absence of the consent of the States or State party to the dispute".<sup>73</sup> Adoption of this proposal would signify that the OSCE had become a regional security organization in the full sense, not solely on paper.

### *Conflict Prevention*

Activities under the auspices of the OSCE regarding what is called conflict prevention, crisis management and resolution are understood as applying diplomacy aimed at:

- preventing disputes from arising between parties;
- preventing disputes from developing into conflicts;
- eliminating conflicts when they occur; and
- containing and limiting the spread of those conflicts not amenable to swift elimination.<sup>74</sup>

All these activities, with no exceptions, were addressed to the states that emerged from the collapse of the totalitarian regimes in Central and Eastern and South-eastern Europe. Most of the conflicts erupted as a result of the disintegration of two multinational federations - the Soviet Union and Yugoslavia.<sup>75</sup> This determined the character of the effective solutions sought under conflict prevention schemes in the states which are going through

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72 In its intervention at the Security Model Committee (Vienna, 29 May 1998), the EU proposed to agree in a Document-Charter that "(t)he participating States undertake to act jointly and promptly if one participating State threatens to use or uses force against the territorial integrity or political independence of another participating State". Presented by the UK Presidency of the EU, PC.SMC/39/98.

73 Ibid.

74 Margaretha af Ugglas, Conditions for successful preventive diplomacy, in: Ministry of Foreign Affairs of Sweden (Ed.), *The Challenge of Preventive Diplomacy. The Experience of the CSCE*, Stockholm 1994, p. 12.

75 Cf. R. Lukic/A. Lynch, *Europe from the Balkans to the Urals. The Disintegration of Yugoslavia and the Soviet Union*, Oxford 1996.

political and legal transformation processes - from dictatorship to democracy, from centrally planned economies to market economies. It is a common belief that the OSCE, more than any other security structure, is predestined to act most effectively in these countries. This is connected with both its all-inclusive membership and its all-embracing security agenda (human rights, minorities and democratic governance, on the one hand, and military aspects of security, including CSBMs, on the other). Most important seems to be the fact that there is no other organization in Europe with a mandate so clearly referring to domestic affairs. Taking these as a starting-point, the following practical priorities can be set:

- *Preparation of a professional staff* which could accountably carry out tasks entrusted to them in the spheres of conflict prevention, crisis management and resolution. The selection of heads of permanent missions and particularly personnel has so far been haphazard. The CiO and the Secretary General do not, practically, have a choice; there are many positive examples of competence, experience and effectiveness which should be taken advantage of in preparing the new staff. On the other hand, the CiO and the Secretary General accept candidates proposed by states who frequently are neither professionally prepared nor experienced for the tasks they are mandated with (they are not familiar with the specificity of the organization they represent or with the problems they are to solve). This implies the need to work out a long-term programme of training of diplomatic and military personnel for field operations. The existing forms of training organized by the ODIHR and some national centres, such as the Geneva Center for Security Policy, the George C. Marshall European Center for Security Studies, Garmisch-Partenkirchen, etc., have turned out to be workable. It is worth going further and considering the possibility of creating under OSCE auspices - in conjunction with the EAPC and the Council of Europe - an international centre where training courses could be organized on a continuous basis for diplomats and military officers as well as for national administration civil servants and some NGO representatives participating in the implementation of OSCE tasks. In the preparation of a programme for such a centre in one of the Central European states the experience of existing national institutions of this type and that of the ODIHR could be used. A project on this could be elaborated by a group of independent international experts and submitted for consideration of the interested governments. Establishment of a Euro-Atlantic Security Centre of this type would perform, apart from its training function, two other tasks: it would be an instrument for building an informal network of contacts among diplomats, officials and the military using similar concepts and terms, which facilitates contacts and rapprochement;

regular workshops would be held in the centre with the participation of politicians and experts on the issues which, for different reasons, call for informal political consultations.

- *Improvement of organizational and logistical support for a mission:* the role of the action-oriented Conflict Prevention Centre within the OSCE Secretariat should be reconsidered. The discrepancy between the very limited number of CPC staff, on the one hand, and its broad mandate and the very high expectations pinned on it, on the other, led in effect to some degree of disappointment and the erosion of the high reputation of the OSCE as one of the most efficient instruments of conflict prevention and crisis management. The national logistic units (Swiss in Bosnia, Italian in Albania, etc.) might be institutionalized as a new form of strengthening the OSCE on a voluntary basis by individual states. In this context, it is worth considering the collaboration with the EAPC, PfP and NATO in crisis situations not only on an *ad hoc* basis but also on a regular basis.

#### *Co-operative Security*

The OSCE has a better record in this sphere than other organizations. It is enough to mention the implementation of the CFE Treaty, the successive CSBM Vienna Documents, the Code of Conduct and the work of the Forum on Security Co-operation. Some matters concerning the foreseeable future are obvious: the adaptation of the CFE Treaty, the modernization of the CSBM Document etc. The recently adopted EU Code of Conduct on Arms Exports should be subject to negotiation among the OSCE participating States in the near future. However, while thinking about the long-term perspective going beyond the year 2000, two matters should kept be in focus:

- *harmonization of the military-related commitments* adopted within the OSCE on the whole territory from Vancouver to Vladivostok; this means that states which have not yet entered into the agreed treaties and arrangements must do so;
- *a new philosophy of confidence- and security-building measures:* in the past, they were intended to stave off armed conflicts between states; today, when all conflicts in Europe are of an internal character, a new set of measures is needed, which would: (a) foster the solution of and lower domestic tensions before they turn into an open conflict with the use of force; (b) be oriented not exclusively towards the military sphere but towards the broader infrastructure of confidence between potential parties to conflicts inside states and between states. In other words, a broader concept of CSBMs is called for: they should not be confined solely to technical-military parameters, as is the case at present, but should com-



- bine military networking with the establishment of informal contacts and building of democratic institutions, thus creating a comprehensive, transparent security framework. Such tasks should be carried out on the regional (the whole of Europe) and subregional levels (different measures are required in the volatile Balkans and different ones in the stable context of the Baltic Sea region).

The subsidiarity rule should be applied in this field: each state must be responsible for its own security, even if it belongs to one of the existing security structures; security problems should be dealt with, where feasible, on the subregional and regional levels; and there must be solidarity between states with regard to security issues. New OSCE solutions should encourage more domestic support for extending and deepening the existing multilateral international institutions. New arrangements should facilitate profound internal transformation of the existing structures, co-operation with other institutions and, where feasible, a merger or, if desirable, the replacement of some structures by other ones (as it was the case when the NACC was substituted by the EAPC). All this should be carried out according to the rule that institutions should follow the problems.

### *Advancing Democracy and Human Rights*

One of the most significant achievements of the process initiated in Helsinki is that in Europe no one any longer calls into question the principle that human rights and democracy do not belong exclusively to the competence of the state. Respect for and observance of the rights of individuals and the minorities as well as pluralist democracy are legitimate matters of concern of the main multilateral European security organizations: the OSCE, the Council of Europe,<sup>76</sup> the European Union and NATO. More important than new documents, in this connection, are new forms and ways of fulfilling the commitments adopted by the states. In this context, the importance of two institutions working within the OSCE - the ODIHR and the High Commissioner on National Minorities - cannot be overestimated. With limited resources and a very small staff at their disposal, both institutions have managed to build up great authority. These two bodies illustrate what potential the OSCE can reach when managed by competent persons who are creative in seeking new solutions and capable of making use of NGOs.

In building civil societies an important role could be played by the OSCE Parliamentary Assembly. It seems that the time is ripe for the Assembly and the ODIHR not only to work together but to collaborate closely. In advancing democracy in the new independent states (e.g., ensuring civil control over the military) Western parliamentary experience could be

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76 The concept of democratic security was forged at the Summit Meeting of the Council of Europe in Vienna, 9 October 1993.

effectively shared with them via the above-mentioned Euro-Atlantic Security Centre.

Noteworthy among numerous new concrete proposals is the idea of establishing a modern "democratic" police service that is accountable solely to the law, serving the public without discrimination and enjoying its confidence. "International monitoring of local police behaviour could be an equally crucial element in crisis management."<sup>77</sup> An equally if not more important matter is the question of how to promote the fundamental reform of the judiciary and support democratic governance in parallel with the shaping of a democratic civil society. What has been achieved in recent years with regard to the monitoring of democratic elections can provide guidance and encouragement for expanding OSCE activity in supervising the shaping of and respect for the rule of law. In his speech delivered in Berlin on 13 May 1998, President Bill Clinton envisaged that at the next OSCE Summit Meeting in 1999, the United States "should encourage even greater engagement in the areas where democracy's roots are still fragile - in the Balkans, in Central Asia, and the Caucasus - and (the development of) practical new tools for the OSCE, such as training police to support peacekeeping missions and dispatching democracy teams to build more open societies".<sup>78</sup>

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The intention of this article is to suggest some directions in which multilateral efforts undertaken under OSCE auspices might move. To respond effectively to the risks and challenges of the next century, innovation, creativity and boldness in moving beyond the existing frameworks are required. This means, *inter alia*, that it is necessary to take more advantage of the expertise of NGOs, including international research communities which are helpful in fulfilling OSCE tasks. They could, on the basis of the CPC documentation concerning various aspects of military activities or the human dimension of the OSCE (ODIHR), provide periodical analyses supplemented with tables (e.g., a European Conventional Arms Register) to be used by interested states.

The future functioning of the OSCE Economic Forum should be thought through. It is an open question whether, with its finite resources, the OSCE should continue to be a forum of dialogue in this respect. Other organizations, such as the EU, the EBRD, the ECE, the OECD, and even NATO (the EAPC) are much better equipped for taking up the issues discussed at the Economic Forum. If, for political reasons, it were decided to give economic

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77 Norwegian paper on: OSCE and police operations, PC/SME/36/98, Vienna, 28 May 1998.

78 Remarks by President Bill Clinton to the people of Germany, 13 May 1998.

issues a higher status within the OSCE, then a narrower, more specific mandate should be formulated and additional resources earmarked for its realization.

However, neither internal transformation nor the best document will work unless all the states, European powers, and the United States in particular, move beyond verbal declarations and adopt strategic decisions committing them firmly to the OSCE.



## Be Realistic: The OSCE Will Keep Confronting New Problems

Since 1989, the so-called *annus mirabilis*, and even more since 1991, Europe has ceased to be the centre of global confrontation. First of all, because there is no global confrontation any longer and secondly, because security problems in the traditional sense of the word have ceased to dominate the European agenda. As a consequence of the end of the bipolar system of international relations the doubling of international institutions also came to an end. The Warsaw Treaty and the COMECON were terminated formally in 1991 having ceased to function a few years earlier. It was good news for many, if not all, that bipolarity based on confrontation had gone, but it was worrying that stability based on mutual deterrence and clearly defined spheres of influence had also gone. The bipolar system was based on a *high risk/high stability* situation and has been replaced by a *low risk/low stability* situation. It should be mentioned, however, that the high stability of the bipolar era was very costly. The populations of several countries were deprived of their right to self-determination and forced to live under non-elected governments. Furthermore, the concentration of weapons reached its peak in the peacetime history of humankind, which represented a very high direct cost. Consequently, high risk and high stability characterized the era of bipolarity - at high direct and indirect costs.

### *Outline of the Evolution of the Role of the CSCE/OSCE in the post-East West Conflict Era*

Under those conditions it was necessary to consider the role certain international institutions can play in Europe. It was not surprising that the change of structure of international relations was followed by a lack of clear orientation. The first years were marked by enthusiasm over the end of the East-West conflict. The most important misunderstanding of the OSCE participating States arose from the assumption that with the end of the East-West conflict, the undoubtedly decisive conflict of the previous decades, the conflict proper had come to an end. Any thorough analysis could easily demonstrate that the conflict and its dominant form are not identical.<sup>1</sup> But due to the

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<sup>1</sup> During the era of the East-West conflict this was clearly presented. See Dieter Senghaas, *Konfliktformationen im internationalen System* [Forms of Conflict in the International System], Frankfurt am Main, 1988.

euphoria felt when the East-West conflict came to an end, that point was entirely overlooked.<sup>2</sup> Somewhat later the way of thinking changed in light of the appearance of new conflicts in Europe. This was reflected in Samuel Huntington's article and, later, his book, focusing on the conflict between civilizations.<sup>3</sup> In this case the focus was on one type of conflict. One may say that it was a step forward compared to the conflict-free scenario. It recognized that conflicts will continue to be among the driving factors of international affairs beyond the end of the East-West conflict. Its major shortcoming was that practically no attention was devoted to the diversity of conflict sources. Such conflicts of civilizational, ethnic or religious character could have a certain bearing upon every actor in international affairs. Thus the existence of the problem was common to all, even though the actors were affected with different levels of intensity.

The change in political thinking ran parallel to the evolution of academic thinking. The function of the CSCE during the East-West conflict was clear: to provide a framework based on some fundamental principles where participating States could co-operate irrespective of their socio-political systems. The CSCE had no operational role whatsoever. It is only in retrospect that this conclusion could be drawn, based on the experience of the last follow-up meeting held before the end of the East-West conflict. The following assessment could be regarded as having general relevance for the entire first fifteen years of the CSCE: it "has shaken up the Iron Curtain, weakened its rusty supports, made new breaches in it, and sped its corrosion".<sup>4</sup> No doubt, the CSCE did not terminate the East-West conflict, it made its contribution by broadening the scope of common values formally accepted (or at least not denied publicly) by each participating State and significantly increasing transparency between the two blocs.

The first major post-East West conflict document of the CSCE, the Charter of Paris, was a reflection of the breakthrough as the participating States adhered to "democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all our countries".<sup>5</sup> Values have been shared that could not have found acceptance a short while earlier. The illusion based on the naïve identification of the East-West conflict as *the* quintessential conflict also

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2 The best, and at the same time most simplistic and superficial, reflection of this was Francis Fukuyama's end of history vision. Cf. Francis Fukuyama, *The End of History and the Last Man*, New York 1992.

3 See Samuel Huntington, *The Clash of Civilizations?*, in: *Foreign Affairs* 3/1993, pp. 22-49.

4 Eduard Shevardnadze, as quoted in William Friis-Møller, *Reducing the Impact of Europe's Borders: The CSCE Follow-up Meeting*, in: *NATO Review* 2/1989, p. 36.

5 Charter of Paris for a New Europe, Paris, 21 November 1990, *A New Era of Democracy, Peace and Unity*, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 537-566, p. 537.

appeared in the document. It stemmed from the fact that no violent conflict had broken out before the adoption of the Paris Charter or that the one that has already persisted since 1988 remained confined to the periphery of Europe in the Caucasus. It was interesting to see that on the margin there was ambiguity over the source of future conflicts. The Document of the Copenhagen Meeting of the Conference on the Human Dimension of 1990 assumed that minority problems can be addressed if the collective rights of minorities are recognized and respected. The Vienna Document of November 1990 on Confidence- and Security-Building Measures (CSBMs) contained one major novelty: the introduction of a mechanism for consultation and co-operation as regards unusual military activities. According to it, participating States will "consult and co-operate with each other about any unusual and unscheduled military activities of their military forces outside their normal peacetime locations which are militarily significant, within the zone of application for CSBMs and about which a participating State expresses its security concern".<sup>6</sup> The flexible description of the "unusual activity" reflected the fact that it had become far more difficult to define the source of threat and that a mechanism was needed that would be applicable in a variety of situations. It was also remarkable that the security concern did not necessarily have to be of interstate character. For instance, if a country regrouped its forces or concentrated them in the vicinity of another country without any immediate international repercussions, that could also provide grounds for concern.

The picture started to change just a little later. The illusion of a conflict-free, peaceful world disappeared with the outbreak of hostilities in Yugoslavia. The institutional response came with the Helsinki Document of 1992. It had to concede that conflicts will continue to exist in Europe and some of them will turn violent. According to the prevailing assumption they will be the common concern of the participating States. The most severe and frequent source of conflict will be the oppression of ethnic groups, the violation of minority rights. The establishment of the function of the CSCE High Commissioner on National Minorities has been the response "to prevent the spread of the disease" and to mitigate conflicts which have evolved though without yet erupting in violence. For violent conflicts a combination of prevention, crisis management and peacekeeping should offer a panacea. Except for the underlying rationale, peacekeeping missions, were interpreted very much along the traditional lines: they must not entail enforcement action and were to be based on the consent of the parties (i.e. *all* parties) directly con-

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6 CSCE, Vienna Document 1990 of the Negotiations on Confidence- and Security-Building Measures Convened in Accordance with the Relevant Provisions of the Concluding Document of the Conference on Security and Co-operation in Europe, Vienna 1990, para. 17.

cerned.<sup>7</sup> It was interesting to see that many of the underlying assumptions proved not to have a solid ground. First and foremost, the assumption that the conflicts are sources of common concern was not founded. The war in the former Yugoslavia, and even more so the bloodshed in the former Soviet area, demonstrated that, despite the lip-service paid to the idea of the indivisibility of European security, smaller participating States not located in the vicinity of the conflict are not particularly eager to get directly involved in its management or resolution. The ideological notion that there is a source of common concern has vanished. At a later stage assumptions about the "unidimensional" character of conflicts in Europe also became questionable.

The CSCE arrived at a stalemate not much later. The first major violent conflict outside the former Soviet area continued unrestrained and the efforts of international institutions, including the CSCE, remained largely unsuccessful. The failure on the operational side of the activity was complemented by a partial success, or a partial failure, in the drafting of further documents. The Budapest Summit Meeting of December 1994 agreed upon cosmetic changes, like the new name of the institution, the OSCE, and was dominated by debates that had much to do with the future security arrangements of Europe but fairly little with the future role of the OSCE proper. Those who are too closely associated with the OSCE in one capacity or the other, and thus are too uncritical about its role, praise the only document of some importance adopted at the Summit: the Code of Conduct on Politico-Military Aspects of Security. That document which has broken away with the comprehensive concept of security has remained little known ever since its adoption, though often violated by parties to conflicts, both national and international.<sup>8</sup> The participating States were not in a position to agree upon a comprehensive code, primarily due to the debates surrounding the treatment of minorities, their status and rights.

The Lisbon Summit of 1996 achieved even less, if one may say so. This was the first occasion when "summitry fatigue" was highly noticeable. Some Heads of State were, for one reason or another, not present and the document adopted remained non-substantive or did not find the necessary consensus, like the statement on the Nagorno-Karabakh conflict. The participating States could not even agree upon the venue of the next Summit Meeting. The new framework for arms control, the most concrete achievement, though ambi-

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7 Cf. CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in *Blood* (Ed.), cited above (Note 5), pp. 701-777, here: Helsinki Decisions, III. Early Warning, Conflict Prevention and Crisis Management (including Fact-Finding and Rapporter Missions and CSCE Peacekeeping), Peaceful Settlement of Disputes, paras 18, 22 and 23, p. 725.

8 As the best illustration of this suffice it to mention the Chechnya operation of the Russian armed forces. For details of persistent violation of the Code see Stephen Blank, *The Code and Civil-Military Relations: The Russian Case*, in: Gert de Nooy (Ed.), *Cooperative Security, the OSCE, and its Code of Conduct*, The Hague 1996, pp. 93-112.



tious, has apparently not lived up to expectations. The CFE regime, subject to adaptation, has been retained as its central feature but the adaptation effort has so far produced a stalemate. At best it will be a limited adaptation that fails to satisfy the concerns of several parties.

#### *Prescriptions for the Future "Norm"-Creation of the OSCE*

It was interesting to see that the participating States, following the apparent failure to draft further major documents of comprehensive character did not give up on making an attempt to adopt another one: the Security Model for the Twenty-first Century. There are undeniably some common interests of the participating States, namely to maintain a certain level of stability founded on some basic values. It is doubtful, however, whether the participating States can arrive at any substantial common conclusion beyond that. If one wanted to explore the possibility of finalizing the document, among other things in order to achieve a face-saving compromise, the following factors should be considered: 1. Could the content of the Helsinki decalogue be enriched and, if so, in what way? 2. Could the participating States add to the current content of the three Helsinki "baskets"? 3. Are there major areas of European security which have not been adequately addressed by OSCE documents?

*Ad 1)* The idea of going beyond the Helsinki decalogue has been floating around for several years.<sup>9</sup> If one assumes that the new security framework of Europe is fundamentally different from that of the Cold War era and if, furthermore, one starts out from the assumption that the current security situation permits more than just a redrafting of the basic and universal principles of international law, there is some ground for it. What one could consider is a more pro-self-determination of peoples attitude, shifting the balance slightly away from traditional, and legally absolute, state sovereignty. Even so, I am somewhat doubtful about the chance of success of such an exercise, bearing in mind the position of those states (e.g. many successor states of the Soviet Union) which intend to enjoy unrestrained sovereignty before relinquishing it. Some states might have more acute reasons for not extending self-determination, which can eventually end up with the secession of some population groups, as in Turkey. It is also possible to add some new principles, like that of solidarity, advocating legitimate and co-operative international interven-

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9 It is Adam Daniel Rotfeld, the Director of SIPRI, who has several times been the most vocal on that matter, both at international conferences and in his writings. Most recently see his paper: *Prescriptions for Improving OSCE Effectiveness in Responding to the Risks and Challenges of the 21st Century*, in: Victor-Yves Ghebali/Daniel Warner (Eds.), *The OSCE and Preventive Diplomacy*, Geneva 1999, pp. 51-70, here: pp. 57-58.

tionism.<sup>10</sup> The likelihood of adopting the latter is slim, whereas that of the former does not seem to add too much to the content of the decalogue, although it would undeniably reflect the change of the political atmosphere in Europe. Hence, according to my understanding, it would be better to regard some documents adopted in the CSCE/OSCE framework as supplements to the decalogue than to open Pandora's box by spending time and energy on a minor reformulation of the principles.

*Ad 2)* The debates since 1995 on the Security Model have shown that there is not much to add, except for some shallow declarations. However, this does not rule out adopting a text for some mysterious diplomatic reasons, such as to make Russia satisfied and engaged. Bearing in mind the importance currently attributed to the OSCE in Moscow, such a document might only be a drop in the ocean of appeasement.<sup>11</sup> Furthermore, there is a growing body of rules, regulations and guidelines elaborated by other international bodies which affect the majority of the OSCE participating States. Most importantly, the Council of Europe and the Euro-Atlantic Partnership Council (EAPC) pursue their activities in areas that overlap with that of the OSCE. The OSCE has one major advantage, however: it is the only organization that has every European state among its participants.<sup>12</sup>

*Ad 3)* There are two directions that, according to my judgement, it would be worthwhile to explore further in the area of the regulative function of the OSCE, if there is sufficient interest among the parties: 1. Conflict prevention, management and eventually resolution in light of the OSCE's comprehensive concept of security. By the second half of the 1990s one had to realize that conflicts are multi-dimensional and in most cases have more than one source.<sup>13</sup> One can no longer assume that it is ethnic rivalry and strife that result in violent conflict. On that basis it would be impossible to answer the question why certain conflicts can be kept under control and why others can not. One can preliminarily conclude that a breach of minority rights is not sufficient *per se* to launch a conflict. The inadequate functioning of (democratic) institutions in most cases contributes to the fragility of security. Economic decline has been present either as a precondition or as a consequence in most conflicts. One should thus consider what the composite sources of

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10 Cf. *ibid.*

11 For the current state of the negotiations on the Charter see Victor-Yves Ghebali, *L'OSCE et la négociation d'un document-charte sur la sécurité européenne*, in: *Défense Nationale*, juillet 1998, pp. 106-119.

12 Let's not discuss here whether the suspended participation of Yugoslavia is to the benefit of the Organization or, rather, a factor that hinders some activity of vital importance, like the functioning of the Missions of Long Duration in Kosovo, Sandjak and Vojvodina. See OSCE Conflict Prevention Centre, *Survey of CSCE Long-Term Missions and Sanctions Assistance Missions*, Vienna 1994, pp. 1-2.

13 This view is not identical with the traditional scenario analysis so popular in the early nineties that served primarily to mask unpredictability and avoid identifying the decisive source of conflicts.

conflict in the OSCE area are and which normative prescriptions could help keep conflicts under control. 2. Regulations adopted among the participating States with some direct bearing upon sub-state actors. The harmonization of activities to suppress the illicit arms trade in Europe and to fight against trans-national organized crime are certainly among them. It is essential in both cases that no safe havens remain in the OSCE area and that is why the OSCE, with its soft regulation and comprehensive circle of participants, could contribute substantially to processes under way in other forums.

Still, one has reason to conclude that the drafting of further documents has lately become a weak side of the OSCE's activity. One can attribute that to different factors. On the surface one might be tempted to conclude that there is not enough substance to be added to the existing body of instruments developed by the Organization. In my view it is more important to start out from the underlying security situation in Europe. There are a number of conflicts in the region and developments which adversely affect the security of one country or another. The nearly one decade that has passed since the end of the East-West conflict has shown that most security problems affect the participating States to one degree or another. For some they are of vital importance, for others they are marginal. If security, beyond certain common values, is fragmented, if there is no common existential threat, and if the participating States can more freely represent their special national security interests, then the chances of adopting further rules common to the whole OSCE area are slim or they remain non-substantive. One has reason to raise doubts about the necessity, except for some well-defined inadequately explored areas, of spending time, energy and resources on elaborating common OSCE rules. The future of norm-creation should focus on guidelines for regional interaction and conflict management.

#### *The Future of OSCE Field Activities*

The post-East West conflict international system has not been free of violence either internationally or in intra-state affairs. The expectation that the new international relations will be highly democratic and that institutions will play a major role in them has only partly come true. The structure of international relations is undeniably more democratic than the one which was based on bipolarity. There has been, however, no remedy for the material inequality of states. Great powers, individually or in concert, have been dominating international relations. States have remained the decisive players and institutions, although they have gained more influence than they used to have, remain secondary to them. After a short and unhealthy discussion on the *de*

*facto* hierarchy among them, the institutions have increasingly found their prime area of activity.

The norm-creating activity of the CSCE had roots in the era of East-West conflict. The institution had no operational role, except maybe for carrying out some on-site inspections under the Stockholm CSBM document in the late eighties. Consequently, the single most important innovation of the CSCE is the operational role it has acquired. It has to be borne in mind, however, that the role of the CSCE has changed and grown without a major change in its resources. Neither military means, nor economic power has been concentrated in the hand of the Organization. The fact that the very same states which have concentrated these means in some other organizations, primarily NATO and the EU, had no intention to share them with the OSCE, has shaped the potential role of the Organization. The parallels between the activity of the OSCE and the Council of Europe, and the potential for the same development between the OSCE and the EAPC, have been mentioned quite often lately. It is interesting to see that somewhat less attention has been devoted to another process that may pose a challenge to the OSCE, namely, the concert of great powers which has got a large say in shaping the future of Europe. Their role has already been formalized in the Contact Group dealing both with intra- and extra-European affairs. A further emphasis on the role of those six states, though it would be an adequate reflection of the realities of end-of-the-twentieth-century Europe, would further constrain international democracy in Europe and the credit given to the OSCE. The above factors have limited the activity of the OSCE and have made it unavoidably one of the "soft institutions" of Europe. Thus the most important contributions of the Organization will remain conflict prevention and post-conflict rehabilitation as well as building democratic institutions and civil societies. Both of these are long-term and largely invisible processes.

The OSCE will continue to play an eminent role in European security in the twenty-first century. It cannot and will not become the "only", or the "most important" European security organization nor will it become an "umbrella organization" for the others. This might be disappointing for some who believe that there must be *one* organization responsible for the management or solution of all problems. Under the present circumstances *no organization is capable of handling all problems, risks and conflicts* which exist in Europe today. The most important question for the future of the OSCE is whether it occupies a niche that in fact exists in Europe.

The OSCE has addressed emerging problems in a carefully considered way and flexibly complemented the efforts of other organizations. The function of the High Commissioner on National Minorities has established itself as a success story of the OSCE. It would be premature to conclude the same about the OSCE Representative on Freedom of the Media. It is clear,

however, that the benign neglect of the economic aspects of conflicts and the readiness to leave this to institutions which either do not approach the problem of economic decline as a conflict source (like the EU) or offer the same sort of panacea (like the IMF) to every economic crisis, is a major shortcoming that dates back to the traditional weakness of basket 2 of the CSCE. The activity of the EBRD provides a certain remedy to stabilize the economies east of the river Elbe. The recent establishment of the function of a Co-ordinator of OSCE Economic and Environmental Activities may be a first step towards paying adequate attention to that aspect of conflict.<sup>14</sup>

In a world which is heavily affected by political decision-makers who rely on the media, the public appearance of an institution is of vital importance. This results in a certain contradiction: for professional reasons low visibility is needed but for generating public and political support somewhat higher visibility would be desirable. Conflict prevention does not make headlines in the papers and in the electronic media. The fact that the OSCE prevented the outbreak of violence in a region of Europe and contributed to political consolidation is no news. On the contrary, public attention could put success at risk and eventually would undermine it.<sup>15</sup> Consequently, the solution is not to broaden media coverage of the specific efforts made in relation to certain conflicts. It is a somewhat higher visibility for the efforts of the Organization generally - through a sort of propaganda activity.

The problem of visibility, and thus the badly needed political support for the OSCE, leads to another problem. Henry Kissinger, Secretary of State at the time, once asked who he should call if he wants to talk to "Europe". The OSCE has been facing a somewhat similar problem. Since the dawn of the post-East West conflict era the Chairman-in-Office, the foreign minister of the country presiding over the OSCE in a calendar year, has had the telephone number to call in order to talk to the OSCE. The Secretary General has remained the chief clerk of the Organization and the most recent experience of its activity does not make a revision of this arrangement necessary.

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14 The mandate of the Co-ordinator was approved on 5 November 1997 by the Permanent Council of the OSCE. For the decision see Helsinki Monitor 1/1998, pp. 85-86.

15 As István Gyarmati put it a few years ago: "(...) an instrument of preventive diplomacy very rarely hits the headlines. It does not in itself make headlines. Can you imagine a headline in the *New York Times* such as 'Due to CSCE Efforts there was No Conflict in Estonia'? That is not a usual headline for a newspaper. But 'Despite CSCE Efforts a Conflict is Emerging Somewhere', that would be a good headline." István Gyarmati, *On Current Issues of the OSCE*, in: Péter Tálas/Sebestyén Gorka (Eds.), *After the Budapest OSCE Summit*, Budapest 1995, p. 42.

### *Any Conclusion?*

Post-East West conflict history, like any other history, does not evolve along scenarios drafted by political analysts. The OSCE has gone a long way towards adapting itself to the fast changing political realities of Europe. Its adaptation has been largely successful as one ingredient of end-of-century Europe. Its institutional ramifications, the flexibility of its arrangements and working methods make it a contributing factor to the security of the continent.

Even if the current distribution of power in the international system does not offer a premium to an organization with unrestrained membership and largely based on consensus, the OSCE has done its fair share to shape European security. Its future contribution is dependent upon a number of factors. Some of them evolve outside the Organization, like e.g. the structure of international affairs proper, some are dependent upon the Organization. The OSCE's current and continuing emphasis on norm-creation detracts attention from its primary objective and its responsibility as a co-ordinating and monitoring body for conflict prevention, management and post-conflict rehabilitation. It has been highly successful in many areas and regions. In the future its success will depend on its readiness to cope with the immanent complexity of domestic and international conflicts. Bearing in mind the comprehensive concept of security since the inception of the CSCE, the Organization is well-positioned to live up to the demands of the future if the participating States foster its adaptation.

The Interests and the Commitment  
of the OSCE States





## The OSCE's Role in European Security - A Norwegian View

The role of the OSCE in European security is well worth examining. This is, firstly, because the OSCE right now is proving its worth as a security organization throughout its region, from Vancouver to Vladivostok and from Murmansk to Marseilles, but also because the OSCE is a unique security organization working with soft means. Most people think of military alliances, and not of the OSCE, when they think of a security organization.

The effort to contain the Kosovo crisis is a prime example of the challenges the OSCE is facing. The Kosovo crisis, unfortunately, is also an example of how difficult it can be to resolve conflicts based on ethnic hatred and historical animosity in an environment with limited democratic traditions. Secondly, the OSCE has decided at its next Summit to adopt a charter, or document, that will define its role in European security. What we want is a more operative and effective OSCE, with a major role to play in European security.

Thirdly, Norway has been chosen to lead the Organization in 1999. This is an important task, and I will subsequently return to this, and to some of our priorities for the chairmanship.

Let me start, however, with a brief review of recent events. Since the fall of the Berlin Wall, the bipolar confrontation of the Cold War has given way to democracy and a market economy almost throughout the OSCE area. This is perhaps the most important, and most sweeping, political event in our generation. However, the numerous regional conflicts in Eastern Europe, which were previously held in check by the Cold War, have made parts of the OSCE area more unstable, and this is the field where the OSCE is operative. I firmly believe that non-compliance with the OSCE commitments on the human dimension, laid down in the Helsinki Final Act and later OSCE documents, is one of the main reasons for the political crises in Europe today. Increased compliance with the OSCE commitments, on the other hand, means increased stability and increased security for all.

Europe is changing rapidly, and the extent and depth of these changes pose a number of challenges that have an impact on the entire range of political, economic, social and environmental issues. Old conflicts have been replaced by enhanced security and co-operation, and a new partnership is being established between NATO and Russia. The Cold War and the balance of terror are history. The EU and NATO are inviting new member states to join, and regional patterns of co-operation are being expanded and strengthened. The question is, what is the role of the OSCE in the new Europe?

The OSCE has two features that distinguish it from other European and transatlantic security organizations: it has universal membership within its region, and it has unquestioned moral authority. Its predecessor, the CSCE, played a historic role in pulling down the Iron Curtain and paving the way for freedom and democracy in Central and Eastern Europe. One of the most important political events since the Second World War was the signing of the Helsinki Final Act in 1975. It laid down respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion and belief, as a basic value to which participating States are committed.

Thus the Final Act was a primary tool in the efforts to bring down the communist tyrannies. Helsinki committees were founded in most countries. Dissidents could demand that their governments stand by their commitments. We all remember how the oppressive regimes crumbled, one by one. But the end of the Cold War did not mean that we no longer needed the OSCE principles. On the contrary, it meant that we could go one step further. In 1990 and 1991, the Charter of Paris, the Copenhagen Document and the Moscow Document all refined the OSCE commitments on the human dimension. With these documents the term "internal affairs" ceased to be part of the vocabulary of legitimate policy in the OSCE area, and respect for OSCE commitments became the concern of all.

The answer to my question is that the OSCE is a security organization with an important role to play, as long as we maintain its unique character. I think we must be vigilant and prevent the OSCE from becoming just another international organization. It is perceived as a moral force by the nationals of our countries, and if this perception should fade it may be rendered ineffective. The OSCE is also the only European and trans-Atlantic security organization providing for full participation not only of Russia and the United States, but also of all the countries in the regions suffering from lack of stability and representing threats to security. These are primarily the countries of the Western Balkans and the former Soviet republics.

How, then, does the OSCE contribute to security? When we think of security, we tend to think of armed forces and hardware; of doctrines and military strategy, rather than moral authority. The OSCE has, of course, a military dimension. The Stockholm Conference in 1986 was a breakthrough in establishing military confidence- and security-building measures, and these arms control measures have since been refined. They now constitute a web of commitments that regulates military behaviour on our continent, and are thus an important stabilizing factor. The Vienna Document has been supplemented by the CFE Treaty, under which the most comprehensive disarmament in modern European history has taken place, and the Open Skies Treaty, which will give us free access to each other's airspace for aeroplanes carrying cameras.

NATO and the UN are security organizations that for historical reasons are better known and better understood than the OSCE, but the latter has had untold successes. The subtle and effective role it has played in conflict prevention and crisis management has, paradoxically, contributed to its relative anonymity. It is when diplomacy fails, and serious conflict breaks out, that media attention reaches its peak, and unfortunately not when serious situations with possibly grave repercussions are effectively avoided. It is the failures of diplomacy, not the victories, that make headlines. The successes enjoyed by the OSCE in Estonia and Latvia are good examples. The low-key, long-term work of the OSCE has in my view contributed significantly to keeping tension in the Baltic countries at a low level.

This leaves us with an information gap. The diplomats are comfortable with silent efforts and quiet successes, but the OSCE deserves the credit it has earned. The media and the public should be made more aware of what the OSCE actually does, and the participating States also have a responsibility to provide relevant information about what we do. The OSCE has proved to be an effective security organization by preventing and managing tension and crises while they were at a low level of intensity. It also has special competence in post-conflict democracy-building, one of the many remedies for conflict prevention. The main instruments are diplomatic, with low-key political work, often inside the country in question, and active involvement in the promotion of human rights, democracy and ethnic minority issues. Failures to honour the OSCE commitments in these fields are precisely the stuff conflict and instability are made of.

This brings me to the OSCE negotiations on a European security pact. It will in all likelihood fall to Norwegian diplomats to chair the negotiations in their final stages, in 1999. It has been decided that the pact, or document as some prefer to call it, will be adopted by an OSCE Summit, and a Summit is planned for next year. Let me add, however, that the content of this document is much more important than meeting a deadline, or deciding on a venue to be honoured by its adoption there. We want thorough discussions with all OSCE participating States on all aspects of this document, so that it can be the milestone in European history that we wish it to be.

There is a need for an updated document reflecting the altered state of affairs since the adoption by Heads of State or Government of the Charter of Paris for a New Europe at the Paris Summit in November 1990. That was the milestone at the end of the Cold War. But European security architecture has changed profoundly over the last ten years, and the OSCE has received a more prominent role in the design. During this period we have witnessed war and regional instability, and armed conflict is unfortunately still a real threat to the lives of many Europeans. But these threats to security have not been countered by the traditional means of security policy, as we know them from

the Cold War. Deterrence and military preparedness on a large scale are obviously not the only answer. All our security-related organizations have adapted to the new challenges, and fulfil different roles. The OSCE has carved out its role. Neither the OSCE nor NATO, the WEU or any other international organization, has a superior or co-ordinating role to play. The establishment of some kind of European security council or superior decision-making body in any of these organizations would be counterproductive. Nor would it reflect the indivisibility of European security. The political document in question should thus provide for flexible co-operation between democratic security organizations. The inclusiveness of the OSCE gives it a central role, and its human dimension *acquis* is a corner-stone for all these organizations. None of these organizations, however, should have a role that is superior to that of other international organizations.

Norway's task as OSCE Chairman-in-Office for 1999 and our priorities for this office are based on this assumption. The task is a major administrative and political one for Norway, and requires substantial resources, but it is also a major opportunity for us to be a key contributor on a broad range of issues relating to security, human rights and democracy. The OSCE differs from other international organizations, among other things, in that it is led by its Chairman-in-Office, and not by a Secretary General. This arrangement provides maximum political involvement and momentum from the leadership. It also gives the Organization a different character from that of comparable international organizations. Flexibility, ingenuity and adaptability are hallmarks of the OSCE.

Norway is willing to take on this task because we are willing to bear our share of the responsibility for security and stability in Europe. We have invested much in the OSCE, politically, economically, and in terms of personnel. It is in our interests to follow up this involvement. We also have a good reputation in international crisis prevention and crisis management. We should build on our experiences in this field and do our part of the job here on our own continent. We have also taken on this task as a natural extension of our commitment to NATO and to European security in general. Last, but not least, the OSCE chairmanship is a reminder that Norway's foreign policy is one of continued commitment and active involvement in all parts of European security with a view to promoting peace and stability. This is what makes us look forward to 1999 with high expectations, but also with respect for the task that has been entrusted to us by the participating States.

One of our main objectives for the chairmanship is to make the Organization better suited for its operational tasks. In practical terms, this means that some priority will have to be given to the Organization itself. The OSCE is different from most other international bodies, in that it is not treaty based. It is founded on its political commitments, and is a lean and very cost-effective

organization. This aspect should not be changed, as it contributes to the effectiveness of the Organization. We must, however, continue our efforts to put in place a sound financial basis for the manifold activities of the OSCE. Political preparedness for unforeseen emergencies will not suffice unless it is accompanied by financial preparedness. Much has been achieved through the establishment of the OSCE Contingency Fund last year, on our initiative, and through the decision at the Copenhagen Ministerial Meeting on a new scale of distribution for large-scale OSCE missions and projects. The latter, which was accomplished thanks among other things to Danish diplomacy, is a major step in the right direction. Much, however, remains to be done, and we intend to do our part.

A much-needed reform of the OSCE Secretariat is under way. It is a lean secretariat, and should remain so. This task should be the first step in the direction of building new OSCE capacity and capabilities, such as police training and monitoring, and streamlining existing capabilities, primarily the OSCE field missions. One important priority will be improved recruitment and training of mission members. We have a moral obligation to ensure that individuals serving the OSCE, frequently under very difficult circumstances, are as well prepared as possible for the challenges they will be facing. Another factor is that the OSCE is a young organization, and might need to establish its own *esprit de corps*. I expect this to be a positive side effect of improved training. The OSCE should, in sum, hone its own tools in order to become a more effective instrument for the early warning of potential conflict, conflict prevention, crisis management, and post-conflict rehabilitation.

We cannot possibly know much about what emergencies will have arisen six months from now, so that it will be up to Norwegian diplomacy to deal with them. It is a safe bet, however, that things can happen fast and unexpectedly, and that there will be difficult situations to handle on behalf of the participating States. We must expect the unexpected, but can safely predict that the OSCE will have major commitments throughout the Balkans, including Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia, and Albania, as well as in several parts of Eastern Europe, including Belarus and Ukraine.

It will be our duty to take the initiative and lead the way in all these cases, but only with the backing of the participating States, and above all, of the parties involved. The OSCE is a consensus-based organization, and should remain so. This is perhaps its most important asset. Thus the Chairman-in-Office cannot act without support and approval. I am sure that Norwegian diplomacy has much to contribute, but we are primarily obliged to take into account the interests of participating States, and to work out viable compromises. 1999 will accordingly not be the time to pursue parochial Norwegian interests.

This government is emphasizing the importance of moral values in all aspects of politics, a principle which fits in well with the values behind OSCE conflict prevention. Consider the case of Belarus. In the last few years the OSCE has paid increasing attention to the negative developments there, with their massive violations of OSCE commitments. The constitutional crisis and increasing repression are a tragedy for the people of Belarus. The situation is, moreover, a threat to stability and security in the whole region. The early warning functions of the OSCE were triggered at an early stage, and we are now at the crisis prevention stage. The OSCE has set up its Advisory and Monitoring Group in Minsk. The aim is to work both with the authorities and with non-governmental organizations in order to bring the country a step forward on the road to democracy and the rule of law. It will not be easy, but I think it is possible to help Belarus find its way to democracy.

The crisis management function is perhaps even more demanding than crisis prevention. We try through the OSCE to manage crises while they are still at low intensity, to curb them and to offer remedies. Looking back on the crisis one and a half years ago in Albania, it seems fair to say that the OSCE handled it in a reasonably effective manner, thanks again largely to our Danish friends' chairmanship. Foreign Minister Niels Helveg Petersen appointed the former Chancellor of Austria, Dr Franz Vranitzky, as his Personal Representative to Albania, and Dr Vranitzky handled the co-ordination of international efforts with great skill. The immediate danger of total breakdown and chaos is over, and post-conflict rehabilitation is well under way. The job in Albania is not finished yet, of course, and it is really up to the Albanian leaders to take steps towards reconciliation. The international community cannot normally take a hands-on approach as was done in the elections in Bosnia and Herzegovina. The normal tasks of the OSCE are monitoring and advising on the one hand and more direct approaches like political pressure and the offering of good offices on the other. And this is what we have done in Albania.

At this juncture, it is appropriate to mention the crisis in Kosovo, as it appears to be growing increasingly serious. The Belgrade leadership has delivered too little too late to avoid a further escalation of the conflict, not only by Yugoslavian forces, but also by the Albanian majority in Kosovo. Kosovo has thus become a conflict of higher intensity, and should be dealt with by the OSCE in concert with other security organizations with other tools. In the short term, the hostilities should be curbed, so that we can get back on the right political track.

Milošević should accept Felipe González as the Personal Representative of the OSCE Chairman-in-Office for Yugoslavia, with a mandate including Kosovo. We have also asked that the OSCE Mission of Long Duration return to Kosovo, Sandjak and Vojvodina, in order to monitor the situation. The

Yugoslavs do not appear in principle to have problems in accepting an OSCE presence in the country. The problem, however, is that they want to be reinstated in the OSCE as full participants before accepting an OSCE mission. This is a Gordian knot, as the issue is connected to the question of succession to the Former Yugoslavia. So far we have not been able to untie this knot.

Hopefully we will be able to start up our fieldwork in Yugoslavia soon. The OSCE will then have important tasks to carry out in democratizing not only Kosovo, but all of the Federal Republic of Yugoslavia.

There is enough potential for conflict in the OSCE area to keep us awake at night. It will always be cheaper, in this and other cases, for the international community, and even more so for the societies under pressure, if we are able to do something about the root causes of the conflicts in question. Armed conflicts are the most tragic and costly undertakings imaginable. Peacekeeping and other operations that very often follow peace settlements cost a lot of money too, but are of course worth the cost. An OSCE mission with anything from a handful to a couple of hundred mission members is a low cost affair. The cost-effectiveness of OSCE field operations compares favourably with that of most other international organizations. We have seen that the fieldwork done by the OSCE missions gives results. If, through fieldwork and other instruments at our disposal, we can get all OSCE States to pay respect to human rights, including the rights of ethnic minorities, and to the principles of democracy, there will be less reason to fear armed conflict and instability. We will then have managed to remove most of the causes of war.

The work we do in Bosnia and Herzegovina is perhaps the best example of how conflict prevention can be achieved by dealing with the root causes of the conflict. The political development in the Serbian half of the country, Republika Srpska, has also demonstrated that free elections in themselves can help us along the path towards reconciliation and peace.

The Dayton Agreement gave the OSCE the task of building democracy in Bosnia and Herzegovina, and of regional arms control in and around Bosnia and Herzegovina. Arms control has been a success so far, but the existence of armaments is only the symptom of the conflict. Arms do not cause war by their mere existence.

More important is the ethnic hatred and the previous lack of democracy in Bosnia and Herzegovina. Since the signing of the Dayton Agreement, the OSCE has taken a hands-on approach in building up democratic structures in the country. Most important have been the elections at all levels that have been conducted by the OSCE in the past years. In September 1998 there will be another set of elections, from the level of president down to cantonal level. It is an open question how long the OSCE should continue its hands-on approach with regard to democracy-building in Bosnia and Herzegovina, but I am convinced that the post-conflict rehabilitation so far has contributed to a

sense of normality. We expect the 1998 elections to be the last to be actually conducted by the international community, and that the Bosnians themselves will gradually take over this and other functions. The OSCE has laid down the rules of democracy, and sooner or later the country will have to function by itself, without our direct involvement. As important as the elections themselves is the OSCE democratization programme for Bosnia and Herzegovina, which goes beyond elections. It has been, and still is, important to break down the dominance of the ethnically based political parties, and it is important to train young politicians, local community leaders and others in grass-roots democracy.

One of the most difficult part of our work in Bosnia and Herzegovina is the return of refugees. We still have a long way to go before refugees feel comfortable about returning to their homes in large numbers. However, the return of refugees is one of the prerequisites for lasting peace, not only in Bosnia and Herzegovina, but in all parts of the former Yugoslavia.

We must not forget that the building of democracy is a long-term process, and changing cultural values and social structures may take many years. This, of course, is not something OSCE can do by itself. Close co-ordination is needed between the many international organizations and agencies engaged at all levels in the Bosnian peace process. Positive steps have been taken towards building a sustainable democracy, but much needs to be done. Neither Bosnian authorities nor the Bosnian people should doubt our resolve or our common goal: a unitary, multi-ethnic and democratic Bosnia and Herzegovina.

I believe that the post-conflict rehabilitation of Bosnia and Herzegovina will prove that such work is simply another side of the work being done elsewhere in the OSCE area, namely crisis prevention. It is by securing respect for ethnic minorities, the rule of law and democracy, that a society can remain stable. We are not achieving all we want in Bosnia and Herzegovina, but we are achieving a lot. Time will show whether we achieve enough, but I am fairly optimistic.



## The New OSCE: From Words to Deeds

*A Swedish View on the Past, the Present and the Future*

The dramatic developments in Europe, particularly in the nineties, have profoundly affected the CSCE/OSCE as a whole as well as the role of the individual participating States - Sweden perhaps more than most. The following is an attempt to describe from a Swedish perspective some of the more important aspects of this radical change of the CSCE/OSCE which can simply be described as a distinct shift in balance away from norm-setting towards field operations. The introduction of the rotating chairmanship meant a lot to the effectiveness of the Organization. The Swedish chairmanship in 1993 is inextricably linked with the development of a partially new body with a new status as an organization equipped with new tools and charged with new missions.

When looking back, one can clearly see that certain innovations have become quite useful additions to our arsenal of conflict prevention instruments, the most obvious ones being the dozen or so field missions that have been established from Estonia to Macedonia and from Belarus to Tajikistan covering large parts of the former Soviet Union and the former Yugoslavia. The total number of mission members has actually increased tenfold in a couple of years and now amounts to some 600.<sup>1</sup> Most missions are quite small, but two of them, Bosnia and Croatia, are sizeable and have complex mandates, thus presenting the Organization with new political and managerial challenges.

Launching and running missions today take up a sizeable portion of the CiO's (Chairman-in-Office) and Secretariat's time as well as the better part of the deliberations in the Permanent Council where discussion and decisions are often initiated by the regular reports of the Heads of Mission. The mandates of the missions differ according to local circumstances, but are nearly always multifunctional and thus adapted to the new generation of security problems. Another very useful instrument which saw the light of day during the Swedish chairmanship is the High Commissioner on National Minorities (HCNM). His task is not to act as an ombudsman on behalf of those groups but rather to dampen controversies in this regard so that they do not develop into conflicts. The HCNM would bring up citizenship and minority rights, minority languages, return of exiles etc. Currently the HCNM is active in such diverse

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1 The Mission in Kosovo (KVM) is now adding another 2,000 (as of February 1999).

environments as Albania, Estonia, Kazakhstan, Kyrgyzstan, Croatia, Latvia, Macedonia, Slovakia, the Ukraine and Hungary.

The Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw is presently in a very interesting phase, moving gradually away from a too heavy emphasis on seminars and abstract thinking towards a much more practical stance in the field. The observation of elections as well as the build up of national competence is a real growth sector! In recent years thousands of observers from participating States have been engaged in elections in the new democracies. During 1997 alone a couple of hundred Swedes acted as election monitors.

Also important with regard to adapting work on the human dimension to changing circumstances is the decision in Copenhagen to modernize the so-called implementation meetings, making them shorter, more focused and also strengthening the link between Vienna and Warsaw in the human dimension field.

The Ministerial in Copenhagen in December 1997 also appointed a new Representative on Freedom of the Media. He will, in close co-operation with the CiO, support compliance with OSCE principles and commitments in the field of freedom of expression and free media. 1998 will be the year for this new institution to start proving its usefulness as another instrument in the OSCE orchestra.

This by no means exhaustive list clearly shows that the OSCE has managed to develop in a flexible manner into an effective tool for conflict prevention in the post-Cold War security environment. If one adds to this the strong leadership of the CiO and the very limited budget one can clearly see that participating States get a lot of "bang for the buck" if that expression can be applied in the area of soft security. As an illustration one can mention that the OSCE Secretariat is one tenth the size of that of the Council of Europe. And the total turn-over of the Organization is still less than 120 million US-Dollars, with the two Missions to Bosnia and to Croatia accounting for two thirds.<sup>2</sup>

Nevertheless, as in any rapidly expanding organization faced with big challenges, there is also room for critical analysis and reflection with regard to future work. In a sense the OSCE is a victim of its own success. Problems are both of an organizational/structural and a conceptual nature and the two are obviously linked.

Conceptually, some participating States still refuse to accept the transformation of OSCE from a diplomatic conference to an organization, one result being parsimoniousness with funding and reluctance to reform structures, while at the same time entrusting the OSCE with bold and demanding new tasks. Secondly, the OSCE shares the predicament of the international com-

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2 The KVM will approximately double that figure.

munity as a whole of having put the emphasis on the middle and latter parts of the conflict cycle, i.e. conflict management and post-conflict rehabilitation. Efforts with regard to early warning and especially early action leave a lot to be desired. Finally we have not always succeeded in making conflict resolution truly multi-dimensional so as to link military, political, human dimension, economic and social factors etc. to reflect our broad definition of security.

Structural/organizational problems are both internal and external. Internally the core issue is the relationship between the CiO and the Secretary General. The participating States decided early on that they wanted strong political leadership from the CiO whereas the Secretariat would be given a supportive role only, thus making the OSCE unique among security organizations. Today no participating State seriously questions this general principle but the precise interpretation of the division of labour may have to be adjusted, especially with regard to the management of large scale missions. It can also be argued that long-term continuity cannot be assured by the three Troika members alone. Finally, one can see the need for a stronger supporting role for the Secretariat in the future if one of the less experienced new democracies of Eastern Europe were to assume the chairmanship.

Linked to this is the role of participating States, their delegations in Vienna and the representative bodies like the Permanent Council (PC), the Senior Council, the Ministerial etc. Quite clearly the PC has become much more of a decision-making body and less of a forum for discussion. The future role of the Senior Council is also unclear after the introduction of the so-called "reinforced PC". Many of the new participating States complain, that their influence is increasingly being marginalized. In reality, they say, the USA, EU and Russia dominate.

Some would also claim that there is a more multi-faceted democratic deficit in the Organization. The Parliamentary Assembly, for example, seems to have little or nothing to do with work within the Organization. Also in many areas there is little effective contact with NGOs.

When looking at the Secretariat in more detail one can clearly see that certain functions have been added organically and rather haphazardly in order to deal with the new challenges. The time is ripe to deal with the structure in a more organized way following a decision at the Copenhagen Ministerial on the "operational capabilities of the Secretariat". Hopefully, decisions taken during the autumn of 1998 could be implemented by mid 1999. Another internal problem is the geographical diaspora of the Organization. It is probably of no great consequence that a small Secretariat remains in Prague or that the Secretariat of the Parliamentary Assembly is located in Copenhagen. More serious in a long-term perspective is the location of such an important function as ODIHR in Warsaw. In addition, there is now a discussion on lo-

cating the office of the HCNM permanently in The Hague. Both the work of the ODIHR and the HCNM are closely linked to the long-term missions and other activities run by the Secretariat in Vienna.

Externally the greatest challenge is to find the proper role of the OSCE in the European security structure in general and in the practical co-operation with other organizations in the field more specifically. The comparative advantages of the OSCE are clearly in the areas of early warning and action, non-military crisis management and the restoration of democracy and civil society after a conflict. Although there is no reason to formally exclude the option of peacekeeping it is hard to see the usefulness of establishing a military capability within the Organization to lead and conduct such operations. Military observers and civilian police may of course be an entirely different matter. Furthermore there may well be situations where the OSCE could mandate others to undertake a peacekeeping task.<sup>3</sup>

Also in the field of co-operation with other organizations the Copenhagen Ministerial laid the foundation for further steps by approving the so-called Common Concept<sup>4</sup> paper. The experience gained in recent years would seem to indicate that depending on circumstances the OSCE could co-operate with almost any other organization either in a co-ordinating or in a complementary role. However, given the rapid expansion in the field of human dimension there would be particular advantages in developing closer and perhaps more institutionalized contacts with the Council of Europe.

For Sweden the end of the Cold War and our membership of the EU since 1995 have meant that we have lost the prominent and highly visible position as a member of the group of Neutral and Non-aligned Countries. Today EU delegations co-ordinate closely and frequently in Vienna within the framework of the Common Foreign and Security Policy (CFSP). The co-operation seems to have been carried further in Vienna than elsewhere and is also reflected in the fact that the Presidency speaks for the entire Union in the Permanent Council. The only exception to this co-operation concerns arms control and related matters. All this means that Sweden has had to intensify its efforts to have maximum influence on the EU position.

In the introduction it was made clear that the OSCE is becoming a much more operational organization. Almost everything that has been said so far proves that point. However, the normative work goes on. The most fundamental challenge is of course the decision by ministers in Copenhagen to set guidelines for a new Document-Charter. The reasoning behind this is that the

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3 In a sense the KVM represents a new type of crisis management that could well be described as "civilian peacekeeping".

4 Sixth Meeting of the Ministerial Council, 18-19 December 1997 (in Copenhagen), reprinted in this volume, pp. 431-457, here: Decision No. 5, Guidelines on an OSCE Document-Charter on European Security, Annex I, Common Concept for the Development of Co-operation between Mutually-Reinforcing Institutions, pp. 449-451.

most recent additions to the "*acquis*", the Paris Charter and the 1992 Helsinki Document, were made at a time when European security structures were still in a state of flux. Subsequent changes would merit additions also to the *acquis* in the form of a new Charter. There is a great deal of logic in this argument provided that it is not used to weaken the standards set and the commitments made in the Helsinki Final Act and in the above mentioned documents. The discussion leading up to Copenhagen illustrates the need for vigilance in this regard. The new Charter should be adopted "at the level of Heads of State or Government of the OSCE participating States",<sup>5</sup> i.e. at Summit level, which has meant that the timing and location of the next Summit have become directly linked to the Charter negotiations.<sup>6</sup>

The ultimate aim of the military dimension of the CSCE during the Cold War was to prevent war from breaking out "by mistake" or due to unwarranted suspicion. Concepts like confidence- and security-building measures, transparency, predictability and security dialogue were the means to achieve this. Today, much of this feels out of date, irrelevant and not applicable to a security situation characterized more by crises than by conflicts. Furthermore an entirely new climate of co-operation is developing among the professional military in Europe. In recent years more efforts have therefore been put into such matters as the designing of a Code of Conduct as well as the search for sub-regional solutions when applicable, for instance in the Balkans. The picture is further complicated by the fact that most conflicts today are of an intra-state character or have an intra-state dimension. All this has to be taken into account in the present work to revise the Vienna Document (VD 94). However, the new document must also retain its traditional role.

In this area Sweden shares the interest of other participating States, but our policy of military non-alignment as well as our geostrategic situation may sometimes give us a slightly different perspective. A given interest is the need for continued stability. When building on a new European security structure we have to safeguard certain fundamentals in the *acquis* where transparency, contacts and dialogue are corner-stones. Security must remain indivisible. The broad security concept, unique for the OSCE, has both a geographical and a functional dimension. We steadfastly oppose any limitations on the freedom of countries to choose their own security arrangements.

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5 Ibid., p. 448.

6 It has been since agreed that the Summit will take place in Istanbul, 18-19 November 1999.

## Conclusions

The work of the OSCE has expanded dramatically in recent years in the new operational direction described above. Given the very limited resources, the flexible non-bureaucratic set up conceived in the early nineties has responded remarkably well to the new challenges. A number of new tools and instruments have come to the fore. The OSCE has become a very useful, and widely used, instrument for common security in Europe and adjacent areas. The CSCE once stood for military stability and political revolution. The OSCE today is rapidly becoming a tool for contributing to political stability. Its comparative advantages in the area of non-military crisis management are becoming increasingly clear. Its Achilles' heel, which it shares with the rest of the international community, is the tardiness in engaging in early action to prevent conflicts from developing. The rapid and somewhat organic way this expansion has occurred has also meant that there is now a need for consolidation rather than extending into new fields and developing new instruments. There is also a need to continuously address the potential conflict between the effectiveness of the Organization and its democratic legitimacy. This problem has got different dimensions, as has already been discussed. They range from the consensus principle as applied to decisions, the limited role of parliamentarians and NGOs, to the relationship between the CiO and the Secretariat.

The OSCE must also find its place in the overall European security structure. While no definite answers can be given today, the need for closer co-operation between the various security organizations is becoming increasingly clear, in particular through experience gained in the field. Work has already been set in motion with regard to organizations such as the UN, EU, the Council of Europe, NATO/EAPC, WEU as well as the link between the OSCE and sub-regional organizations.

On the long-term and normative side there must now be some profound reflection. In the end any organization becomes what member states want it to be. Here there is a clear lack of a common vision. Some seem not to have given up the idea of the OSCE as the great umbrella security organization. At the other extreme there are those who only see the OSCE as a useful manager of missions that no other organizations wish to handle. This span of visions on the future of the Organization will make it very difficult to arrive at the Security Charter that is to be adopted at Summit level.

From a Swedish point of view it seems clear that the operational and normative work of the OSCE should mutually reinforce one another in a virtuous circle rather than being separate tracks. Equally important is that the fundamental *acquis* of Helsinki and Paris is not eroded in the process.

## Finland and the OSCE<sup>1</sup>

### *The Significance of the OSCE for Finnish Foreign and Security Policy*

For Finland, the Helsinki process has been, from its inception, a central point of reference and a fruitful source of inspiration for its foreign and security policy, both as a repository and guardian of concepts and values represented by the CSCE/OSCE and as a model and pattern for international relations. While its operative role has changed from the era of bipolar East-West confrontation to the age of transformation and unification in Europe, as Finnish policy has adapted to its environment as well, the CSCE/OSCE continues to have a special place in the Finnish elite strategies and public perceptions.<sup>2</sup>

A natural reason for the identity-related impact is the fact that the Finnish capital gave its name to the process, from the multilateral consultations in 1972-73 to the first Foreign Ministers' meeting in 1973 and the adoption of the Final Act of 1975, and again to the first regular post-Cold War Summit in 1992, and earned a permanent place in post-war history as a symbol of the core values common to all. In addition to its role as a symbol of diplomatic good offices, Helsinki is linked substantively to the human rights aspects, later the human dimension, which emerged as an essential and critical element of the process as an outcome of the Finnish initiative of 1969<sup>3</sup> enlarging the idea from a mere security meeting to the *inclusive* conference on security and co-operation opened in 1972-1973.

There is also a political aspect to the Finnish view of the CSCE/OSCE. For a country that is, historically and geopolitically, a peripheral rather than mainstream actor, an institution that by its very nature binds together the whole of the European international system and provides an inclusive and equal forum for all states has both inherent value and practical significance.

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1 Statements of fact and opinion are those of the author and do not imply endorsement by the Finnish government.

2 Cf. Finnish perspectives on the outcome of the Third Stage and Summit of the CSCE in Helsinki, in: Yearbook of Finnish Foreign Policy 1975, Helsinki 1975, pp. 32-65; materials from an international seminar, including a review of Finland's role in the process, and the Tenth Anniversary Meeting of the CSCE in Helsinki, 1 August 1985, in: Kari Möttölä (Ed.), Ten Years After Helsinki, The Making of the European Security Regime, Boulder/London 1986; and assessments by Finnish and international experts of the role of the process twenty years later, in: Stability and Change, CSCE Helsinki Final Act 20th Anniversary Symposium, 1 August 1995, The Finnish Institute of International Affairs Foreign Policy Challenges 9/1996.

3 The Finnish memorandum of 5 May 1969, in: Ulkopoliittisia lausuntoja ja asiakirjoja 1969, Helsinki 1970, pp. 65-66.

During the Cold War, the Helsinki process was for Finland a facilitator of détente which eased the pressures of great-power confrontation on Finland's position as a neighbour to one of the two main players. The CSCE also offered a forum for legitimizing and employing a policy of neutrality, which was Finland's instrument for maximizing its freedom of action and pursuing its security interests in what was predominantly a bipolar system of power politics. In fact, the CSCE was the context in which the neutrals maximized their influence as mediators and actors in procedural and substantive issues of European security.<sup>4</sup>

As the CSCE, through the Paris Summit and the Paris Charter of 1990, became the "midwife" of the new Europe, it provided the framework in which Finland replaced its policy of neutrality with full and equal engagement in co-operative security. Once all the participating States adhered to common values and principles and set a unified Europe as their joint goal, there was no longer a great-power divide and, accordingly, no role for neutrality as a pattern of action. As new kinds of conflict arose in the post-Cold War Europe, Finland worked in concert with the other participating States towards their prevention, management and resolution. As long as the traditional neutrals could continue to offer good services, their role would not be based on a particular and permanent status but on their usefulness and impartiality within the circumstances of the conflict in question, often related to historical, nationality or ethnic issues.

While the neutral and non-aligned states, together with the Nordic caucus, were the reference group for Finland until the changes of 1989-91, membership in the European Union, with the co-ordination of a wide range of OSCE issues within its Common Foreign and Security Policy (CFSP), has become the main channel for Finland's contribution to the work of the all-European institution since 1995, further consolidating its new role. For a small state, in particular in times of dynamic change, the main task for foreign and security policy is to acquire and assure a capability to act on behalf of national interests and in support of joint international values and goals. EU membership has given Finland new opportunities to influence change and stability in its security environment by fully taking part in decision-making in the core institution, pursuing and widening political and economic integration in Europe. At the same time, Finland supports the efforts to increase the authority and improve the capability of the OSCE, which stands for the common values and norms, the indivisibility of security and the sovereign equality of

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4 Cf. Harto Hakovirta, *East-West Conflict and European Neutrality*, Oxford 1988; Janie Lee Leatherman, *Engaging East and West Beyond Bloc Divisions: Active Neutrality and the Dual Strategy of Finland and Sweden in the CSCE*, Ann Arbor, MI 1991.



states as indispensable elements of wider international co-operation and security in Europe.<sup>5</sup>

As the normative basis and institutional framework for the goal of the unification of Europe, the OSCE represents for Finland a security model and a form of practical co-operation that the country is working for in the fundamental national interest. Since the institutionalization of the CSCE and its conversion into a permanent organization as the OSCE, Finland has been involved in all aspects of OSCE work, in the continued debate on security arrangements as well as in the political security management and joint activities on the ground.

Finland's profile as a participating State of the OSCE combines the pursuit of national and regional security interests with a strong belief in the benefits of Europe-wide co-operation and unification through the OSCE process. Finland supports the comprehensive approach, whereby the OSCE, as an inclusive institution, and in co-operation with other security-related institutions and organizations, is used to promote democratic change and peaceful conflict resolution as pillars of a sustainable security order.

In military security, the CSCE/OSCE has a specific role for Finland, a formerly neutral country which has remained militarily non-allied while participating in European transformation and integration. During the Cold War, the CSCE emerged as the only forum where the neutrals were participating in negotiations related to the military aspects of security. As the OSCE has since consolidated its position as the sole framework for negotiating conventional arms control in Europe, it offers for Finland a vehicle for promoting openness and transparency in military affairs through the regime of confidence- and security-building measures and for advocating an orientation towards increasingly defensive doctrines and deployments through the arms reduction process.

In its dual role, the OSCE both *projects* common security for Europe and *affects* its evolution and realization. The significance of the OSCE for Finland's foreign and security policy can be similarly approached both from the political and practical angles. The security order for Europe for which the OSCE is a model and the practical security management for which the OSCE is an instrument, are both essential building blocks for Finnish foreign and security policy, which has been in transition since the last years of the Cold War and throughout the formation of the new Europe.

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5 Cf. Security in a Changing World, Guidelines for Finland's Security Policy, Report by the Council of State to the Parliament, 6 June 1995, Helsinki 1995, pp. 58-62; The European Security Development and Finnish Defence, Report by the Council of State to the Parliament, 17 March 1997, Helsinki 1997, pp. 47-51.

The work on a Security Model launched at Budapest 1994 and 1995, further mandated at Lisbon 1996 and specified at Copenhagen 1997 as the task of developing "a comprehensive and substantive OSCE Document-Charter on European Security", brings out the political value of the OSCE and clarifies its character as a security-related institution. Finland has taken part actively in the Security Model/Charter process, which defines, upholds and consolidates concepts, rules and activities of fundamental significance for intra-state and inter-state relations.<sup>6</sup>

All the characteristics of the OSCE concept of common security - comprehensiveness, co-operation and indivisibility - have their concrete value for Finland.<sup>7</sup>

The idea of a *common* security space for the OSCE region - as opposed to a Europe of dividing lines - reflects the inclusiveness of the process and promotes the indivisibility of security. The *inclusiveness* of the OSCE is inherently valuable for a country situated in a geopolitically peripheral but sensitive area of Europe, as it brings all the actors into a common regime of peaceful change and conflict resolution. The OSCE retains for Finland unique characteristics as a forum of action, even though the danger of marginalization, which was a political concern for a neutral Finland during the bipolar era, no longer applies to a member of the European Union in the new Europe. Like-minded, the Nordic countries consult regularly on OSCE affairs as part of their intensified foreign and security policy co-operation, although their joint actions remain concentrated mainly on regional issues, where the new Europe has opened opportunities for reunifying the historic Baltic Sea region. Although its relative weight may have decreased for Finland, the OSCE continues to provide an indispensable forum for the pursuit of national security interests, in particular in the field of military security where some bloc-era structures are retained, while the well-established co-ordination of OSCE policies among the EU member states channels a widening spectrum of Finland's contributions to other fields.

The Union is a central actor in developing the OSCE as an institution and supporting its use in security management. Moreover, the OSCE has been a vehicle for promoting the Union's early enlargement policy in the form of the Stability Pact and the OSCE norms and principles continue to set behavioural

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6 Cf. Kari Möttölä, The OSCE: Institutional and Functional Developments in an Evolving European Security Order, in: Michael Bothe/Natalino Ronzitti/Allan Rosas (Eds.), *The OSCE in the Maintenance of Peace and Security, Conflict Prevention, Crisis Management and Peaceful Settlement of Disputes*, The Hague/London/Boston 1997, p. 33.

7 Cf. Kari Möttölä, Security around the Baltic Rim: Concepts, Actors and Processes, in: Lars Hedegaard/Bjarne Lindström (Eds.), *The NEBI Yearbook 1998, North European and Baltic Sea Integration*, Berlin 1998, p. 392.

and reform criteria for countries in the pre-accession phase. Furthermore, the OSCE offers a set of normative and political resources for the Union's policies towards those countries of Eastern and South-eastern Europe that are not placed within the enlargement process.

As the security scene is undergoing deep and unpredictable change, the principle of *indivisibility* is an essential guideline for the participating States to take account of the commonly agreed rights of others and not to strengthen their own security at the expense of the legitimate interests of others. Spheres of interest and zones of influence, as historical patterns of great-power politics that have affected Finland's fate in the past, have been declared incompatible with the new philosophy of common security.<sup>8</sup> While not a promise of a real security guarantee, the discussion launched by the Lisbon Document 1996 on a solidarity action and prompt consultation when the security of a participating State is threatened, and on an assistance mechanism in case of non-compliance with OSCE commitments by a participating State, can lead to the strengthening of the authority and capability of the OSCE as an institution responsible for international security.

Of particular significance for international as well as regional security is the impact of the OSCE on Russia's transition and engagement in a unifying Europe. The OSCE norms and principles have provided the framework for the adaptation of the Finnish-Russian neighbourly relationship to the new circumstances. Finland's relations with Russia are based on the guiding principles of the Final Act as registered in the 1992 agreement on the foundations of the relations between the two countries that replaced the treaty containing mutual security obligations which was adopted during the early years of the Cold War. Corresponding to the common and uniform pattern applied in Russia's new treaty arrangements with Central and Eastern European as well as Western European countries in the aftermath of the dissolution of the Soviet Union, the bilateral security guarantees contained in the Finnish-Russian treaty are in the form of negative assurances - non-use of force and non-assistance to the aggressor - while the positive assurances of co-operation in international conflict situations refer to using the facilities offered by the UN and the OSCE. While the common border between Finland and Russia is determined by the Paris Peace Treaty of 1947 and both of the parties are signatories to the Final Act, the 1992 agreement reaffirms their undertakings with regard to the inviolability of frontiers and territorial integrity. While a public discussion has occasionally emerged in Finland on the issue of the return of the ceded territories, there is no intention on either side to activate the

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8 Cf. CSCE Budapest Document 1994, Budapest, 6 December 1994, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe, Basic Documents, 1993-1995*, The Hague/London/Boston 1997, pp. 145-189, here: para. 7 of the Budapest Summit Declaration, p. 146.

provision on peaceful change contained in the Final Act.<sup>9</sup> Maintaining that they did not correspond to Finland's status as a UN member and a participating State in the CSCE, Finland acted, upon the reunification of Germany in 1990, unilaterally to abolish the stipulations of the Paris Peace Treaty concerning Germany and limitations on Finnish armed forces that had become obsolete or were limiting Finland's sovereignty. That measure launched the adaptation of Finland's position to post-Cold War and post-Soviet circumstances in Europe.<sup>10</sup>

The northern European and Baltic Sea region, as a scene of national, regional and wider European policies, is affected by the adaptation and enlargement processes of the European Union and NATO. New members from the region are joining and both organizations are developing and implementing outreach, support and partnership arrangements. The changing integration and alliance situation has brought the principle of the freedom of choice in security policy into focus as one of the key normative and political developments in the OSCE security order. The right to choose or change security and defence arrangements has been codified in the CSCE/OSCE *acquis* since the Final Act (principle I) and elaborated, in a more concrete and detailed manner, in the Code of Conduct on Politico-Military Aspects of Security contained in the Budapest Document of 1994. As a guarantee of the freedom of action and a ban against spheres of influence, the principle serves a vital Finnish interest in stabilizing Europe as a whole as well as the northern sub-region.

Although Finland has no intention of changing its basic security and defence policy, it has pursued an active dialogue with the principal actors on the implications of NATO enlargement and the evolving NATO-Russian relationship for Northern Europe and the Baltic Sea region, stressing the need to respect the OSCE security principles related to equality and indivisibility.<sup>11</sup> A great-power overlay or other efforts to freeze the security solutions would turn the situation back to an era of tension and division. Of particular significance for regional stability is the recognition and respect of the freedom of

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9 Cf. Agreement on the Foundations of Relations between the Republic of Finland and the Russian Federation, signed 20 January 1992, MFA Press Release No. 30, 20 January 1992; Jaakko Blomberg, Finland and Russia, in: Yearbook of Finnish Foreign Policy 1992, Helsinki 1992, pp. 15-18; Tuomas Forsberg, Settled and Remaining Border Issues around the Baltic Sea, in: The NEBI Yearbook 1998, cited above (Note 7), pp. 437-447.

10 Cf. Decision of the Government of Finland on stipulations of the Paris Peace Treaty concerning Germany and limiting the sovereignty of Finland, MFA Press Release No. 277, 21 September 1990.

11 Cf. Discussions between Finland and NATO of implications of NATO enlargement on European security, MFA Press Release No. 211, 29 May 1996; Finland, Sweden and NATO, article written jointly by Finnish Foreign Minister Tarja Halonen and her Swedish counterpart Lena Hjelm-Wallén, published on 15 March 1997 in the newspapers Helsingin Sanomat, Hufvudstadsbladet, Svenska Dagbladet and The International Herald Tribune, MFA Press Release.

choice of the three Baltic states in their aspirations towards integration with European and transatlantic political and military institutions.

The Baltic states: Estonia, Latvia and Lithuania, are in many ways heirs to, and beneficiaries of, the new Europe codified in the Paris Charter. The common goals of democracy and market economics have guided their path to the consolidation of independence and sovereignty as well as their political and economic transition towards full integration in Europe. OSCE instruments have been used to support their efforts to settle disputes with Russia that are connected with the vestiges of the Soviet era and to normalize relations with their neighbour. In the Russian-Baltic relations, OSCE norms of particular relevance for borders and minorities are being applied and advocated, as the unresolved border issues and the position of the stateless or non-citizen Russian-speaking people in Estonia and Latvia constitute potentially the most serious security problems in the Baltic Sea region.

The OSCE security model, with its uniformity of standards and indivisibility of security, offers an indispensable framework for *regionalism*, which is becoming a pattern of growing importance for security and co-operation in post-Cold War international relations. New security risks are experienced by states primarily as a local or regional matter and neighbours have to organize themselves to resolve common problems on site, with appropriate assistance by the wider community of the OSCE participating States. In addition to politico-military measures enhancing stability and confidence among states and governments, the safety of individuals calls for innovative measures in civic or societal security. As Finland's environs contain countries with differing affiliations and positions in the process of European integration and unification, the OSCE provides a source of principles and instruments applicable in regional security co-operation.

Neighbourly relations, cross-border interaction and multilateral (sub)regional arrangements are essential elements of Finnish policy, and their political and institutional linkage with the OSCE framework provides reassurance and stability for Finland as well as other countries involved. In addition to the normative role, whereby the common OSCE norms and principles provide legitimization, reassurance and direction to states and regions engaged in developing co-operation and settling disputes, the OSCE can make a concrete operative contribution in conflict prevention, crisis management and post-conflict rehabilitation in the regions. Moreover, the OSCE can act as a forum which facilitates mutual links among regional initiatives and institutions and offers a view to the totality of European co-operation and integration.<sup>12</sup>

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12 Cf. Statement by Finland in the OSCE Seminar within the framework of the Common and Comprehensive Security Model for Europe for the Twenty-first Century "Regional Security and Co-operation", Vienna 2-4 June 1997, PC/491/97, 03.06.97.

The growing significance of regional co-operation is recognized in the OSCE Security Model process. The Baltic Sea region and the Barents region are among the most advanced and complex cases of institutionalized multilateral co-operation in a regional setting. They were presented and assessed - together with the Central European Initiative, the Central European Free Trade Agreement and the Black Sea Economic Cooperation - in an OSCE seminar organized as part of the work on the Security Model. The Council of the Baltic Sea States and the Barents Euro-Arctic Council are intergovernmental centres for what includes a wide array of sub-state, non-state and transnational networks in various walks of life. The Arctic Council, where the United States and Canada join the Nordic countries and Russia as members, is another element in the web of institutions close to Finnish interests as a northern country.<sup>13</sup>

The concept of *comprehensive* security which is closely affiliated with the CSCE/OSCE as a groundbreaking contribution to post-Cold War politics has been widely and keenly adopted in Finland. It has created the basis for broad consensus among elite and public opinion with regard to the adaptation of the national security policy line to the new situation and to the pursuit of new responsibilities and activities in the European arena. Security is viewed in analytical and operative terms as an arena of actions that aim at promoting transition and stability across the wide socio-economic spectrum and managing conflicts throughout their full cycle as well as protecting the sovereignty and territorial integrity of the state itself by a credible military defence, which includes a wider participation in international peace operations.<sup>14</sup>

The comprehensive concept of security has relevance for Finland from the perspective of both regional and wider international security. As the Baltic Sea region is an area of some of the widest gaps in socio-economic development in Europe, the support for political and economic transition is embedded in the Finnish view of the tasks and demands of co-operation in the vicinity. Moreover, uneven development creates risks of instability that require wide co-operation in early warning and conflict prevention. Confidence- and security-building measures (CSBMs) and arms limitations retain their significance for the security and stability of the northern region as a whole. In the wider context, human rights and minority issues have increased their visibility and status in Finnish foreign policy, nationally and as a result of their prominent role in the CFSP of the European Union. In the politico-military

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13 Cf. Summary document of the seminar cited above (Note 12), REF.PC/498/97, 6 June 1997.

14 Cf. Security in a Changing World, cited above (Note 5); Security in a Changing World, Report of the Foreign Affairs Committee of the Finnish Parliament, 19 October 1995, on the Government Report on Security Policy, UaVM 12/1995; The European Security Development and Finnish Defence, cited above (Note 5).

field, the Finnish decision-makers have in a short period of time adjusted Finland's political and military role to practical co-operation with NATO in peacekeeping and crisis management through active participation in the PfP and the Finnish contribution to IFOR/SFOR. Moreover, Finland has been an advocate of an effective role for the European Union and its closer relationship with the Western European Union in crisis management.<sup>15</sup>

The focus of the *co-operative* aspect of security is increasingly placed on multilateral institutions and their cumulative impact. Irrespective of the significance of the OSCE as a normative and institutional framework, it has become clear that the practical impact has to be sought through an inter-institutional order based on co-operation and co-ordination. As a host and facilitator, Finland was involved in the formulation of the key paragraph 24 in the Helsinki Summit Declaration of the Helsinki Document 1992 which introduced the concept of "mutually reinforcing institutions, each with its own area of action and responsibility".<sup>16</sup> Finland stresses that the OSCE provides a unifying structure for the whole European, Eurasian and trans-Atlantic region, while integration continues to shape the international scene. Finland has a flexible and pragmatic stance towards co-operation between the European and trans-Atlantic institutions, while stressing efficiency and results as an indication of co-operative security in its true meaning. In the natural division of labour, and on the basis of comparative advantage, the OSCE has a primary role in conflict prevention and post-conflict rehabilitation activities. Moreover, it is important for Finland's interests that the OSCE provides a framework for placing bilateral and regional initiatives in the inter-institutional order based on mutual reinforcement, comparative advantage and non-subordination.

The EU proposals on a Common Concept and a Platform for Co-operative Security outline principles and mechanisms for a productive relationship between security- and co-operation-related institutions. In national comments, Finland has devoted special attention and effort to supporting the development of the Euro-Atlantic Partnership Council (EAPC) into an effective and dynamic forum for a dialogue on security policy, including regional issues, and facilitating PfP activities. Finland has stressed the need for openness and interaction between the EAPC on one hand and NATO and the NATO-Russia Council on the other hand and worked, in close co-operation

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15 Cf. The IGC and the security and defence dimension - towards an enhanced EU role in crisis management. Memorandum dated 25 April 1996 by Finland and Sweden, submitted to the other member states of the European Union.

16 CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Arie Bloed (Ed.), The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 701-777, para. 24, pp. 706-707; see also Kari Möttölä, Prospects for Cooperative Security in Europe: The Role of the CSCE, in: Michael R. Lucas (Ed.), The CSCE in the 1990s: Constructing European Security and Cooperation, Baden-Baden 1993, pp. 1-29.

with Sweden, to encourage Russia towards a fuller participation in the EAPC/PfP in the spirit of co-operative and indivisible security.<sup>17</sup>

Of particular interest to Finland is a more efficient co-operative relationship between the OSCE and the Council of Europe in the work for democratic security. While the two institutions are complementary in the sense that the Council of Europe has a legal and long-term approach and the OSCE is more political and flexible enough to take on short-term tasks, better co-ordination is needed in their activities, and opportunities exist for more co-operation on the ground. During its chairmanship of the Council of Europe in 1996-1997, Finland contributed to improved co-operation between the Council and the OSCE in the human rights aspects of rehabilitation in Bosnia and Herzegovina and to launching a closer dialogue between the two organizations on their respective monitoring mechanisms in the field of democracy-building and the protection of human rights. Finland also devotes special attention to the issue of co-operation between the OSCE and the Council of Europe in the work of the Committee of Wise Persons of the Council of Europe.<sup>18</sup>

### *Contributing to the Activities of the OSCE in Security Management*

Since the early days of the institutionalization of the CSCE/OSCE, Finland has stressed the opportunity and responsibility offered by the common structures and institutions for the participating States, which need to make sure that they "do not lapse into disuse"<sup>19</sup> as in so many earlier instances of international co-operation.

An indication of the practical value given to the OSCE by a participating State is the allocation of resources to its activities and organs. In 1996-1997, Finland sent altogether 17 seconded officers to OSCE missions and around 180 Finns participated in OSCE election observation missions. In early 1998, Finland fielded three members in the Mission to Bosnia and Herzegovina, four in the Mission to Croatia, one to Estonia and one was to go to Ukraine. Moreover, Finland had nine officers in the EU/European Community Moni-

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17 Cf. Statement by H.E. Martti Ahtisaari, President of the Republic of Finland, at the working session, Madrid Summit, 9 July 1997; The Dimensions of Finnish and Swedish Cooperation, speech by Director General Pertti Torstila at a seminar organized by Finland's National Defence Information Planning Commission on the theme of "The Security of Northern Europe in the 21st Century", Helsinki, 11 May 1998.

18 Cf. Statement by Ms Tarja Halonen, Minister for Foreign Affairs of Finland, at a Press Conference marking the end of Finnish Chairmanship of the Committee of Ministers of the Council of Europe, Strasbourg, 6 May 1997; Committee of Wise Persons, Interim report to the Committee of Ministers (para 9), Council of Europe, Strasbourg, 28 April 1998; Statement by Ms Tarja Halonen, Minister for Foreign Affairs of Finland, The OSCE Ministerial Council, Copenhagen, 18 December 1997.

19 H.E. Mr. Mauno Koivisto, President of Finland, in: Helsinki Summit 1992 of the Heads of State or Government of the Participating States of the Conference on Security and Co-operation in Europe, Official Verbatim Records, 9 and 10 July 1992, CSCE/HS/VR.5.



toring Mission (ECMM) operation in Bosnia and Albania and two officers in the WEU's advisory police force in Albania and about 40 officers in the UN police operation in the region. In case the UN Civilian Police operation in Eastern Slavonia comes to an end, Finland is ready to consider participating in a similar OSCE-led operation. Finland's allocation of resources equals that of an average small EU member. In voluntary financial contributions, Finland has supported the elections in Bosnia and the fund earmarked for the recently admitted participating States. When the Central Asian and other CIS members were admitted to the OSCE in 1992, Finland was active in supporting the concept of assistance and contributed to the training of their as well as other new participating States' experts in CSCE affairs. Since hosting the 1992 Follow-up and Summit Meetings in Helsinki, Finland has not undertaken responsibilities of this kind. No offices of heads of permanent OSCE organs are currently occupied by Finnish citizens, but they are represented in prominent positions in the OSCE Secretariat and in the Secretariat of the OSCE Parliamentary Assembly.

#### *Support for Transition and Restructuring*

There is a two-level approach to the role of the OSCE in security management in Europe, one related to promoting structural change and the other to coping with acute problems.

To close the social and economic gaps that appear as vestiges of the divided Europe and may threaten stability in all of Europe, solidarity and support are needed for transition countries and countries in conflict regions to achieve equal security and prosperity. While it was not expected that the CSCE/OSCE would have significant financial or other resources to assist states in their political and economic restructuring, it was vital that the principle of peace through change was adopted by the inclusive body immediately after the end of the Cold War, in Paris 1990 and Helsinki 1992.

Although the role of the CSCE/OSCE in economic co-operation decreased with the joint adoption of the market economy as the future system for all the participating States, it remains on the agenda as a reminder of the economic dimension of comprehensive security. The Economic Forum has played a useful role in the exchange of views and experiences on transition economies, and new themes like those concerning the security of energy supply as well as the relationship between energy and the environment are emerging. Finland concurs with the position of the EU that, in the interest of avoiding duplication, the OSCE need not have an operative role in economic affairs nor should any obligations be negotiated in its context. It is the international financial institutions and, above all, the European Union that have the re-

sponsibility and the resource base for economic support and technical assistance, which can also be promoted effectively in regional and bilateral contexts. Developing co-operation in economic development, energy and transportation as well as environmental protection in the northernmost regions of the OSCE space, including the Baltic Sea region, the Barents region and the circumpolar Arctic region, is the aim of the Finnish proposal launched in 1997 on a northern dimension for the policies of the European Union.<sup>20</sup>

The OSCE has a greater role in the humanitarian aspects of transition, supporting the consolidation of political democracy and the respect for and implementation of human rights. The work is centred around the Office for Democratic Institutions and Human Rights (ODIHR) and the review and control mechanism of the commitments undertaken within the human dimension. Together with its EU partners, Finland supports the efforts to bring the ODIHR closer to the Permanent Council and focus its work on the key themes of democratization and election observation. The biennial implementation meetings should be made more effective and thematic special meetings might be considered in the interim.

Finland's substantive work on the human dimension takes place largely under EU co-ordination and is channelled through the common positions and statements. Recently Finland was responsible for the statement on behalf of the Union on Roma and Sinti. Although progress has taken place, the Union has criticized several Central and Eastern European countries for continuing discrimination against Roma and Sinti. The ODIHR Contact Point established by the decision of the Budapest Summit has performed liaison functions with representatives of the Roma and Sinti community and published and spread information on the situation of Roma and Sinti in the OSCE region. Key steps in the broader context are adherence by states to conventions relevant for national minorities and co-operation between the OSCE and the Council of Europe.<sup>21</sup>

Together with the other Nordic countries, Finland has advocated the idea of minimum humanitarian standards applicable in all situations, including internal conflict and strife that may fall into a grey zone between peace and traditional war. The Nordic efforts in the OSCE context are aimed mainly at supporting the efforts underway towards a United Nations resolution on the issue. The adequacy of human rights law in exceptional situations, involving non-state actors, has also become a matter of growing concern in the OSCE

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20 Cf. Paavo Lipponen, *The European Union needs a policy for the Northern Dimension*, in: Lassi Heininen/Richard Langlais (Eds.), *Europe's Northern Dimension: the BEAR meets the south*, Rovaniemi 1997, pp. 29-35; Luxembourg European Council, 12 and 13 December, Presidency Conclusions (paras 67-68).

21 Cf. Statements by Finland on behalf of the European Union, OSCE Implementation Meeting 1997, Warsaw, 20 and 21 November 1997.

region which has witnessed a violent and destructive war in the former Yugoslavia between entities of a former state.

*Conflict Prevention, Crisis Management and post-Conflict Rehabilitation*

*Early Warning and Conflict Prevention in the Baltic Sea Region*

Finland has consistently supported Estonia as well as Latvia and Lithuania in the consolidation of their sovereignty, assisted them in their political and economic transition and backed their aspirations towards integration with the European Union. The OSCE and Council of Europe activities in the region, together with bilateral and multilateral support efforts, in particular by the Nordic countries, have kept the Baltic states covered by the common accountability and solidarity regime as well as linked with the network of international institutions and arrangements within the OSCE space.<sup>22</sup>

The OSCE Missions to Estonia and Latvia have offered tools of direct relevance for Finland's security objectives in the nearby region. OSCE instruments of the human dimension have been applied in an early warning and conflict prevention mode. Starting with the understanding on the withdrawal of former Soviet/Russian troops from the territories of the Baltic states, negotiated with active Nordic mediation in the CSCE Helsinki Follow-up Meeting in 1992 and contained in paragraph 15 of the Helsinki Summit Declaration, the CSCE/OSCE proved its usefulness in support of the consolidation of the newly regained sovereignty and independence of the Baltic states and their efforts in coping with the vestiges of the era of Soviet power and normalizing relations with Russia as a great-power neighbour, which itself was seeking a sustainable post-Soviet identity.

When the CSCE decided to establish long-term missions in Estonia (in 1992) and Latvia (in 1993) to deal with the relationships between the national and ethnic communities and monitor and support the countries' legislative and other efforts, Finland provided two of the first Heads of Mission to Estonia and also a Deputy Head to the Riga Mission. The work in Tallinn was not without its sensitivities, strains and difficulties. The OSCE Mission was involved, together with the High Commissioner on National Minorities (HCNM), in advising and encouraging the Estonian government in its efforts to adopt and readjust legislation on residence and citizenship and take it through *Riigikogu*. Russian-speaking persons enlisted support in their problems of adjustment from the Mission which was also engaged in organizing round-table dialogues between the communities. During the early years (1993-94), when the problems with community relations and the status of the

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22 Cf. Möttölä, cited above (Note 7), pp. 363-404.

ethnic Russian non-citizens, particularly former military personnel, were mixed with the issue of the presence and delayed withdrawal of Russian troops, the OSCE Mission under its Finnish Head had to overcome unwarranted misperceptions and suspicions from more radical elements in both of the communities. Overall, the OSCE Mission succeeded in maintaining its impartiality and performing a function of preventive diplomacy and mediation, in particular in politically sensitive north-eastern Estonia.<sup>23</sup>

Finland continues to see a special value in the role of the OSCE, which, in concrete and detailed ways through the recommendations of the HCNM, provides the standard for Estonia and Latvia in their continued reform and implementation in the field. The task of reducing the inordinate proportion of stateless persons through a determined process of naturalization, in accordance with their national laws and international standards, looms large for these countries, both of which are engaged in the accession process for EU membership. Both countries have introduced legislation granting citizenship to children born after 1991, while Latvia is also faced with the further task of eliminating the "windows" system - regulating the pace of citizenship applications through quotas - in the naturalization process. Finland works actively through the European Union, which remains engaged in Baltic issues,<sup>24</sup> noting that the most solid guarantor of the implementation of human rights and minorities standards will be EU membership for the Baltic states, which would also be in the ultimate interest of Russia.<sup>25</sup> The Commissioner on democratic institutions and national minorities of the Council of the Baltic Sea States, working in close co-operation with the HCNM of the OSCE, is another instrument in conflict prevention and transition support in the region and in Russian-Baltic relations. While the HCNM deals with the rights of minorities as groups, the CBSS Commissioner can take up individual cases. The OSCE norms and principles also constitute the basis for the resolution of the dispute over the border agreements between Estonia and Russia and Latvia and Russia, respectively, although no active mediation is under way. Finland, however, facilitated the establishment of the negotiation contact

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23 Cf. Klaus Törnudd, *The Role of the CSCE Mission in Preventive Diplomacy - The Case of Estonia*, in: *The Challenge of Preventive Diplomacy, The Experience of the CSCE*, Stockholm 1994, pp. 73-86; Timo Lahelma, *The Role of the CSCE Mission in Preventive Diplomacy - The Case of Estonia (August 1993 - June 1994)*, in: *ibid.*, pp. 87-99; The Role of the High Commissioner on National Minorities in OSCE Conflict Prevention. An Introduction, The Hague 1997.

24 Cf. Declaration by the Presidency on behalf of the European Union on the Russian Federation's proposals regarding security aspects, confidence-building measures and regional cooperation in the Baltic Sea region, Brussels, 15 December 1997, 13368/97 (Presse 394).

25 Cf. Foreign Minister Tarja Halonen on the Russian speaking non citizen population in Latvia, MFA Press Release No 171, 1 June 1998.

between Estonia and Russia on the border issue in summer 1997, and since then the parties have worked through direct bilateral negotiations.<sup>26</sup>

### *Crisis Management in the post-Soviet Space*

Another conflict management operation to which Finland has devoted particular diplomatic efforts is the mission undertaken by the OSCE towards settling the war in Nagorno-Karabakh. Finland served as co-chairman of the Minsk Conference in 1995-1996 together with Russia, participating in mediation between the parties (Armenia, Azerbaijan and Nagorno-Karabakh) by its diplomatic representatives and experts in the Minsk Group as well as through a visit by the Finnish Foreign Minister to the region and meetings between the Finnish President and regional leaders.<sup>27</sup> Finnish military officers headed (from 1992 until June 1996) the OSCE working bodies (Interim Operational Planning Group and High Level Planning Group) planning an OSCE peacekeeping operation for Nagorno-Karabakh. Plans remain in place while being updated, as the diplomatic mediation effort goes on.

Finland's decision to make itself available for the demanding Minsk mission was connected, in addition to the general responsibility for sharing the burden as an OSCE participating State, with its interest in ensuring that conflicts in the space of the former Soviet Union (FSU) are resolved according to OSCE norms and principles. Russia's behaviour towards its neighbours is viewed widely as a test of its foreign and security policy orientation. If international institutions such as the OSCE can make a contribution to stability in the FSU space recognized and accepted by Russia as well as other parties to the dispute, it would further their engagement in the unification and integration process under way in Europe. Furthermore, the Minsk mission offered an opportunity to increase Finnish awareness and knowledge of Russian security interests in the south, which has emerged as a prolonged crisis region and a priority concern for the federal government in Moscow.

Although no breakthrough was achieved during Finland's co-chairmanship, progress was made in the consolidation of the Minsk process. This OSCE-run effort was confirmed as the sole forum for mediation of the Nagorno-Karabakh conflict, as it was to be no longer overshadowed by parallel

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26 Estonian and Russian officials met in Helsinki in June 1997. Cf. Prime Minister Paavo Lipponen's statement on Finland's willingness to provide "good offices" for the parties, in: Demari, 15 May 1997.

27 Cf. Finland as a Mediator in the Karabakh Conflict, Report by the Minister for Foreign Affairs Ms Tarja Halonen to the Foreign Affairs Committee of Parliament on the activities of Finland as co-chairman of the OSCE Minsk Conference, Helsinki, 11 February 1997; René Nyberg, Några reflektioner kring Finlands medling i Karabach-konflikten, in: Kungl Krigsvetenskapsakademiens Handlingar och Tidskrift (The Royal Swedish Academy of War Sciences, Proceedings and Journal) 4/1997, pp. 77-82; Terhi Hakala, The OSCE Minsk Process: A balance after five years, in: Helsinki Monitor 1/1998, pp. 5-14.

Russian unilateral efforts in the region. Furthermore, the functioning of the co-chairmanship was improved and good working relations were established between the two co-chairmen. While Finland continued to serve in the Minsk Group, the co-chairmanship was taken over after the Lisbon Summit by the United States and France together with Russia.<sup>28</sup>

During the Nagorno-Karabakh mission, Finland, then a new member of the EU, strove to co-ordinate its activities closely with the other EU members in the group as well as keep the wider Union membership informed. The mission was an exercise of direct relevance for the Union which was constructing a closer working relationship with Russia not only on economic but also political issues within the framework of the Partnership and Cooperation Agreement (PCA). During the Chechen conflict, Finland supported actively the engagement of the OSCE on the ground that led to the establishment of the OSCE Assistance Group in spring 1995 and it has supported the OSCE mission during the conflict and in the rehabilitation phase. The Chechen conflict proved a difficult case for the Union which attempted to pressure Russia to respect its international commitments, in particular humanitarian international law and relevant provisions contained in the Code of Conduct, in an effort to contribute to a peaceful ending to the destructive conflict, while postponing the ratification of the PCA as a form of sanction. The OSCE involvement in the Chechen conflict offered to the Union the normative reference point for its policies and the operative target it could support in the dialogue with Russia, which proved to be a difficult but instructive test case in efforts to influence the complex Russian decision-making.<sup>29</sup>

#### *Arms Control and Confidence- and Security-Building Measures*

Finland's attitude towards arms control and military confidence- and security-building measures which have been discussed and developed in the OSCE framework is determined by its position as a small country with an indigenous national defence tailored to purely defensive tasks, and by its policy of military non-alliance and independent defence as well as by regional factors. While in certain issues Finland has specific interests to attend to, it benefits from the overall advancement of military build-down and transparency ushered in by the political changes in Europe and facilitated by co-operation in the OSCE framework.

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28 Cf. Martti Ahtisaari, President of the Republic of Finland, Statement at the Lisbon Summit of the Organization for Security and Co-operation in Europe, Lisbon, 2 December 1996, in: *Suomen ulko- ja turvallisuuspolitiikka*, Tampere 1998, pp. 308-309.

29 Cf. Christer Pursiainen, *Modelling Russia's Crisis Decision-Making: The Case of Chechnya*, in: Finnish Institute of International Affairs Working Paper 1/1997.

Finland places emphasis on improving the applicability of the existing CSBMs of the Vienna Document 1994, such as the exchange of military information and the verification and compliance with the commitments, while the implementation record among the participating States remains uneven. Likewise, Finland has suggested that the commitments undertaken in the Code of Conduct be verified by the measures provided for in the Vienna Document (evaluation visits and inspections) and that the participating States should distribute information about their implementation measures such as training and publicity programmes.<sup>30</sup>

The significance of the CSBM regime for Finland is likely to increase under changing circumstances, as the Vienna Document is being reviewed and the CFE Treaty is being adapted. Finland has expressed an interest in - and made technical preparations for - joining the Open Skies Treaty once the ratification process among the original parties is concluded and the Treaty opened for new accessions. The well-established CSBMs of the Vienna Document on military structures and activities implemented and complied with, together with the opportunity for short-notice surveillance flights offered by the Open Skies Treaty, would serve Finland's needs for openness in the immediate security environment, while the verification arrangements of the CFE Treaty would not bring significant new benefits. As a non-party, Finland cannot directly affect the outcome of the CFE adaptation, but the development of the CSBMs is becoming more closely linked with the future of the CFE arrangement, as both regimes address the same kinds of security concern - albeit from different angles - such as the transparency of changes in military dispositions or the consolidation of regional stability in the north-east and south-east.

NATO enlargement and defence restructuring in new or potential member countries, on the one hand, and the military reform in Russia, on the other hand, are developments that are being managed not only by CFE-related measures but also by improvements and new provisions in the Vienna Document. Earlier ideas about the harmonization of arms control commitments among the OSCE States, which in practice would have required the adoption of CFE-type limitations and verification across the board, have been followed by the idea of a web of interlocking and mutually reinforcing arms control obligations and commitments. While Finland is opposed to the concept of harmonization, stressing that transparency measures must not run counter to legitimate defensive needs, it works together with the other participating States on developing the framework for arms control outlined in the 1996 Lisbon Document.

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30 Cf. Statement by Finland on 23 September 1997, in: Follow-up Conference on the OSCE Code of Conduct on politico-military aspects of security, Vienna, 22-24 September 1997, Summary, FSC.GAL/15/97; cf. also statements in Annual Implementation Assessment Meeting, Vienna, 2-4 March 1998.

The regional approach is another new aspect that is making the CSBM regime more relevant for Finnish security interests. As military security and stability in the post-division Europe are determined increasingly by developments in nearby areas, states have established regional and bilateral co-operative processes and arrangements, including CSBMs going beyond, and being complementary to, the Vienna Document 1994. Finland and Sweden have offered unilaterally, and on a reciprocal and bilateral basis, to their neighbours in the Baltic Sea region an extra quota of evaluation visits and inspections as part of a wider initiative dealing with politico-military aspects of security in the region. The initiative refers to the possibilities offered by the review of the Vienna Document for addressing security issues relevant for the Baltic Sea region, while stressing the indivisibility of security in the OSCE space and rejecting the idea of regionalization of security guarantees and responsibilities. The Finnish-Swedish initiative brings out the fact that there are other measures and arrangements in addition to the traditional military CSBMs that can enhance security and stability and promote confidence, such as co-operation among neighbours in the framework of the PFP and the EAPC and in the area of civic security and other responses to new transnational risks and challenges jointly by civilian and military authorities.<sup>31</sup>

Since the adoption in the early nineties of the Vienna Document in its present form, Finland had as of June 1998 made seven evaluation visits and six inspections and received eight evaluation visits and one inspection. In the Finnish defence structure, only the three air wings are categorized and notified as active formations subject to evaluation visits, while training centres are not active formations in peacetime. The present plans extending to 2008 foresee no change in the defence system which is based on the regeneration of war-time forces by mobilization from the reserves produced by conscription.

Finland has supported the CFE reporting practice introduced in the OSCE framework. From the beginning of the CFE negotiations, an information linkage was established with the Forum for Security Co-operation, which highlighted the need to take into account the security interests of non-participants as well. Openness continues with the CFE adaptation negotiations, and in practice the transparency has exceeded the formal requirements so that Finland can follow the negotiations closely.

Finland underscores the importance of the CFE Treaty, in particular the implementation of the flank limitations, to stability in its surrounding area. The issue of accession by Finland to the CFE Treaty may arise in the near future after a successful adaptation outcome has entered into force among the States Parties.

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31 Cf. Non-paper by Finland and Sweden on Cooperative Security for the Baltic Sea Region, 17 April 1998, in: FSC.DEL/104/98/22.04.98; Torstila, cited above (Note 17).



Politically, Finland's position on the CFE issue is based on the OSCE principle of the right of every state to choose its defence and security arrangements and the obligation by all to take into account the security interests of others. Finland was not party to the negotiation of the original CFE Treaty or its later adaptations. Moreover, a key argument relates to the regional circumstances and the specific characteristics of the Finnish defence system in accordance with the OSCE principles. This guiding principle is contained in the provision whereby arms control regimes will take into account "the specific characteristics of the armed forces of individual participating States as well as already agreed commitments and obligations".<sup>32</sup>

Militarily, safeguarding the integrity of the national defence system is paramount in the Finnish deliberations on the acceptance of any invitation to join the CFE. The requirements of a mobilization-based system preclude revealing mobilization plans or opening up weapons depots earmarked for war-time forces to the kind of intrusive verification that has been tailored for the CFE Treaty concluded between member countries of military alliances which have large active and standing armies with offensive capabilities and superior intelligence resources. Finland has no plans to join the CFE Treaty under the prevailing circumstances, but it gives strong support to the Treaty as a fundamental factor in military stability in Europe. Finland would have to assess the benefits of participation in the process if the Treaty were opened for further accessions, but the additional political benefits are not likely to overcome the military risks. For the same reason Finland has opposed the ideas of harmonizing arms control regimes in Europe, which in fact would mean the adoption of CFE standards by all the OSCE participating States. A cost-effective, purely defensive and inherently democratic defence system is likely to retain a relevant and legitimate position in the European security architecture.<sup>33</sup>

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32 Lisbon Document 1996, A Framework for Arms Control, para. 8, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1997, Baden-Baden 1998, p. 434.

33 Cf. The European Security Development and Finnish Defence, cited above (Note 5), p. 30; Statement by Mr. Pertti Torstila, Director General for Political Affairs, Ministry for Foreign Affairs of Finland, at the OSCE Forum for Security Co-operation, Vienna 18 June 1997; Military non-alliance. The development of military doctrine and changes in the defence structures. Reform or restructuring the armed forces, presentation by Lieutenant General Jussi Hautamäki at the Seminar on Defence Policies and Military Doctrines held in Vienna, FSC.MD.DEL/31/98, 27 January 1998; Evolution of the European Security Environment and Its Influence on Defence Policies and Military Doctrines, statement by Kari Möttölä, Special Adviser, MFA, in the same seminar, FSC.MD.DEL/ 26/98, 27 January 1998.

### *Conclusions: A Dynamic Relationship with the OSCE*

Finland's activity in the OSCE reflects an inherently dynamic relationship. The overall European order of security and co-operation is changing, the role of the OSCE is under continuous debate among the participating States, and Finland's own adaptation to the integration and security environment is shaped by decisions where the OSCE has a variable role.

Finland is a small state with a strong interest and belief in international institutions. The usefulness of the political and functional dimensions of the OSCE for promoting Finnish foreign and security policy objectives is proved by Cold-War as well as post-Cold War history. At the same time, Finland's line of action is based on a set of priorities where an indigenous defence solution represents continuity, a close attention to regional stability is indispensable and membership of the European Union offers a main channel of influence. An active policy in the OSCE has relevance for all these core elements in the Finnish foreign and security policy line.

The role of the OSCE in European security arrangements is vital for Finland, which benefits from the inclusiveness and common norms upholding the indivisibility of security. In practical security management, the significance of the OSCE varies in the inter-institutional setting available for Finland, but it has a legitimate and functional place in the implementation of human rights policies and in the efforts to prevent and settle conflicts and reconstruct damaged areas and societies. The most tangible role the OSCE has for Finland's interests is in military security because of Finland's national security and defence solution.

EU membership has had a significant effect on Finnish policy towards the OSCE, not so much in substance, as Finland has joined a group of like-minded countries, but in practice because of the close co-ordination in the framework of the Common Foreign and Security Policy. A large part of the national profile is embedded in the joint contributions of the Union and the intra-Union debate and policy formation can only rarely be made public. While EU co-ordination offers a channel for reinforcing its aspirations and widening its efforts on behalf of the common security of the OSCE space, Finland can pursue specific interests in such issues as military security and regional stability by national measures or through Nordic and Nordic-Baltic co-operation.

## Lithuania and the OSCE

Lithuania sees its security as an integral and indivisible part of European and global security. Its participation in international organizations and integration into European and transatlantic security, economic and defence structures, including NATO and WEU, are intended to contribute to strengthening international confidence and stability. Vilnius' motivation for securing membership in the European Union and NATO is to extend the zone of security in Europe and provide incentive for more stable relations between states. Since the re-establishment of independence, the top foreign policy objectives of Lithuania have been European integration and good neighbourliness.

As one of the countries that had no say when the continent was politically divided 53 years ago in Yalta, Lithuania today assigns high priority to inclusiveness and participatory democracy. The fall of communism opened the door for small and medium-sized states to be actors in the international arena rather than to be subordinated to the interests of others. What better way to do away with the Yalta legacy than to ensure direct participation of the newly independent countries in the formation of a new Europe? The inclusive membership of the OSCE and its consensual decision-making process make it a logical vehicle for full and equal participation of states. Despite weaknesses in the consensus rule, it remains a good basis for developing a co-operative spirit among states.<sup>1</sup>

This is not to say that opinion in Lithuania on the value of the OSCE is united. Some policy-makers believe that all efforts should be concentrated on joining NATO and that OSCE is a time-wasting distraction. Others see it as a useful instrument - not just a talking mill - for conflict prevention and crisis management activities.

In 1997, Foreign Minister Algirdas Saudargas summed up his views on what role the OSCE should play in the new Europe:

"Our concept for a European security architecture is an inclusive one, aimed at fostering a culture of co-operation among all OSCE States. In our view, the co-operative approach of OSCE can play an important role in strengthening confidence through dialogue, promoting openness and transparency, encouraging mutual support and assistance, and complementing other proc-

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<sup>1</sup> Cf. Statement of the Delegation of Lithuania to the OSCE, Reinforced Permanent Council, Vienna, 5 November 1997. Lithuania stressed the importance of the consensus rule, which is "of particular importance to small states, such as ours, since it serves as a guarantee that all participating States will be treated like partners, that the national priorities of each will be taken into account. This, we believe, gives the OSCE its unique political power."

esses of adaptation and enlargement, to which we attach importance. The central elements of lasting peace and stability in the OSCE area must be:

- partnership based on equality, respect for the interests of states and their right to choose their own security arrangements;
- common values based on full respect for and implementation of the Helsinki principles and commitments which underlie the OSCE, particularly respect for an open society and the rule of law;
- universal application of tools and mechanisms;
- indivisible security and the integration of Europe into a series of mutually supporting institutions and relationships which ensure that there will be no return to division or confrontation (...) where all states, security-related organizations and regional arrangements work together in a constructive, non-hierarchical and mutually-reinforcing way. We do not believe that regionalization of security matters can serve our common interests."<sup>2</sup>

### *Culture of Co-operation*

The CSCE/OSCE has not figured prominently in Lithuania's security policy, but understanding of the important work it does and can do is gaining recognition. Even though some policy-makers still perceive Russian interests as being the sole focus of attention in the OSCE, a new line of thinking has emerged. The Ministry of Foreign Affairs recognizes that OSCE has a comparative advantage in early warning, conflict prevention, conflict management and post-conflict rehabilitation. There is no doubt that more active participation by Lithuania, especially over the past two years, in short-term and long-term OSCE missions has contributed to this change of attitude. Lithuania has sent election observers, media specialists, junior and senior diplomats to stabilizing efforts in Albania, Bosnia and Herzegovina, Croatia, Chechnya, Georgia and Ukraine. OSCE missions have provided an opportunity for concrete involvement by Lithuanian experts.

Lithuanian diplomacy has also promoted the view that security should be increasingly sought in co-operation, not confrontation. Maintaining good and friendly relations with the Russian Federation is one of Lithuania's principal interests. The question of how to constructively involve Russia, as well as other CIS states, in European co-operation on security matters is very much on the mind of Vilnius. Lithuanian interest is to draw Russia closer into the framework of European co-operation and strengthen its democratic development. Other basic concerns as seen from Vilnius include finding a place for

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2 Statement by H.E. Mr. Algirdas Saudargas, Minister of Foreign Affairs, OSCE Ministerial Council, Copenhagen, 18 December 1997.

Ukraine in a new political order and preventing possible self-isolation of Belarus. The OSCE is useful in this regard since it provides a forum for dialogue on these matters and that in itself is an important contribution to openness and transparency. States can ask questions when concerns arise and communicate their positions and views. This process helps replace Cold War thinking and policies with co-operative efforts based on common values of democracy, the rule of law, respect for human rights and fundamental freedoms. By encouraging a culture of co-operation and trust among OSCE participating States, OSCE is helping to change and remove old perceptions. It is creating a sense of shared responsibility by developing rules of conduct between states and towards their citizens. But the implementation of these standards represents the ultimate challenge for the Organization and its participating States.

### *Freedom of Choice*

The inherent right of all states to determine and strengthen their own security arrangements is a fundamental principle laid down by the OSCE, to which Lithuania attaches great importance. Respect for this principle impacts the attitude of Lithuania towards the OSCE. Calls for more regional arrangements and a central OSCE role bring out feelings of apprehension that the OSCE might be viewed as a substitute structure for states who are not, or not yet, members of other security organizations. Lithuania does not believe that the OSCE can in any way serve as an effective security structure or offer hard security guarantees. Even though the OSCE has a special contribution to make to Europe's security, Lithuania does not see it as an alternative to NATO. The OSCE is an organization for soft security measures, which sets norms and standards for states to respect, both internationally and at home. It enhances transparency and helps to build confidence. But in the end, it is the democratic foundation of security and implementation of OSCE principles and commitments that defines the future of a stable and secure Europe. Therefore, the freedom of all states to choose or change their security arrangements, as laid down in the Charter of Paris and reiterated in the guidelines from Copenhagen for the development of a Document-Charter on European Security, should not be interpreted as merely an abstraction. It is a right that Lithuania insists upon and that states are entitled to exercise in practice.

The principles and commitments agreed upon within the OSCE are the very foundation for creating a stable and secure Europe. The OSCE has reached a point in its evolution where its conceptual work is being overtaken by its action in the field. Subsequently, more emphasis needs to be placed on the practical application of the Organization's goals and mandates. For this reason, Lithuania favours improving implementation of existing OSCE principles and commitments over developing new documents or structures.<sup>3</sup> Lithuania is of the opinion that the basic norms of European behaviour have been agreed.

Nevertheless, much conceptual work has been done within the OSCE, including on the Security Model. Lithuania views this work as a confidence-building measure in itself. Further work should reflect the basic functions of the OSCE and seek to complement ongoing enlargement processes and the work of existing institutions, especially those that enhance and strengthen European security and promote solidarity and co-operation among OSCE States.<sup>4</sup>

The aim of the work is to improve what the OSCE has, not to start over. The Helsinki Final Act, the Charter of Paris and the set of principles and commitments arising from them should remain the focus of the OSCE. Their implementation lies at the core of the relevance of the OSCE.<sup>5</sup>

As active as the OSCE has been, its instruments and mechanisms could be used more effectively to take action when OSCE principles and commitments are grossly violated. OSCE standards and values are a constant: they are the unchanging foundation of OSCE co-operation. There is always room for improvement in implementation, especially since principles and commitments are not yet a living reality in all OSCE States. One case in point is the lack of progress on Russian troop withdrawal from Moldova. Lithuania has repeatedly pressed for a durable solution of the Trans-Dniestrian problem and the withdrawal of foreign troops in accordance with OSCE commitments.<sup>6</sup> Based on its own experience, this matter is of particular concern to Lithuania, which itself benefited from the OSCE's call for the withdrawal of Russian troops from the Baltic states, a goal finally achieved in Lithuania in 1993.

As difficult and as uncomfortable as it may be to some, Lithuania has stated as a general rule that standards and norms of behaviour should be equally ap-

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3 Cf. Statement of the Delegation of Lithuania to the OSCE, cited above (Note 1).

4 Cf. *ibid.*

5 Cf. speaking notes of Mr. Vygaudas Usackas, Political Director, Ministry of Foreign Affairs, Reinforced Permanent Council, Vienna, 27 March 1998.

6 Cf. Statement of the Delegation of Lithuania to the OSCE, Permanent Council, Vienna, 17 June 1998.

plied to all participating States.<sup>7</sup> In practice, that is not always the case. If the OSCE is to maintain credibility, the perception that it has a role to play only in a limited number of states must be avoided. More attention must be paid to non-discriminatory application of OSCE mechanisms and instruments.

### *Indivisible Security through Mutual Reinforcement*

As Eastern Europe moves westward to rejoin the other half of the common culture from which it was separated in 1945, Lithuania, like the rest of Europe, is facing a world that is getting smaller. As a consequence, Lithuanian security, like that of its Baltic and Nordic neighbours, is linked to the security of the rest of Europe and North America. Lithuania believes that regionalization of security and the creation of any kind of special security zones in or around the Baltic Sea must be avoided. This is particularly true now when the free world is no longer confronted by a gigantic strategic adversary, but by many new transboundary risks and challenges, such as drug trafficking, organized crime, illegal migration and environmental threats. Today's European and regional agendas are dominated not by military threats, but by these *third pillar* risks and challenges.

In the case of the Baltic Sea region, many different forms of co-operation are being actively pursued. On 22-23 January 1998, the Second Conference of Heads of Government of the Council of the Baltic Sea States in Riga gave new impetus to regional economic, subregional and cross-border co-operation, particularly in the fields of civic security, domestic and justice affairs, of small and medium-size enterprises as well as implementation of transport and energy infrastructure projects. One of the priorities of the Lithuanian Presidency of the Council of Baltic Sea States (CBSS) is constructive engagement of the Russian Kaliningrad and St. Petersburg regions in economic and social development programmes.<sup>8</sup>

The Baltic Sea countries are relatively well-equipped with institutional tools capable of addressing these new risks and challenges. Therefore, Lithuanian policy-makers place more emphasis on making full use of currently existing institutions rather than on creating new OSCE structures. Many tools which enhance confidence and transparency are available in the OSCE and outside of it. PfP, EAPC, WEU, subregional organizations, as well as existing OSCE mechanisms and processes can be used to good effect. The distinct competences of each organization should be put to best possible use. Lithuania values the role of the CBSS in particular and is a strong advocate of bilateral

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7 Cf. Statement of the Delegation of Lithuania to the OSCE on the occasion of the visit of the Minister of Foreign Affairs of Estonia, Permanent Council, Vienna, 10 April 1997.

8 Lithuania assumed the one year CBSS Presidency on 1 July 1998.

mechanisms of co-operation.<sup>9</sup> Good neighbours must face and solve problems on a bilateral basis. In this regard, President Valdas Adamkus has noted that the signing of a readmission treaty with Russia and Belarus would significantly contribute to a safer social environment in the region.<sup>10</sup>

The Lithuanian view is that the OSCE should do what it does best and not take over tasks successfully performed by others. The OSCE has clearly proven its comparative advantage in the field of preventive diplomacy. The institutional flexibility of the OSCE has also enabled it to react swiftly and pragmatically in crisis situations. To this end, Lithuania supports the concept of co-operative security, which draws on the experience gained from co-operation in the field between international organizations and from the efforts of sub-regional actors.<sup>11</sup> Exchange of information and experience between security organizations, raising the profile of sub-regional organizations and their activities, encouraging more supportive policies and action by European institutions towards other organizations which share their goals, would help put mutual reinforcement into practice. It is vital that each organization be allowed to evolve in the way best suited to its geographical area, its functional tasks and the freely expressed will of its members.

As for new challenges in the politico-military sphere, the countries of the Baltic Sea region agree that the situation there is stable and that the problems that do exist are essentially non-military in character. Lithuania recognizes that military CSBMs contribute to greater transparency and predictability. On its part, Lithuania has taken concrete steps to promote good neighbourly relations and practical co-operation with the Russian Federation on a bilateral basis and within existing institutions. For instance, Russian observers were invited to take part in the "Baltic Challenge '98" exercise in Lithuania in July 1998. Lithuania has also initiated interaction between local civil emergency agencies and proposed the establishment of a regional civil security co-ordination centre.<sup>12</sup>

In particular cases and on the basis of reciprocity, Lithuania has also offered to inform all interested OSCE States about troops on its territory far below the present thresholds in the Vienna Document '94. Lithuania believes that this, as well as the initiative to provide neighbouring countries with additional opportunities to inspect and verify military data, is a significant contri-

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9 Cf. Usackas, cited above (Note 5).

10 Cf. Presidential policy statement "On the development of relations with Russia and security and confidence building measures", Vilnius, 26 March 1998.

11 Cf. Statement of the Delegation of Lithuania to the OSCE, cited above (Note 1). Lithuania has repeatedly expressed its support for a Platform for Co-operative Security, which would include recommendations for non-hierarchical co-operation between security institutions. "Such co-operation should be mutually reinforcing and based on practical co-operative efforts, but not on a hard division of labour nor on a division of the OSCE area into spheres of responsibility."

12 Cf. Statement by H.E. Mr. Algirdas Saudargas, Minister of Foreign Affairs, EAPC Ministerial meeting, Luxembourg, 29 May 1998.



bution towards greater transparency and confidence-building among countries of the region.<sup>13</sup>

These activities, including development of self-defence capabilities, have led to a more active interest by Lithuania in possible arms control contributions. Serious attention is being paid in Vilnius to tackling new security challenges in Europe. One such challenge is the CFE adaptation process, which will affect all OSCE States, whether States Parties to the Treaty or not.<sup>14</sup> As a non-party, Lithuania has a strong interest in the transparency of the adaptation process and the benefits of the compliance regime. Of primary concern is the Treaty's continued viability, which will largely depend on preservation of the flank rule as well as the possibility and terms of accession by new members.<sup>15</sup>

### *Conclusion*

Building European security requires a multi-dimensional approach by various institutions. Lithuania's contribution to stability and security lies in its strategy for European integration, which emphasizes practical steps that complement OSCE-wide, European and transatlantic processes and institutions. This strategy includes:

- EU and NATO membership;
- continued dialogue with Russia;
- more bilateral activities such as those in which the Baltic and Nordic countries jointly participate: in the Baltic Battalion (BALTBAT), in NATO's Implementation and Stabilization Forces in Bosnia (IFOR and SFOR); more bilateral activities in peacekeeping with Poland;
- active participation in NATO's Partnership for Peace programme and events;
- intensified regional economic, social and environmental co-operation among all the Baltic Sea countries, particularly in managing new risks and challenges.

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13 Cf. Presidential policy statement, cited above (Note 10).

14 See Arms Control Reporter 1996, citing Vilnius Radio on 9 June 1996. The Baltic states were upset by the Final Document of the 1996 CFE Review Conference, especially by the fact that Russian equipment in Pskov was no longer to be counted in the flank ceilings. The Baltic Assembly's Foreign Affairs and Security Committee criticized Russian violation of the CFE Treaty and US concessions to Moscow at the expense of Baltic interests.

15 Cf. Statement by the Delegation of Lithuania to the OSCE on co-operative measures enhancing stability in the Baltic Sea Region, Forum for Security Co-operation, Vienna, 1 July 1998.

Lithuanian interest in the OSCE is to fully benefit from the OSCE's comparative advantage in conflict prevention and crisis management and to use it as an instrument which strengthens respect for democracy and the sovereignty of states, protects the interests of small states, encourages multilateral dialogue and co-operation and enhances security through openness and transparency.

The strength of the OSCE ultimately lies in the political will of participating States to implement OSCE norms and standards and to live up to the decisions they have taken as members of a very useful body for raising pan-European issues and concerns.

## II.

### Instruments, Responsibilities, Mechanisms and Procedures



## Conflict Prevention and Settlement of Disputes



## The OSCE Presence in Albania

The situation in Albania in 1997 presented a formidable task for the newly formed OSCE Presence. Earlier that year, this long isolated Balkan country, a newly admitted member to the OSCE and Council of Europe, found itself sliding into crisis. Peaceful protests turned violent, state security institutions lost control of the situation and in many areas of the country the army and police ceased to operate. Military depots were looted and government buildings ransacked. In some regions, particularly the south, "salvation committees" emerged, demanding the resignation of the President, whom they blamed for the collapse of the pyramid schemes. Following attacks on political targets, criminal activity mushroomed. Many Albanian citizens fled to Italy and Greece. Foreigners were evacuated. In short, the Government had lost control of the country.

On 9 March the main political parties agreed to establish an interim, cross-party government of National Reconciliation to establish the conditions for new parliamentary elections. In response to the crisis the OSCE agreed to the Albanian government's request to help them work towards these elections, and decided, on 27 March, to establish a Presence in Albania in order to pursue this. This was followed, on 28 March, by the UN Security Council authorizing a group of member countries, led by Italy, to establish a multinational protection force (MPF) to facilitate the safe and prompt delivery of humanitarian assistance. This MPF was also given the task of creating a secure environment for international organizations to carry out their mandates in the country. The 7,000-troop, eleven-nation force, which arrived in Tirana in mid-April, provided psychological reassurance for the Albanian people, and also made possible the OSCE-led election assistance and monitoring work. Altogether it helped enormously to calm the political scene, but nevertheless the Presence had to spend much time mediating between the various Albanian political parties. As the then Personal Representative of the OSCE Chairman in Office for Albania, I played a key role in ensuring full participation by these parties and the subsequent proper conduct of elections. I did so by first brokering an agreement among the parties represented in the government of National Reconciliation, in which they committed themselves to hold elections by the end of June. Later, when the Democratic Party (DP) used its parliamentary majority to pass its own draft election law, I successfully intervened to stop the other parties from boycotting the elections.

The conditions under which the elections were held were not ideal. Political tension remained high, and only increased as election day approached. In

much of Albania international observers could only travel with a military escort. Technical preparations fell behind schedule, and nor did they meet the average international standards. That said, due to enormous efforts by both the international community and the Albanian authorities, the schedule was met. Accordingly, on 29 June elections took place, and passed off as smoothly as possible, given the difficult circumstances. The results were accepted by the major political parties as a genuine representation of the will of the Albanian people who unambiguously called for a change of government. Important too was that the key international players, including the major European institutions, found a common approach to assessing the elections, and spoke with one voice in their assessments.

The 1997 elections were, however, only the first step in a long process to rehabilitate Albania's democratic institutions and economy. The new Socialist-led coalition government faced the enormous task of recovering public confidence in the state and of rebuilding the country from scratch. This meant that both short-term, high visibility projects, as well as substantial, long-term financial and technical assistance, would be needed. The World Bank, IMF and EU became important players in this process, as well as Albania's traditional bilateral partners, including their private enterprise sectors. The tenuous security situation, with rampant crime and with some 700,000 small arms illegally held, did pose an impediment to rapid economic recovery. Gradually, though, the international community has resumed its pre-March levels of activity by starting assistance projects, revamping old links and relationships, and by scouting for new opportunities.

After the elections the Presence, besides helping the country to arrange its relations with the donor community, entered into close relationship with its many and varied Albanian partners in order to encourage social and political dialogue, and to strengthen democratic values and culture in the country. However, both the major government and major opposition parties maintained a basically uncompromising, antagonistic, stand against each other, making reconciliation a distant prospect rather than a reality. In fact this mutual distrust and reticence to accept the parliamentary outcome (and a loyal opposition role) led to a DP boycott of Parliament after a series of political incidents.

The fragile situation resulted in the OSCE Presence having to pay particularly close attention to Albania's precarious political situation, for it threatened to jeopardize efforts to return Albania to full normality. Repeatedly it was called upon to act as an honest broker. Often, disagreements which in any normal, functioning political system would be resolved through compromises hammered out by the competing parties were instead referred to the OSCE for solution. Being well respected and favourably accepted throughout Albania, and having established field offices in both the north and the south



of the country, the Presence used every opportunity to act as a go-between, to facilitate dialogue and to offer mediation. Additionally, in response to requests and expectations, the Presence developed a range of longer-term human dimension activities, it became heavily involved in the drafting of a new constitution and in the promotion of the rule of law. It dealt with NGOs, the media, and offered a framework for international assistance co-ordination.

The arrival of the first OSCE Ambassador to Albania, Mr. Daan Everts, in mid-December 1997, underscored the importance of the OSCE Presence in the country, and gave a boost to the Organization's activities. Building on the good, well-established contacts with all political forces in the country, Ambassador Everts successfully mediated an end to the hunger strikes by judges and ex-political prisoners who were demanding legislative changes. He also took a number of initiatives in attempts to bring the opposition Democratic Party both back to Parliament, and to encourage them to partake in the important constitution drafting process.

In January 1998, the co-chairs of the parliamentary commission responsible for drafting and negotiating a new constitution for Albania requested assistance. In reaction, the Presence invited a multi-party delegation, composed of seven senior members of the Parliamentary Assemblies of the OSCE and the Council of Europe, and of the European Parliament, to explore ways and means of overcoming the then impasse in the constitution drafting process. This delegation reaffirmed unequivocally the legitimacy of the June 1997 elections, and the current Parliament, and rejected the validity of any calls for early parliamentary elections. The delegation also underlined the need for a new constitution as the basis for political stability and sustained international support for Albania, as well as recognizing the Constitutional Commission of Parliament as the legally valid mechanism for drafting a new constitution. Finally, parties were urged to participate constructively in the work of the Commission. The declaration of the delegation, which called on the DP to end its parliamentary boycott, became a benchmark on the Albanian political scene, as it was welcomed by both the ruling coalition and the opposition. Assisted by the urgency of the Kosovo issue, the Democratic Party returned to Parliament on 9 March 1998. It did not, however, join the parliamentary commission on the constitution as it preferred a separate, extra-parliamentary chamber (a constitutional assembly), and insisted on a differently structured committee.

In accordance with the tri-parliamentary delegation proposal, the OSCE Presence initiated and organized a systematic multi-institution/multi-nation programme to observe parliamentary procedures. The Presence issues bi-weekly reports on parliament, sharing them with political parties and representatives of diplomatic/international organizations. These reports have had a positive impact on the overall behaviour of the parliamentary representatives,

and have positively affected the work of the Parliament. The Presence has also found donors to help the Parliament with technical equipment and training of the parliamentary staff.

On 29 and 30 June 1998 the joint tri-parliamentary delegation visited Albania for the second time to assess developments since its first mission. It welcomed the progress made in the above-mentioned fields, and called for further steps in the democratization of the country. That the Democratic Party effected a second boycott of the Parliament on 7 July 1998, just one week after the visit, was disappointing and soundly condemned by the Troika in its joint statement.

An OSCE Administrative Centre for the Co-ordination of Assistance and Public Participation (ACCAPP) helps to move the constitution making process forward by offering the different Albanian parties the chance for transparent and well-informed public debate on the much-needed constitution. The Presence plays a key role in this civic information process, and facilitates international and domestic input into the constitution writing process. A national referendum on the new constitution is expected to be held in late 1998.

In order to expand its capacities to assist in the development of the rule of law in Albania, the OSCE Presence opened its Office of the Legal Counsellor (LCO) in the first half of 1998. The LCO serves as a legal thinktank, providing rapid analyses of legal conflict situations. It helps to co-ordinate legal assistance efforts in Albania, and provides direct technical legal assistance to Albania on a variety of projects. The LCO has analysed issues relating to the Constitutional Court, local government district councils, the local and parliamentary election laws, and other important law-related matters. It has facilitated OSCE/ODIHR assistance on the development of an ombudsman institution, and in the area of legal education. In furtherance of its co-ordination role, the LCO has initiated separate groups relating to criminal justice reform, the ombudsman institution, and legal/social aid clinics. The LCO has also provided direct technical legal assistance in the area of minority rights.

In line with its elections role the Presence is conducting a series of pilot projects, aimed at providing a new system for creating a civil register. The purpose of this effort is to help create an accurate and reliable source for voter registries. A working group was set up to oversee the preparation of a proposal for the international funding of nation-wide civil registration. Once the new civil registry database is established, it can become the sole source of all voter registries and end the recurring disputes over the accuracy of voters' lists.

The Presence in Albania assessed the electoral preparation and the electoral campaign of the municipal by-elections in June 1998. Ambassador Everts' compromise formula on granting compensation time to the opposition parties on state TV actually averted a boycott of the elections by the DP. For these

elections, the Presence organized assessment teams, consisting of representatives from the international community in Albania. Together with Council of Europe, which provided its own monitoring teams, the OSCE issued a joint statement, evaluating the elections as "a significant improvement over the 1997 parliamentary elections" and called them "a solid step forward in the consolidation of democracy in Albania".

With regard to economic recovery, so obviously a priority, the Presence has made its contribution to promote co-ordination of international assistance efforts. It convened a series of donor co-ordination meetings, both general and for sectors such as emergency aid, constitutional issues, ombudsman, etc. It has made special efforts to promote the Albanian government co-ordination capacity by providing direct advice and assistance to the aid co-ordinating ministry, its project databank and management information system. As part of its liaison function, the Presence helped several donor countries without local representation to channel funds to specific projects.

In the same vein, the Presence supported domestic efforts to encourage private sector development. It organized, together with local business enterprises, investment promotion seminars in Vlora and Shkodra, with a view to directing attention to economic opportunities outside the capital Tirana.

The Presence concentrates its NGO related activities by involving itself with the actions of donor organizations - this as a part of the Presence's flexible co-ordination framework. It facilitates development of NGO networks in the Presence's fields of priority; these being human rights, media and democratization. It does so, in part, by facilitating regular meetings to review progress, to address bottlenecks and any other donor/government weaknesses concerning the implementation of the various social/economic programmes and projects.

Responding to the tense situation in Kosovo, in March 1998 the Permanent Council widened the mandate of the OSCE Presence to include monitoring of the Albania/Kosovo border. Consequently, five new field offices were set up in north-eastern Albania. By mid 1998 24 observers from different countries were involved in the effort, with an expansion planned to bring the effort up to 30 observers. A co-ordination centre in Tirana supports these field offices both operationally and logistically, and collates and consolidates their reports on a daily basis. Besides their observation and reporting duties, these field offices facilitate international assistance efforts, provide high level briefings, engage in local political mediation, and provide assistance to the government to improve co-ordination of the relief effort. The border observers work in difficult, sometimes dangerous, situations, but their reports are widely appreciated and serve as impartial, accurate assessments of the realities of a very complex and serious situation.

The Presence will continue to closely monitor the Kosovo situation, but there remain numerous other priorities to be given equal attention. The unsatisfactory situation regarding law and order, the necessary reduction of arms being in private hands, corruption, high unemployment and resultant social problems are just some which need to be addressed, just as support for economic recovery remains another priority. It is of cardinal importance that the international community, with the Presence being its indispensable tool, continues its efforts to ensure that no repetition of the situation that erupted in February 1997 could ever take place again. Albania is at a crucial juncture in its history, trying to evolve from a long, dark period of dictatorial rule into a fully-fledged parliamentary democracy and legal state, well integrated in the Atlantic-European community.

## Kosovo 1998

### *The International Community and the Kosovo Problem 1991-1997*

The Kosovo problem is a classic example of a territorial conflict in which claims based on history and those founded in ethnic considerations collide. The Serbs stress their history and never tire of pointing out that in the Middle Ages Kosovo was the cradle of their culture and their church as well as the political centre of their empire. They describe Kosovo as the "Serbian Jerusalem" in order to express their strong emotional ties to this territory.

The Kosovo Albanians counter with the argument that they are the descendants of the ancient Illyrians and, hence, the original inhabitants of this region. What is of critical importance for the defence of their claims, however, is that the ethnic facts are on their side. No less than 90 per cent of the 2.15 million inhabitants of Kosovo are Albanians. Compared with that, the 180,000 Serbs who still live there are a group of modest size.

The international community - the European Union and the United States - failed to put the Kosovo problem on the agenda when the time was ripe for that action. At the Yugoslavia conferences, starting in The Hague in 1991 and ending in 1995 in Dayton, the Kosovo problem was swept under the carpet. The international community imperiously ignored the fact that Yugoslavia, according to the valid federal constitution of 1974, was constituted not by six but by eight units. The two autonomous provinces - Kosovo and Vojvodina - had, *de facto*, the same status as the six republics. Like them, they had a veto right against legislation and, like them, they assumed in the regular rotation the offices of State President of Yugoslavia and of party leader at the federal level. The European Community's arbitration commission, under the chairmanship of Robert Badinter, did not recognize the autonomous provinces of Kosovo and Vojvodina as sovereign parts of the Federation and as a consequence did not grant them the right to create states of their own.

At the end of the eighties Slobodan Milošević withdrew Kosovo's autonomy. In a breach of the Yugoslav constitution, the province was *de facto* degraded to a part of Serbia without rights and the Albanian population subjected to brutal repression. The European Community and the United States tacitly accepted this *coup d'état* by treating Kosovo as a part of Serbia not capable of independent action on the international stage. At the beginning of 1992 Western diplomats - off the record - justified this position by arguing that it would be necessary to impose substantial sacrifices on the Serbs in Croatia and Bosnia and for that reason one could not demand that they relinquish

Kosovo as well. There were rumours at the time that the West had explicitly concluded a deal with Milošević on this matter - that, in return for the Serbian President's agreement that Blue Helmets could be stationed in Krajina, the Kosovo problem would not be put on the international agenda.

Thus the Kosovo issue was not internationalized and was not treated as a problem of self-determination of peoples, even though there were good reasons to do so. The German international law expert, Theodor Schweissfurth, says that if a people are denied elementary human and minority rights for a substantial period of time in a given country they should be given the right of secession. But the international community was not prepared to concede to the Kosovo-Albanians a right that they had willingly given to the Slovenes and the Croatians - i.e. to separate themselves from Yugoslavia.

In 1991 the unofficial parliament of the Kosovo-Albanians proclaimed the independent state of Kosovo. This "Republic of Kosovo" was thereupon recognized by the parliament in Tirana although, prudently, not by the Albanian Foreign Ministry. All other countries in the world ignored the "Republic of Kosovo", as it called itself. The international community could not at the time recognize an independent state of Kosovo without risking an expansion of the bloody war in Yugoslavia. The European Community, from that point on, spoke of the "legitimate desire of the inhabitants of Kosovo for autonomy". And for the first time those concepts came into currency within the Community which still today characterize the EU's approach to a solution: "dialogue" and "confidence-building measures". The weakness of this approach lay and still lies in the fact that the Kosovars are supposed to enter into dialogue with a political figure who violently withdrew their autonomy in 1989 and who bears personal responsibility for the recent massacres. At most, it might have been possible to think in terms of confidence-building measures if the Serbian opposition had succeeded towards the end of 1996 in overthrowing Milošević. Today it sounds like an anachronism to call for them.

In its Declaration of Lisbon (June 1992) the European Council reminded "the inhabitants of Kosovo that their legitimate quest for autonomy should be dealt with within the framework of the Conference on Yugoslavia". The Declaration of Edinburgh (December 1992) demanded that "the autonomy of Kosovo within Serbia must be restored".<sup>1</sup>

In the period that followed, the European Union's efforts were directed towards preventing violence and the outbreak of hostilities in Kosovo. The policy of non-violence proclaimed by Ibrahim Rugova and the Albanian shadow state set up under his leadership received moral support everywhere in the Western world. Rugova should not, however, be described (as hap-

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1 Quoted from Stefan Troebst, *Conflict in Kosovo: Failure of Prevention?* (ECMI Working Paper 1), Flensburg 1998, pp. 48/ and 49.

pened often in the Western press) as the "Gandhi of the Balkans". In 1991 he told this writer: "We are not pacifists. We simply don't have enough weapons and for that reason cannot rely on violence."

The policy of the unofficial President of the Kosovars was very convenient for the West because for seven years it kept things quiet in a region that had again and again been described as a potential source of war. During this time Rugova tried persistently to internationalize the Kosovo problem. But his visits to the most important EU countries produced no tangible results. Everywhere he met with understanding and a co-operative spirit but his core requirements remained unfulfilled. There was no international Kosovo conference.

The idea of a UN protectorate for Kosovo was never even entertained. The notion of an independent state of Kosovo was rejected, at first in moderate tones and later brusquely. Rugova's hopes were gradually destroyed. "Kosovo - Dayton's stepchild" was the way journalists described the fact that the last and most important Yugoslavia conference did not mention the Kosovo problem with a single syllable.

The countries of the European Union proved unable to develop a common strategy and policy with respect to Kosovo. After the Dayton conference it was agreed in Brussels, at first, that normalization of relations with Belgrade should be made dependent on substantial improvements in the human rights situation in Kosovo.

In February 1996 France pushed rapidly ahead with the recognition of the Federal Republic of Yugoslavia, probably because it had promised this step in secret negotiations with Belgrade that had been conducted in 1995 to obtain the release of two French bomber pilots. The United Kingdom, Sweden, Denmark, the Netherlands, Portugal, Italy and Germany soon followed the French example. Once again the EU had proved incapable of co-ordinating its policy towards Belgrade and of making the move to recognition jointly and under certain conditions. It was of little help that the European Parliament, referring to the continuing violations of human rights in Kosovo, criticized the EU members that had been the first to recognize Belgrade.<sup>2</sup>

At the end of October 1995 and in April 1996 the European Council appealed to Belgrade to grant Kosovo "a large degree of autonomy" and expressed its "concern" about the human and minority rights situation in the Federal Republic of Yugoslavia.<sup>3</sup> The European Union wanted no change in the *territorial* status quo in the Federal Republic of Yugoslavia and once again proclaimed the old ideas of "dialogue" and "confidence-building measures". In doing so it risked falling into a trap of its own making. Once it had been accepted that Kosovo was a part of Serbia or Yugoslavia the Kosovo

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2 Cf. Fabian Schmidt, Supporting the Status quo, in: War Report, May 1996, p. 32.

3 Quoted from Troebst, cited above (Note 1), p. 49.

problem appeared to become an internal affair of Belgrade's. If now the objective was to internationalize this problem as, for example, the German-French initiative of autumn 1997 attempted to do, then there would have to be a declaration in advance that only an improvement of the status quo with regard to autonomy, human rights and minority rights was being sought, excluding *a priori* any option for an independent state of Kosovo. The Serbian leadership perceived statements of this kind as a sign of weakness. For if the EU accepts Kosovo's belonging to Serbia as right and final, its demands for substantial improvements in the region could be rejected as "intervention in the internal affairs of Belgrade". Milan Milutinovic, who was then the Yugoslav Foreign Minister and is today the President of Serbia, rejected the German-French initiative of autumn 1997, saying that foreign mediators would be tantamount to intervention and could not be accepted. After all, Belgrade was not writing any letters to Paris on the situation in Corsica.

When the German Foreign Minister, Klaus Kinkel, and his French colleague, Hubert Védrine, repeatedly called for dialogue and compromise between the parties in Kosovo, they failed to take one fundamental problem into account: the positions of the adversaries are diametrically opposed. No compromise is possible. Theoretically, the Albanians might be satisfied with a very high level of autonomy within the Serbian state and the Serbians might with great effort bring themselves to grant it. However, that is not a practical possibility because autonomy is worth nothing in Albanian eyes as long as the Serbian army and police are subjecting the province to a kind of occupation regime. And the leadership in Belgrade, for their part, will never voluntarily withdraw their security forces from Kosovo because they would see this as an invitation to the Albanians to secede.

Unlike the EU countries, the United States has not given diplomatic recognition to the Federal Republic of Yugoslavia. There is no US Embassy in Belgrade and when Washington calls the unloved state by name it always speaks of "Serbia and Montenegro". Moreover, the United States has given vigorous support to Rugova's non-violent policy. He has been a relatively frequent guest in Washington, where he has always enjoyed recognition and encouragement. But on the decisive point - the question of an independent state of Kosovo - opinions differ. It was owing to Kosovo that Washington, with the help of the UN Security Council, set up the so-called "outer wall" around the new Yugoslavia, cutting it off from international capital markets. Because of Kosovo and the "ethnic cleansing" that was threatening there President George Bush sent a confidential message to Milošević at Christmas time 1992. He threatened unilateral US air strikes against strategic targets in Serbia if Serbia attacked Kosovo with military force. This warning was repeated by President Bill Clinton on 10 February 1993. At the beginning of March 1998, Washington's special representative, Robert Gelbard, declared that



US policy had not changed and that President Milošević had been given appropriate warnings. Secretary of State Madeleine Albright said shortly afterwards that one would not look on idly while the Serbian authorities in Kosovo do there what they can no longer afford to do in Bosnia.<sup>4</sup>

Despite these clear words American policy towards Kosovo has remained ambivalent. Washington has stated that an independent state of Kosovo would be inconsistent with American policy towards the Balkans and has characterized the Albanian Liberation Army (UCK), in the style of Belgrade, as "terrorists". The people in the State Department were obviously convinced that the Kosovo conflict first had to be contained, i.e. that it was important to prevent any spilling over into the neighbouring countries of Macedonia and Albania. After that, calm and stability could be re-established by a fair compromise between the adversaries.

### *The OSCE and the Kosovo Problem*

In early summer of 1991, at the beginning of the war in Yugoslavia, the then CSCE had been playing a role for only a relatively short time. A war that had already broken out was too much for it, in both technical and organizational terms; and so it asked twelve of its participating States - the members of the EC - to handle the task of crisis management and withdrew itself into the background. But in the autumn of 1995 - by this time restructured as the OSCE - it returned to the Yugoslav stage where it was meant to play an important role in the peace-building process in Bosnia.

In Kosovo, where it was still a matter of conflict prevention, there was no withdrawal at the beginning of the nineties and no interruption of the CSCE's activity there. The CSCE issued a strong criticism of Serbia's Kosovo policy in July 1991 on the occasion of an experts' conference in Geneva dealing with minority issues. In May 1992 the CSCE sent its first fact-finding mission to Kosovo. In the same year the CSCE's Long-term Mission to Kosovo, Sandjak and Vojvodina was established. Between September 1992 and July 1993 the CSCE monitored the human rights situation in Kosovo with the aid of an observer team that maintained offices in Priština, Pec and Prizren. This team was a part of the Long-term Mission. The Mission had the following responsibilities:

1. to promote dialogue between the authorities and representatives of the local population;
2. to collect information on all kinds of human rights violations and contribute to a possible solution of the problem;

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4 Cf. The New York Times of 8 March 1998.

3. to make informational material available as needed for the legislation process in the fields of human rights, protection of minorities, independent media and democratic elections.<sup>5</sup>

Permission for the establishment of the CSCE Long-term Mission was given by the then Prime Minister of Yugoslavia, Milan Panic, an American businessman of Serbian origin. He wanted to put relations with the Kosovars on a new basis and promised them autonomy, free elections and the restoration of research and teaching in the Albanian language at the University of Priština. But Panic lost his office shortly afterwards, in December 1992, so that he was unable to carry out his plans.

Once the war in Bosnia had broken out, in February 1992, and Belgrade's role in that war had become clear, the Federal Republic of Yugoslavia's CSCE participation was suspended - as a kind of punishment. This understandable but rather unfortunate decision gave President Milošević a pretext to put an end to the Long-term Mission of the CSCE. The Mission had to leave Yugoslavia at the end of July 1993; its unconditional reestablishment was called for at all OSCE Summit Meetings between 1993 and 1996.

In 1997 the former Netherlands Foreign Minister, Max van der Stoel, was appointed as Personal Representative of the Chairman-in-Office of the OSCE for Kosovo. He was to examine the possibilities for reducing tensions and creating a constructive dialogue in Kosovo. His options were limited, however, because he received no permission to visit Kosovo. Moreover, the Kosovars themselves had reservations about van der Stoel because he is the OSCE High Commissioner on National Minorities. The Albanians do not want under any circumstances to be treated as a minority as they constitute the overwhelming majority of the population in Kosovo.<sup>6</sup>

In January of 1998 there was a meeting in Warsaw of the OSCE Troika of Ministers under the leadership of the new Polish Chairman-in-Office of the OSCE, Foreign Minister Bronisław Geremek. It was decided to send the Polish, Danish and Norwegian Ambassadors in Belgrade on a fact-finding mission to Priština. Upon their arrival there the diplomats were not received by the representatives of Serbia. Finally, in February, van der Stoel received a visa for the Federal Republic of Yugoslavia so that he was able to carry on conversations in Priština with Rugova and other leading Albanian politicians. On 2 March 1998 the OSCE Chairman-in-Office, Geremek, issued a press statement saying that he was deeply shocked and disturbed by the armed clashes in Kosovo. He called upon all sides to refrain from any further acts of violence and to enter into a meaningful dialogue.<sup>7</sup> Surprisingly, it was not

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5 Cf. Report of the International Crisis Group Kosovo of 24 March 1998, p. 46.

6 Cf. Troebst, cited above (Note 1), p. 30.

7 Cf. OSCE Press Release 15/1998.

Max van der Stoep but the former Spanish Prime Minister, Felipe González, who shortly afterwards was named as the Personal Representative of the OSCE Chairman-in-Office for the Federal Republic of Yugoslavia, with a mandate which expressly included Kosovo. This decision was clearly made in co-ordination with the Contact Group and the European Union which, for its part, provided González with a mandate as mediator in the Kosovo conflict.<sup>8</sup>

At this point a diplomatic tug-of-war began over the mission of Felipe González. President Milošević was only willing to accept the González mission if his mandate was confined to the normalization of relations between the OSCE and the Federal Republic of Yugoslavia. At the same time Belgrade made clear that any reestablishment of the long-term missions would only be possible when Yugoslavia was again able to participate fully in the OSCE.<sup>9</sup> There seemed to be a ray of hope when Serbian and Albanian members of the "3+3 Commission" on 23 March 1998 signed an accord on implementation of the education agreement in Priština and, a week later, the Institute for Albanian Studies opened its doors. In a report to the Contact Group the Chairman-in-Office of the OSCE called this a "positive step forward" but at the same time warned that there was a long way to go towards full implementation of the agreement.<sup>10</sup>

The referendum that President Milošević held in Serbia on 23 April 1998 was perceived as an affront to the OSCE and to all mediation efforts at other levels. With a great outpouring of propaganda, 95 per cent of the population were persuaded to vote against the involvement of international mediators in settling the Kosovo conflict. It sounded like mockery when the Yugoslav Foreign Minister invited the OSCE to monitor this pseudo-referendum. The OSCE rejected the "invitation" with the observation that it was mere rhetoric, not a serious effort to improve the situation.<sup>11</sup>

On 23 June 1998 Geremek spoke out in favour of immediate negotiations with the Federal Republic of Yugoslavia on its participation in the OSCE. That, he said, would be the only possibility for carrying out OSCE missions in Kosovo. The OSCE Chairman-in-Office asked Felipe González to evaluate the democratization process in Yugoslavia with a view to restoration of its OSCE participation. At the same time he emphasized that the OSCE was prepared at any time to despatch a delegation to mediate between the parties to the conflict in Kosovo.<sup>12</sup> At the beginning of July the OSCE accepted an offer by Belgrade to send only for a limited period of time a fact-

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8 Cf. Troebst, cited above (Note 1), pp. 30f.

9 Cf. Report of the OSCE Troika Pursuant to the Contact Group Statement on Kosovo of 25 March 1998.

10 OSCE Newsletter 4/1998, p. 2.

11 Cf. Information of the OSCE Chairman-in-Office of 23 April 1998.

12 Cf. *Süddeutsche Zeitung* of 25 June 1998.

finding mission which would also have access to the province of Kosovo. The OSCE spokeswoman, Melissa Fleming, stated in Vienna that the offer had been made by the Yugoslav deputy Foreign Minister, Branko Brankovic, during negotiations in Belgrade and that it had been taken as a gesture of good will, especially because it might ease the way for the mediation efforts of Felipe González.<sup>13</sup>

When violent clashes started in Kosovo in early 1998 the OSCE was in an unfortunate situation because it was not officially allowed to be represented in the disturbed province. It tried to compensate for this weakness by sending to Kosovo diplomats of OSCE participating States who were accredited in Belgrade. At the same time it made use of the border monitors it had sent to neighbouring Albania and Macedonia and who are now providing valuable information on developments in Kosovo. In addition, the OSCE Chairman-in-Office presented in March an action plan calling on the Yugoslav authorities to reduce the police presence in Kosovo and demanding of both parties to the conflict that they abandon violence and prepare for a dialogue. The OSCE pointed out that the Kosovo problem was not exclusively an internal affair of Yugoslavia's, because it involved human rights and the security of the whole region.<sup>14</sup> As the OSCE itself has admitted, its fundamental requirements were not met. The necessary dialogue did not come about and there was no solution of the crisis in sight.

Just as in the Yugoslavia war at an earlier time, it has become apparent in Kosovo that the OSCE's options for action once violence has broken out are severely limited. In Kosovo the OSCE never even had a chance for conflict prevention as it had been denied a local presence. Still, it used all opportunities available to it to warn, at least, of the threatening dangers. The only possibility of conflict prevention did not, in any event, lie in the hands of the OSCE. It would have involved honouring Rugova's seven years of non-violent policy with visible successes, thus taking the wind out of the sails of the apostles of violence.

#### *The UCK and the Guerrilla War in Kosovo*

The Kosovo Liberation Army, UCK (*Ushtria Clirimtare e Kosoves*), is a union of various underground organizations. All of these organizations were involved in the effort, ultimately frustrated by the Serbian authorities, to provide a kind of army for the Albanian shadow state in Kosovo at the beginning of the nineties. Scattered sections of these shattered organizations appear to have joined together in 1993. Since autumn 1997 the liberation army

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13 Cf. Süddeutsche Zeitung of 11/12 July 1998.

14 Cf. Neue Zürcher Zeitung of 12 March 1998.

has attracted attention by attacks on Serbian police stations and barracks but also by assassination attempts against presumed Albanian collaborators. More than forty communiqués issued by the UCK have served the purpose of claiming responsibility for such actions and have also named the goals of the organization: liberation from Serbian rule by military means and the establishment of an independent state of Kosovo.

At first, the political leadership of the Kosovars grouped around Ibrahim Rugova firmly denied the existence of the UCK or claimed that the so-called liberation army was a marionette in the hands of the Serbian secret service. After more than fifty Serbian policemen and a number of "collaborators" had fallen victim to the UCK, the group's existence could no longer be denied. It was considered certain that it was not an army but a group of lightly armed fighters, whose total numbers at the beginning of 1998 were estimated by the Serbian Ministry of the Interior at no more than 2,000. But it was also clear to the Serbian authorities that these numbers would grow like an avalanche if they were unable to smash the organization in time. In the spring of 1997, in the course of political unrest in Albania, more than a million rifles had been stolen from army stocks. They were offered for sale on the open market, where the bottom fell out of the price owing to the oversupply. Eight US-Dollars per rifle was the lowest price but even today they cost no more than 140 US-Dollars apiece. As a result, the UCK has a reserve supply estimated at more than 100,000 light weapons that can be enlarged without any difficulty. On the other hand, there are obviously no heavy or anti-tank weapons in their arsenal.

The personnel reserves of the UCK are substantial because far more young Albanians are trying to join the forces than can be trained by the army. Among them are Kosovars from Western Europe and young Albanians from the motherland and from Macedonia.

At the end of February 1998 the Serbian special police started their effort to nip the liberation army in the bud. The Albanian stronghold of Drenica was stormed, resulting in the deaths of 25 Kosovars. There were more heavy attacks on 5 and 7 March which took 58 lives. Serbian state television and the print media supported these actions by a hate campaign against the Kosovo Albanians. The Serbian President, Milutinovic, thanked the police chiefs for the successful actions of their units in Kosovo and announced an "energetic and efficient reckoning" with the "Albanian separatists and terrorists".<sup>15</sup>

On 23 April, 22 armed Albanians are killed in an effort to reach Kosovo from Albanian territory. In May there is a big Serbian offensive in the centre and western part of Kosovo. The UCK strikes back in the west, i.e. in the city of Pec and in the area bordering on Albania. In July there are battles to the south-west of Kosovo in the course of which the Serbian border police kill

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15    Politika of 8 March 1998 (own translation).

110 Kosovars. At this point, the UCK leadership forgets the basic rule for every partisan movement that is still being built up. Instead of striking quickly and then making themselves invisible, they establish themselves in small towns such as Orahovac and Mališevo and rather than just cutting important roads attempt to control certain segments of them. These strategic mistakes are mercilessly punished by the Serbian security forces. Using their superior heavy weapons they retake the villages occupied by the UCK and also recover control over the most important traffic arteries. The UCK had tried, far too early, to put into practice the concept of "liberated territories". They managed in fact to get as much as 40 per cent of the territory of Kosovo under their control, but it was precisely that that made them an easy target for a much better armed opponent.

By the beginning of August it could be seen that the Serbian forces had for the most part destroyed the Kosovo Liberation Army and were once again in control of the situation. But that is by no means a final victory. The UCK has lost more than 500 fighters and key strategic positions as well, but they will learn from the defeat and return to the concept of a war of attrition. The UCK has not been defeated because it still (or again) has more than 35,000 fighters and because its logistic base and military nerve centre is unassailably located in northern Albania. It can be seen as adding to the UCK's strength that in July the unofficial Kosovar parliament recognized it as "the legitimate fighting force" of the Kosovars and accepted military force as a means of liberation. It is significant that Tirana and the political leadership of the Albanians in Macedonia also took this step. The UCK will recover from its severe defeats, not least because it receives financial support from Albanian emigrants in Western Europe, the US and Australia. It has also become an open secret that substantial profits from the international drug trafficking are among its resources. The Albanian Mafia not only controls the drug market in Hanover (the biggest trans-shipment centre in Germany) but the one in Munich as well. According to Hungarian authorities the Albanian drug Mafia also has a leading position in Budapest.

The Serbian forces have about 50,000 men in Kosovo. It is estimated that Belgrade has to provide 1.95 million US-Dollars a day for their support. It is hard to see how the Serbian economy, ruined as it is, can find the capital to carry this war on over the long term.<sup>16</sup>

The war in Kosovo has caused substantial flows of refugees. More than 200,000 Albanians have become refugees, according to information supplied by international assistance organizations. Only a few tens of thousands succeeded in fleeing to Montenegro, Albania and Macedonia; the rest live in other villages or towns of Kosovo or are hiding in the forests. The number of Serbian refugees is around 20,000 of whom almost all have fled into the Ser-

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16 Cf. Frankfurter Allgemeine Zeitung of 14 August 1998.

bian interior of the country. If the guerrilla war continues there will be further flows of refugees who, after some detours, will find their way to Western Europe, particularly Germany.

### *The West's Options*

The European Union and the United States have committed themselves with regard to a solution of the Kosovo problem. They emphatically reject an independent state of Kosovo and argue, instead, for the greatest possible autonomy for the Kosovars within the framework of the Serbian/Yugoslav state. Washington favours a restructuring of the Yugoslav federation, so that Kosovo would become the third republic in that association of states, along with Serbia and Montenegro. This concept is rejected not just by Serbia but also, with particular bitterness, by Montenegro.

A new domino theory has been worked out in the Foreign Ministries of the EU and also in the US State Department. The argument goes that any border alterations in the sensitive Balkan region will result in a chain reaction. An independent Kosovo would be like a magnet to the Albanians in Macedonia (25 per cent of the total population) and their compatriots in Montenegro (seven per cent of the population). And a greater Albanian state that would result from unification with the mother country would also threaten the northern border of Greece. Once the borders were open to change, Bulgaria too would raise territorial claims against Macedonia, resulting in a perfect scenario for a new Balkan war.

Even if this horror scenario is not plausible, we must assume that the West will not depart from its dogmatic position of "independence no, autonomy yes". In the view of the Americans, which is certainly shared by the English and the French, much will have been achieved if the conflict can be held in check, i.e. if its overflow into Macedonia and Albania can be prevented. This solution is less satisfying from the German viewpoint because Germany is likely to be flooded with refugees from Kosovo if the guerrilla war goes on. On the other hand, it is not clear how German foreign policy could lessen this danger or turn it aside.

One policy option that the Americans toyed with, at least for a short time, has proved to be unworkable. The idea was to find a way of supporting the UCK with weapons and trainers, as Washington had done with the Croats and later with the Bosnian Muslims. But the UCK, poorly organized and subject to no central controlling authority, was obviously not the partner for this kind of approach.

It is noteworthy that the EU countries are displaying a unified position when it comes to the Kosovo problem. There is not a sign of the rivalry and divi-

sions in the European Union that were precipitated by the war in Croatia and later in Bosnia. Even so, the result in both situations is similar. Delays and procrastination alternate with verbal threats directed at Belgrade, but nothing of a concrete nature happens. The deeper reason lies in the fact that the concept adopted by the West is not attainable by military means. A generous autonomy regime cannot be brought about by bombs. The only effect of possible air strikes against the Serbian forces in Kosovo would be that the UCK would take over the positions abandoned by the Serbs. Support for the UCK could not be seriously considered, however, not least because it is a self-appointed force which persists in its anonymity and obviously does not think much of the rules of democratic life.

Thus Washington and Brussels seem to have taken the option of holding the guerrilla war in check and preparing military intervention only for the event that the atrocities and the shedding of blood reach a level that is no longer tolerable.



## The Difficult Business of Perception - OSCE Observers in Croatia

The 18th of November 1991 brought liberation for the city of Vukovar in Eastern Slavonia - in the view of some. As seen by the others, however, Vukovar suffered a terrible defeat on that day.

The same city, the same day, a single event; but one perceived in completely contrary ways, depending on the viewpoint of the observer. Events in this country are often perceived differently; they are often viewed, pondered and interpreted through an ethnic lens. All who talk about them are convinced that they know the truth and that they are passing it on, and yet the stories about one and the same occurrence proliferate in a multitude of versions. Our objective here is to find the facts, examine them carefully and report objectively on the situation in the country. This is, to put it briefly, the daily business of the approximately 150 observers attached to the OSCE Mission to Croatia. The main things they observe are the return of displaced persons and refugees, the implementation of international agreements as well as of Croatian laws, the situation of minorities and the status of human rights. In accordance with the mandate set forth in Decision No. 176 of the OSCE's Permanent Council, the chief tasks of the Mission are:

"To assist with and to monitor implementation of Croatian legislation and agreements and commitments entered into by the Croatian Government on:

- Two-way return of all refugees and displaced persons and on protection of their rights, and
- The protection of persons belonging to national minorities (...).<sup>1</sup>

With Decision No. 176 of 26 June 1997 the Permanent Council expanded the mandate contained in Decision No. 112 of 18 April 1996 and preserved its continuity.<sup>2</sup> Decision No. 112 provided for the establishment of an Observer Mission to the Republic of Croatia and defined its mandate. The responsibilities described here are regarded as the basis of the Mission as enlarged in the autumn of 1997, i.e. the one currently in operation, but they were further

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1 OSCE, Permanent Council, PC Journal No. 121, Agenda item 1, Decision No. 176, PC.DEC/176, 26 June 1997.

2 Decision No. 112 of the Permanent Council of 18 April 1996 provided for the establishment of a Mission to Croatia and serves as the basis for the current Mission, whose responsibilities are further defined in Decision No. 176; cf. OSCE, Permanent Council, PC Journal No. 65, Agenda item 1, Decision No. 112, PC.DEC/112, 18 April 1996.

specified in the follow-up decision of the Permanent Council and, in particular, expanded to include the so-called two-way-return process.

*A Challenge for the Observers in the Field: The Daily Balancing Act between the Truth as Narrated Subjectively and as It Needs to Be Reported Objectively*

It is no easy task to write an objective report based on a large number of subjective stories. It calls for sharp insight, a special feeling and a cool temperament. Every observer bears a heavy responsibility for the transmittal of carefully researched information. Local observations and current events and developments - like the cases presented in OSCE offices by sometimes angry, sometimes desperate people - flow every week into the internal reports. These reports are sent every week by the 21 field offices and mobile representations throughout Croatia, first to the three superior co-ordination centres and then, after the information has been analyzed, to the headquarter in Zagreb. From the autumn of 1997 until the restructuring in the early summer of 1998 there were four co-ordination centres: Vukovar in Eastern Slavonia, Daruvar in Western Slavonia, Knin in the Krajina, and Sisak in the north of the country. Since then there have been three centres: Vukovar, Knin and Sisak. At the headquarter of the "Mission to the Republic of Croatia" in Zagreb the incoming reports are worked up into the official weekly report of the Mission and sent on to the Permanent Council of the OSCE in Vienna. The reports give all 55 participating States of the OSCE<sup>3</sup> weekly information on the situation in the countries in which there are OSCE representations. To simplify, one could say that every OSCE observer, in Croatia or elsewhere, serves as the eyes and ears of the Permanent Council on the local scene.

*Tradition, Transformation, Integration*

Croatia's constitution<sup>4</sup> refers to its centuries old state tradition, especially to the medieval Croatian state in the 9th century, but it is actually quite young as an independent republic if one recalls the history of the present state's founding: The Croatian parliament issued the declaration of independence on 25 June 1991 and declared the republic's sovereignty; on 8 October 1991 it stated that all laws of the Federal Republic of Yugoslavia were null and void. On 15 January 1992 the European Union recognized the new republic. A

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3 The OSCE has 55 participating States but the Federal Republic of Yugoslavia (made up of Serbia and Montenegro) is suspended at the present time.

4 Constitution of the Republic of Croatia, Introduction, 1. Historic Foundations.

look at its past makes clear that Croatia has quite a chequered history; it has been under the influence of various great powers, from the Roman Empire to the empire of the Habsburgs. The various parts of Croatia have rarely experienced a common and unified historical development. While the coastal area, Dalmatia and Istria, were mainly subject to Latin cultural influences, central Croatia and Slavonia were much more under the influence of Austria-Hungary. This diversity has its charm but it also calls for much flexibility. Every part of the country can claim its own historic, cultural and political development. And there is, in addition, the ethnic variety: Croatians, Serbs, Bosniacs (Bosnian Muslims), Montenegrins, Macedonians, Albanians, Sinti and Roma, Ruthenians, Ukrainians and Germans live in Croatia - and this list makes no claim to be exhaustive. Its only purpose is to illustrate the complexity of the country in ethnic and cultural as well as historical and political terms. There are parts of Croatia which even in very recent times have undergone a development of their own.

#### *Eastern Slavonia under International Supervision and Administration*

The United Nations came to Croatia already in February 1992. Units of the UNPROFOR (United Nations Protection Force) were distributed throughout the country and deployed there to supervise the withdrawal of the Yugoslav National Army and the process of demilitarization. Since 1992 there have been a number of UN Missions with various mandates. The last one, for the "United Nations Transitional Administration for Eastern Slavonia" (UNTAES), provided for a transitional administration in Eastern Slavonia with the goal of reintegrating the area into the Croatian state. The UN Transitional Administration is based on a resolution of the UN Security Council and, in conformity with the provisions of the Erdut Agreement<sup>5</sup>, was set up in Eastern Slavonia on 15 January 1996 with its main office in Vukovar. The agreement on reintegration under UN supervision was negotiated and signed, on 12 November 1995 in Erdut, Eastern Slavonia, by the then US Ambassador to Croatia, Peter Galbraith, the UN envoy and former Norwegian Foreign Minister, Thorvald Stoltenberg, Croatian government representatives and representatives of the Serbs.

The mandate of the UN Transitional Administration in Eastern Slavonia<sup>6</sup> ended on 15 January 1998 and since that time the territory has once again been completely under Croatian administration. The blue signs which once

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5 Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium.

6 The United Nations is, however, still represented, on the basis of a mandate that focuses on police work, in the form of the United Nations Police Support Group. It is highly likely that the OSCE Mission to the Republic of Croatia will take over the responsibilities of the police mandate after the United Nations mandate expires on 15 October 1998.

announced entry into the UNTAES region, like the barriers with checks of international ID cards and other identity documents (as if at an international border), have long since been removed.

The OSCE oversaw the transfer to the Croatian authorities and is now monitoring observance of the UNTAES agreements that were negotiated with the Croatian government. These agreements relate to the schools in the region and to the educational system in general, to the field of health care, to infrastructure, radio, television and telecommunications, to administrative arrangements ranging from pension claims to trade, customs and the use of police forces, and to other matters.<sup>7</sup>

Eastern Slavonia, Baranja and Western Sirmium - the former so-called UNTAES region - has, on the basis of the provisions of the Erdut Agreement and under the transitional administration of the United Nations, undergone a special development during the last two years leading up to the transfer to Croatia on 15 January 1998 - a development whose consequences can still be felt even after reintegration. This can be seen especially in the implementation of Croatian legal arrangements and international agreements; in some cases thought had to be given to adaptations needed to ensure conformity with the named international agreements. The educational system can serve as an example of the special situation in the Danube Region. School attendance for persons belonging to minority groups - the biggest, at the present time, being the Serbian minority - is handled differently in the former UNTAES region (which is now called the Croatian Danube Region) than in other parts of Croatia. Especially confusing is the fact that arrangements for teaching Serbian children in this region are different than those for the Serbian minority outside the Danube Region. This occasionally looks like a giant puzzle whose parts are not always easy to put together. Anyone who wants to do that has to have spent years studying this part of the world and to have gained a great deal of experience.

The Serbs are, incidentally, the most recent minority in the Republic of Croatia. Until the separation from Yugoslavia they were, like the Croatians, a leading nation. It takes time to adapt to this change of status; there are, indeed, many who still have to become accustomed to it. Our task under the OSCE mandate is to observe on the spot whether the minority rights of this community as well as those of the other minority groups are respected and being appropriately implemented. In general, the human rights situation and the observance of international conventions and standards have to be monitored. In accordance with existing human rights conventions and international standards, to which the Republic of Croatia has committed itself, all people are entitled to respect for their human rights, regardless of ethnicity,

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7 Cf. UNTAES/United Nations (Publ.), Documents pertaining to the Reintegration of the UNTAES Region into the Republic of Croatia, 5 October 1997.

religion or sex. Generally speaking, the Croatian government has already made efforts to improve the situation but it must be recognized that in the various localities the rules are not always implemented without difficulty. A trend that can be seen is that there are many bureaucratic obstacles and stumbling blocks that make life difficult for the people, e.g. in applying for documents, raising pension claims, and having diplomas and certificates accepted. It is often difficult to do anything about this in specific cases. Among many people there is a growing feeling of helplessness in the face of an uncooperative and excessively powerful bureaucracy. No doubt this sort of experience is not new, nor is it limited to this particular country; however, it does little under current circumstances to create confidence in the institutions of the state. Protection of minorities and human rights are among the responsibilities which will continue to require special attention from the international community.

### *Return and Confidence-Building*

Other points of emphasis are the return of displaced persons and refugees - the so-called two-way-return process, economic reconstruction, freedom of the media, confidence-building, security and police work. There is much that must be expanded, restored and improved, and the problems are very complicated. This is particularly clear in connection with the return of displaced persons and refugees. "Displaced persons" refers to those who in the course of conflict have fled from one part of the country to another but have remained in Croatia. "Refugees" are people who have fled to other countries, e.g. the present Federal Republic of Yugoslavia or, for example, to Austria, Germany or Norway. The right of return is guaranteed in various international agreements. UNTAES, for its part, worked hard to set up mechanisms for this purpose and in the early summer of 1998 the Croatian government, too, adopted a programme for return. The two-way-return process mainly provides for the return of Croatian displaced persons to Eastern Slavonia, Baranja and Western Sirmium and, in response to that, the return of Serbian displaced persons from those places to their homelands in other parts of Croatia, chiefly the Krajina and Western Slavonia. The Serbian population fled from these areas in particular during the military operations "Flash" (in May 1995 in Western Slavonia) and "Storm" (August 1995 in the Krajina). The two-way process has often been criticized as a "one-way return" as the flow of returnees mainly went in one direction, namely, to Eastern Slavonia. The returnees are mostly Croats but among them there are also Hungarians whose home was originally in Eastern Slavonia. Here, too, it must be noted that there have so far been fewer Croatian returnees than were origi-

nally expected. There are no precise figures; the statistics in use are chiefly those obtained by UNHCR (United Nations High Commissioner for Refugees) and are regarded as reasonably dependable. Other figures come from the Croatian Office for Refugees and Displaced Persons whose task is, among other things, to certify the status of returnees in a systematic way. According to them, about 17,000 Croatians have returned to the Danube Region (of an estimated number of 70,000 Croatians who are supposed to have left the region since 1991).<sup>8</sup> Of these, about 12,800 are supposed to have recognized status as returnees, the others are regarded as spontaneous returnees. However, in the view of UNHCR, no more than three to five thousand of the above-mentioned Croatian returnees live permanently in the Danube Region. The return movement in the other direction, particularly to Western Slavonia and the Krajina, is proceeding at a snail's pace - hence the impression that it is more of a one-way rather than a two-way return that is involved here. Indeed, an effort should really be made to achieve a more complex return process that would send refugees from Bosnia who came to Croatia back to their homeland or home villages.

There were additional flows of refugees from Croatia to the Federal Republic of Yugoslavia, particularly Serbia and the Vojvodina. According to information from the Croatian Office for Expellees and Displaced Persons, about 17,600 Serbs returned to their homeland - out of several hundred thousand Croatian Serbs who lost their homes in the course of the conflict. Among them are those who were forced out within Croatia and others who have returned to Croatia from the present Federal Republic of Yugoslavia. This is, however, a process in flux, and it would be premature to draw conclusions now about the future population structure. One of the most difficult problems in connection with the return process is the shortage of housing. The houses of many who fled have been destroyed, some of them burned to the ground; and the people often do not know where they should return to. Other houses are occupied by people who have themselves been driven from their homeland and are likewise in a desperate situation. Conflicts can occur when the owners return and find their houses occupied. There are so-called housing committees at the local level whose task is to mediate in these disputes and find practical solutions. Beyond the housing problem there is also the question of jobs. The slowness of economic reconstruction is a real hindrance to the return process.

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8 According to UNHCR figures and the 1991 census there were altogether 84,600 Croatians, 67,000 Serbs and 40,300 Yugoslavs, Hungarians and others living in the area that later became the UNTAES region. According to information collected by the United Nations Military Observers (UNMO) there were about 8,800 Croatians, approximately 73,100 indigenous Serbs and, additionally, around 46,600 Serbs driven there from other areas, as well as about 15,300 persons belonging to other nationalities still living there in 1996. UNHCR estimates for 1998 (as of May 1998): about 11,800 Croatians, around 62,100 indigenous Serbs, about 11,200 expelled Serbs and approximately 13,600 others.

Confidence-building is a difficult matter because it cannot be grasped, seen or measured. In some respects the situation is still a sorry one, but we should bear in mind that only a relatively short time has passed since the horrible events of the war. Building confidence between people and population groups calls for time, patience, understanding and tolerance. On 2 October 1997 the Croatian government adopted a programme for restoring confidence, the return of people and the normalization of living conditions in the regions of the Republic of Croatia<sup>9</sup> affected by the war. This programme provides for the creation of a central national committee on confidence-building which would have appropriate sub-committees at the county and local level. The programme is designed, among other things, to contribute to a climate of tolerance and security, to the equality of all citizens vis-à-vis the state administration, to the building of confidence between all citizens and to a normalization of the social, political and economic conditions of life, as well as to the return process and to an improvement of the security situation. Furthermore, all citizens are to participate in building a democratic society within the framework of the existing democratic system. By the end of 1997 the committees had been established throughout the Danube Region, while in other parts of the country the creation of local committees proceeded slowly. It has to be pointed out that almost all of these bodies, unfortunately, exist for the most part only on paper; some of them hold meetings at irregular intervals but it cannot be said that the objectives set forth in the programme have been realized at the local level. The committees lack the organizational structure and financial resources needed to carry out concrete projects, and they lack initiative as well. Still, it ought to be possible to accomplish something, bearing in mind that at the local level the committee chairmen are usually the mayors. Will this role be used to promote confidence-building in their own communities? Or to strengthen the confidence of the citizens in the local administration? The many reports of unfair treatment - imagined or real - that are piling up in the OSCE offices speak for themselves. The committees are not being used politically as an instrument of confidence-building. Wherever there are people of good will the situation is improving. Where such people are not to be found, the result is dissatisfaction, insecurity, fear, rejection, injustice and mistrust. The people describe their feelings, the way they feel determines their quality of life; this brings us to a point where an excellent discussion of subjectivity and objectivity might be carried on.

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9 Cf. Programme of the Government of the Republic of Croatia on Establishment of Trust, Accelerated Return and Normalisation of Living Conditions in the War Affected Regions of the Republic of Croatia.





## The OSCE Representation in Belarus

### *Responsibilities and Initial Activities*

After some delay the Lukashenko regime, at the meeting of OSCE Foreign Ministers in Copenhagen in December 1997, agreed to the Europeans' proposal that an OSCE "Advisory and Monitoring Group" be sent to Minsk to search for a way out of the constitutional conflict that had openly broken out in November 1996. Last minute obstacles had arisen when Lukashenko refused to grant diplomatic status to the Head of the Group and made clear that he was willing to tolerate its presence only for a limited period of time. It is still not clear to what extent the dispute over the expulsion of Western diplomats from the "Drozdy" residential complex, a park-like compound on the edge of Minsk (June 1998) - an act contrary to international law and to treaty obligations - will limit the work of the just-established OSCE Group. This arbitrary act certainly constitutes a serious blow to prospects for co-operation with the Belarussian authorities, which were already difficult enough.

The main reason for the President's approval for the establishment of this newest OSCE representation - along with gentle pressure from Moscow - is as follows: owing to policies characterized by arbitrary rule and hostility to reform Belarus runs the risk of isolating itself more and more, thereby wasting valuable time needed for vital changes and losing the opportunity to adapt itself to the reform states surrounding it. By inviting the OSCE Group to Minsk the regime hopes to keep open the door for tying the country into European structures. The five-man OSCE Group began work in January 1998. Its premises are located in the International Education and Exchange Centre of Minsk (a German-Belarussian joint venture). The office was formally opened at the end of February by Polish Foreign Minister Geremek, the Chairman-in-Office of the OSCE, with participation by Belarussian officials and representatives of the opposition and of civil society.<sup>1</sup>

The Group, tailored to the specific requirements of the situation, is a novelty in the history of the OSCE: it is the first representation to deal exclusively with the commitments of a participating State in the area of the human dimension, in order to adapt them to "European standards".<sup>2</sup> Thus its formal mandate is directed towards assisting the Belarussian authorities in promot-

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<sup>1</sup> Cf. his speech, excerpted in: OSCE Newsletter 2/1998, pp. 1f.

<sup>2</sup> Cf. the speech of Danish Foreign Minister Niels Helveg Petersen, then Chairman-in-Office of the OSCE, to the Permanent Council of the OSCE on 16 October 1997, reprinted in: Helsinki Monitor 4/1997, pp. 99-102, here: p. 100.

ing democratic institutions and in complying with other OSCE commitments, including the monitoring of this process and reporting on it. One peculiarity lies in the fact that the mandate of the OSCE Group - in contrast to most other OSCE missions - was issued, at OSCE insistence, without any time limit. (The term "group" does not, therefore, signify a lower standing than that of a "mission" but is meant to make clear its character as a long-term institution.) The results of the Group's work will be regularly evaluated *ex officio* by the Permanent Council of the OSCE; they will also be discussed in appropriate bodies of the EU and the Council of Europe.

As Geremek pointed out in his speech at the opening, the OSCE Group's task is to "offer advice for the development of democratic institutions and the implementation of all OSCE principles, in particular those that refer to human rights, rule of law, pluralistic democratic structures and (the) free form of economic activities". In concrete terms, he noted, what is needed is practical help with a view, say, to separation of powers, internal democratic checks and balances and democratic election procedures. Progress in these areas in a pluralistic society, Geremek concluded, would help to "bring Europe closer to Belarus and Belarus, in turn, closer to Europe".

Particularly important for the start of the OSCE Group in Minsk was a concession by the regime which has so far actually been kept. Not only government officials but representatives of the (legitimate) Supreme Soviet, the political parties, the trade unions and civil society organizations are entitled to maintain unimpeded contact with the OSCE Group and participate in discussions of the various topics mentioned - in a "free and open debate without fear", as Ambassador Hans-Georg Wieck, the German Head of the Group (who as former German Ambassador to Moscow is very familiar with the territory) stressed. This is of importance because these groups embody democratic legitimacy and through their involvement, which often enough entails substantial personal risk, demonstrate their ability to develop a pluralistic and democratic reality as well as ideas in foreign and security policy for Belarus.<sup>3</sup>

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3 On this, see Anatol' Ljabez'ka, Zur außenpolitischen Konzeption der demokratischen Opposition in Belarus, Teil 1: Belarus im postsowjetischen Kontext, Teil 2: Belarus im euro-atlantischen Kontext [On the Foreign Policy Concept of the Democratic Opposition in Belarus, Part 1: Belarus in the post-Soviet Context, Part 2: Belarus in the Euro-Atlantic Context], Aktuelle Analysen [Current Analyses] of the *Bundesinstitut für ostwissenschaftliche und internationale Studien (BIOst)* [Federal Institute for Russian, East European and International Studies], 13 and 14/1998. The author is deputy chairman of the liberal United Citizens Party and member of the legitimate Parliament and deputy head of its Committee for International Relations.

The occasion for the activities of the OSCE Group was provided by a cold *coup d'état* on the part of Lukashenko on 24 November 1996.<sup>4</sup> In a referendum characterized by breach of the constitution, indoctrination and massive manipulation, he succeeded *de facto* in eliminating the separation of powers and laid the foundation for the establishment of a presidential autocracy. Particularly egregious in this process were: the dismantling of the democratic constitution of March 1994, which had been worked out with the help of experts from the Council of Europe, in favour of one tailored to presidential power; the dissolution of the elected Parliament (13th "Supreme Soviet") to make way for an organ which the President personally "formed", solely on the principle of personal loyalty; the purging of the Constitutional Court of all members committed to the 1994 constitution (including its chairman, Tikhinya), to be replaced by unconditional supporters of the President. Through this cold *coup d'état* Lukashenko set up a counter-model, as it were, to those in the reform states in the vicinity of Belarus.

One of the main points of controversy between government and opposition is the dispute over the character of the 1996 constitution. This problem has been at the centre of mediation efforts by the EU and the Council of Europe since the beginning of 1997 and will probably also preoccupy the OSCE Group. What is it about?

In the view of Lukashenko and his supporters the 1996 constitution represents only a *continuation* of the 1994 constitution (such as can be decided by referendum), not a fundamentally *new* constitution (which, according to the constitution of 1994, could not be decided by referendum). Thus it came into existence legally, as they see it. Opponents of the regime, for their part (in agreement with the opinion of the former Constitutional Court as well as of the European organizations - OSCE, Council of Europe and EU) take the position that the referendum of November 1996 was not only heavily manipulated but that its results are quite simply illegal because it was, by virtue of its contents, a *new* constitution that was put to a vote and not simply a variant of the old one.

A look at Lukashenko's new constitution makes clear that there has indeed been a qualitative break with the constitution of 1994 because the authority of the President is now almost unlimited. Under the new constitution it in-

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4 For more detail, see Astrid Sahm, *Schleichender Staatsstreich in Belarus. Hintergründe und Konsequenzen des Verfassungsreferendums im November 1996* [Creeping Coup d'Etat in Belarus. Background and Consequences of the Constitutional Referendum of November 1996], in: *Osteuropa* 5/1997, pp. 475-487; Heinz Timmermann, *Belarus - A Dictatorship in the Heart of Europe*, in: *Transitions* (Brussels) 1-2/1997, pp. 5-28; and Rainer Lindner, *Präsidialdiktatur in Weißrußland. Wirtschaft, Politik, Gesellschaft unter Lukaschenko* [Presidential Dictatorship in Belarus. Economy, Politics, Society under Lukashenko], in: *Osteuropa* 10-11/1997, pp. 1038-1052.

cludes among other things: calling referendums; setting the date for parliamentary elections; dissolving the Parliament; nominating half of the membership of the Central Election Commission (including its chairman); appointing and replacing the Prime Minister as well as his deputy, ministers and other government members; appointing and replacing half of the members of the Constitutional Court, including its chairman, the chairman and judges of the Supreme Court and the Supreme Economic Court, the Chief Public Prosecutor, the chairman of the Committee for State Control, the chairman of the National Bank and the members of its directorate, the supreme command of the armed forces, and the state-secretary of the Security Council. In addition, the President can issue edicts and decrees that have the force of law. Most of these rights were previously held by the Parliament. With the so-called principle of "vertical presidency", finally, he created for himself and his executive branch an instrument that permits him to determine the political future of functionaries at every level of the state structure, down to the smallest village. Thus the regime has marked feudal characteristics.

Nor does constitutional reality correspond in any way to the minimum standards normally applied to a European country of our time. The Lukashenko regime has used the concentration of power in the hands of the President to repress the already weak efforts to establish parties, associations, independent media and other structures of a civil society and to subject all areas of life to his unlimited control. Any real or potential resistance is nipped in the bud. Indications of this are, among other things, repression and harassment of all kinds against parties that are critical of the system, trade unions, NGOs and the press; splitting of democratic parties and organizations; stricter laws and decrees - with elastic clauses capable of arbitrary interpretation - on freedom of assembly and demonstration and on the press, not least to protect the "honour and dignity" of the Republic and its President. It remains unclear which institutions the concept of "honour and dignity" is supposed to apply to. At the same time, Lukashenko is trying to create his own "virtual civil society"<sup>5</sup> by promoting parallel structures that are loyal to the President - e.g. by granting them material and organizational privileges (youth, students, "entrepreneurs", other occupations). The President continued to hold fast to a policy of restoration and repression - which could be characterized as a strategy of calculated nationalization of politics, the economy and society - even when various missions from the OSCE, EU and the Council of Europe came to Minsk in the course of 1997 to mediate and seek a compromise.

There are still limited opportunities for parties, trade unions, associations, NGOs and organs of the press, as seeds of a democratic alternative, to con-

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5 Alexander Lukashuk writes cogently on this subject in: *Transitions* (Prague) 5/1998, pp. 48-53, here: p. 52.

tinue their work and express themselves publicly. There has so far been no systematic persecution of opposition elements. Hence what we have seen hitherto in the Lukashenko regime is more of a presidential autocracy characterized by arbitrariness and repression and not (yet) a thoroughly organized dictatorship. But the internal dynamics of the regime, its deliberate incitement of fear (over the loss of a job, the opportunity to study at a university, or the possibility of arrest and detention), point clearly to a tendency towards dictatorship. The Lukashenko regime depends heavily on the continuous portrayal of new images of "the enemy" in order to deal with contradictions and resistance from the society that are caused by the system. This is not directed at internal "enemies" alone but also at Belarus' neighbouring states and at the West as a whole. The development of an essentially incalculable dictatorship on the eastern border of an enlarged EU could, as a consequence, dangerously undermine the close co-operation that has grown up in this region and disturb seriously the development towards greater European interdependence.

### *The Collapse of Initial Mediation Efforts*

With his *coup d'état* followed by a policy of repression, Lukashenko has flagrantly violated the *acquis démocratique* developed by the European organizations, which represents a standard for measuring the possibilities and limits of co-operation between partners: respect for human and civil rights, the rule of law and separation of powers, an independent constitutional court, pluralism of political parties with free democratic elections, free and independent media. Following the breach of the constitution the OSCE, and with it the EU and the Council of Europe, came to logically unavoidable conclusions.<sup>6</sup> The OSCE refused to recognize the Parliament that had been personally "formed" by Lukashenko. In the eyes of the OSCE the 13th Supreme Soviet which Lukashenko dissolved is the only rightful Parliament.<sup>7</sup> The OSCE invites a deputation from the legitimate Parliament - which with about 50 deputies is continuing its work under difficult conditions (President: the Agrarian Sharetsky) and has set up a kind of shadow government (Chairman: the Lib-

6 On the following, see Elisabeth Schroedter, Über den Stand der Beziehungen der EU zur Republik Belarus und die Chancen ihrer Entwicklung, Arbeitsdokument des Europäischen Parlaments [On the Status of Relations between the EU and the Republic of Belarus and the Prospects for Their Development, Working Document of the European Parliament], Brussels 1997 (the author is a member of the Greens' parliamentary group in the European Parliament); and Astrid Sahm, Belarus und Europa oder das Scheitern eines Dialogs [Belarus and Europe or the Failure of a Dialogue], in: Egbert Jahn/Astrid Sahm/Manfred Sapper (Eds.), Konflikt- und Kooperationsstrukturen in Osteuropa [Structures of Conflict and Co-operation in Eastern Europe], Mannheim 1998, pp. 51-56.

7 Cf. Resolution of the Parliamentary Assembly of July 1997 in Warsaw, reprinted in: Helsinki Monitor 3/1997, pp. 93-99, here: p. 98.

eral Karpenko)<sup>8</sup> - to sessions of the Parliamentary Assembly and its Standing Committee.

The EU, for its part, has cancelled its agreements with Belarus: the Treaty of Partnership and Co-operation, signed in March 1995; the interim agreement relating to the trade portions of that treaty; and the TACIS programme to promote the transformation process. The only exceptions were humanitarian assistance and funds to support democratization - about five million ECUs altogether for 1998. The European Parliament, as well, maintains contacts only with representatives of the legitimate Parliament of Belarus (among other things by frequent invitations to Brussels).

Finally, the Council of Europe stopped its action programme in preparation for Belarus' admission to the Council. Moreover, it suspended Belarus' status as a special guest, which it had had since 1992. Full membership, for which application was made in 1993, has thus been put off indefinitely. Logically, Lukashenko received no invitation to the Strasbourg Summit Meeting of Heads of State or Government of October 1997. As a result of all this, the Lukashenko regime has driven Belarus into a state of self-isolation and cut off the main channels of communication to the West.

Soon after the constitutional conflict began, the OSCE, EU and Council of Europe, in close co-ordination with one another, offered to mediate between the parties to the conflict in Belarus in order to find a way out of this blockade situation. At the Lisbon Summit of the OSCE in December 1996, following sharp criticism of the constitutional *coup d'état* on the part of most of the participants, Lukashenko agreed to a proposal of the EU Troika to send a fact-finding mission to Belarus. Further rounds of discussion with EU delegations, which until the summer of 1997 were held in the form of trilateral negotiations (i.e. including representatives of the opposition to Lukashenko's regime) to seek a solution of the constitutional conflict, ended in complete failure. The government refused to use the constitution of 1994 as a basis for the discussions or to revise the results of the controversial referendum of November 1996 in any way.<sup>9</sup>

The EU thereupon broke off the negotiations and decided in mid-September 1997, in addition to the above-mentioned restrictions, to issue an express recommendation that Belarus not be admitted to the Council of Europe. Bilateral contacts at the ministerial level between governments of EU countries and Belarus were to take place in future only by way of the Presidency or the Troika, and this is in fact the way it has been done. In June 1998, in the course of the "Drozdny" scandal, EU members (and the United States) withdrew their ambassadors from Minsk, a step which was followed by a number

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8 Cf. Vladimir Nistjuk, Verkhovny Sovet zhdut v Kopenhagene [The Supreme Soviet is Expected in Copenhagen], in: Politika 2/March 1998, p. 2. Nistjuk is a Social Democratic member of the legitimate Parliament.

9 Cf. Lukashenko's interview with Interfax of 31 October 1997.

of other European countries, including Poland. The high point of escalation so far was reached in mid-July 1998 when the EU Council, with the subsequent approval of the European Parliament, published a list of 130 names of leading representatives of the regime who were henceforth to be refused entry into EU member states. At the head of the list, which refers to the Presidential Office, the Council of Ministers, and all ministers and leaders of the State Committees, is President Lukashenko.<sup>10</sup> One of the few countries not applying the list was Poland. Poland's special role was determined not least by its desire, as current holder of the OSCE Chairmanship, to hold open all possible channels of communication with the Belarus government and not to give the regime a pretext for curtailing the activities of the OSCE Group in Minsk.

For its part, the OSCE, beginning in early 1997, through parallel contacts with government circles in Belarus which were carefully co-ordinated with the European organizations, tried to open a permanent office in Minsk - with ultimate success in January 1998, as mentioned at the beginning of this article. Lukashenko's agreement to this step was doubtless attributable to his desire, already mentioned, to break out of his painful political self-isolation and persuade the Europeans once again to come to Belarus as investors and partners in modernization. An additional factor was that Russia, since the autumn of 1997, had obviously been putting increasing pressure on its partner in the "Union" to accept the OSCE presence.<sup>11</sup>

On the one hand, Moscow supports President Lukashenko and the constitutional situation he has created. It is, incidentally, the only one of 54 participating States to do so in the OSCE, e.g. by rejecting condemnation of the breach of the constitution at the Lisbon Summit in December 1996 and by its polemics against the presence of representatives of the legitimate Parliament, rather than the new one, at the meeting of the Parliamentary Assembly in Warsaw in July 1997.<sup>12</sup> For the time being, Lukashenko is regarded, despite all his escapades, as the guarantor of close relations with Russia, especially considering that there is no Russophile, pragmatic alternative to the current President in sight. Seizure of power by the democratic opposition could unleash developments in Belarus that would lead the country away from Russia

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10 Cf. the "Conclusions" of the General Council of the EU of September 1997, Press Release of the EU; and the "Joint Position" of the General Council of the EU of 8 July 1998, *ibid.* On the specific position of Poland, cf. Bronislaw Geremek, PAP, 13/7/1998.

11 On the complicated relations between Russia and Belarus, see Olga Alexandrova/Heinz Timmermann, *Russie - Biélarussie - CEI: efforts d'intégration et tendances à la désintégration*, in: *Politique étrangère* 1/1998, pp. 93-108; and Heinz Timmermann, *Lukashenkos Traum vom "gemeinsamen Haus der Brudervölker"* [Lukashenko's Dream of a "Common House of Fraternal Peoples"], in: *Frankfurter Rundschau* of 15 April 1998.

12 On this, see Aleksandr Potemkin, *Assambleya OBSE* [OSCE Assembly], in: *Sovetskaya Rossiya* of 10 July 1997.

and into the wake of the West with its integration mechanisms. That, at any rate, is what large parts of the Russian elite fear.

On the other hand, Russia, as mentor of the repressive and anti-reform Lukashenko regime, has had to bear a large part of the political and economic costs of Minsk's self-isolation. To go on giving the unpredictable Lukashenko unconditional support would tarnish the Europeans' image of Russia and undermine the processes of European integration. Russia's obvious interest in the development of a "greater Europe" and in building a political and economic partnership with the EU and its member states are the very factors that offer some hope for its participation in mediating between the parties to the conflict in Belarus and exercising a moderating influence on Lukashenko.<sup>13</sup> When Yeltsin stressed, at his meeting with Lukashenko in Moscow in January 1998, that "Belarus cannot be pushed aside and that the country must be included in work with the European institutions and with international structures"<sup>14</sup> he must have been well aware of the political price to be paid for European willingness to open up towards Belarus and must have tried to influence Lukashenko accordingly. Russia is a vital factor in influencing Belarus and the positions it takes are thus of decisive importance for the future success or failure of the OSCE Group.

#### *The Beginning of Discussions - Formally Correct*

The beginning of the OSCE Group's work went smoothly and correctly, not least owing to the involvement of Foreign Minister Antonovich. Members of the political opposition and social groups had ready access to the OSCE office in Minsk. In March 1998, responding to a request from the OSCE Group, the government set up five working groups in the following areas: political issues; legislation on human rights and fundamental freedoms; implementation of laws for securing human rights; democratic institutions; and training on human rights issues.

Finally, discussions were begun in April on specific laws, for which Western experts were also brought in. In detail, legislation in the following areas is involved:

- *Elections.* The new election law which the government has prepared is designed for the municipal elections at the beginning of 1999 but also

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13 On this complex of issues, see: Heinz Timmermann, Deutschland - Europa - Rußland, Impulse für eine Partnerschaft [Germany - Europe - Russia. Impulses for a Partnership], Aktuelle Analysen of the BIOst 18/1998.

14 See the report of Larisa Rakovskaya, Novye initsiativy liderov Belarusi i Rossii pridayut Soyuzu dinamiku [New Initiatives of Belorussian and Russian Leaders Give Dynamism to the Union], in: Sovetskaya Belorossiya of 23 January 1998.



meant serve for later parliamentary and presidential elections. The OSCE Group has offered assistance in working out the law and has asked the Council of Europe as well as the Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw to co-operate with the Belarussian Helsinki Committee in training local election workers. Ensuring the independence of the electoral commissions is regarded as a particularly urgent problem.

- *Ombudsman*. The OSCE reviewed the draft law on establishing an Ombudsman and recommended that experiences in this area in Bosnia and Herzegovina be taken into account. The three Ombudspersons of the Federation were invited to Minsk for this purpose. A central point of discussion is whether the ombudsman shall be appointed and dismissed by the President or whether - as the OSCE Group recommends - the way in which he is appointed shall be such as to guarantee his independence.
- *Penal Code and Penal Code Procedure*. Draft laws are being examined by the OSCE Group with the help of experts and compared with corresponding arrangements in other OSCE States. Owing to the special problems of the country, a central goal is to obligate the government and the administration to accept a system of criminal law that guarantees legal advice to the accused and makes no use of physical violence.
- *The Mass Media*. In close co-operation with the Council of Europe, the OSCE Group is subjecting existing laws and administrative regulations on radio and television (completely under government control) and the print media (90 per cent under government control, as measured by circulation) to a critical review. The objectives are freedom to publish, proportional air time for the broad spectrum of political parties and social organizations, and transformation of the government stations into public law institutions, i.e. corporations in which administration, government, opposition, associations and social groups all participate.

Parallel to the work on legislation, the OSCE organized at the end of April 1998 a conference on "Free and Fair Elections" which was attended by more than 100 people of all political colourations. There were representatives from governmental institutions (among them the chairpersons of the Constitutional Court and of the National Election Commission), the opposition (the 13th Supreme Soviet), political parties, NGOs, the press, scientific and scholarly institutes, and the diplomatic corps.<sup>15</sup> The conference provided an excellent opportunity for dialogue between the opponents in the constitutional conflict

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15 Cf. OSCE Newsletter 4/1998, p. 10; and a detailed treatment by Hans-Georg Wieck, *Erstes Ziel der OSZE-Arbeit in Belarus: "Freie Rede und Versammlung ohne Furcht"* [First Goal of the OSCE's Work in Belarus: "Freedom of Speech and Assembly without Fear"], in: *Belarus-News* 2/1998, pp. 12f.

and for making known the views of international experts, especially in view of the fact that a number of prominent international representatives had come to Minsk: the OSCE Representative on Freedom of the Media (and Member of the German *Bundestag* from Hamburg) Freimut Duve; the deputy director of ODIHR, Peter Eicher; the director of the foreign policy division in the Council of Europe, Hans de Jonges; and a member of the international division of the European Commission, Thomas Scott. Furthermore, the conference provided the OSCE Group itself with an opportunity to make its work better known throughout the country. A similar conference was planned for September 1998 on the subject of "Pluralistic Economic Structures".

Against this background, the meeting on 9 April 1998 between Lukashenko and Wieck seems to have proceeded in correct and businesslike fashion. The core subject was an initial comparison of positions on amendments to laws governing human and civil rights so as to ensure an opportunity for the political opposition and NGOs, in "a free and open debate, without fear", to take part in the political opinion-building process.

### *A Long and Tough Struggle*

And so the OSCE Group, formally speaking, had a successful start. That conclusion is especially justified when one considers that the members, over and above their activity as mediators, have used the opportunity to hold conversations with a large number of institutions, organizations and individuals, both official ones and those critical to the regime, in Minsk and other regions of the country. There have, for example, been lectures at ministerial academies and universities, visits to prisons, discussions with the Association of Independent Journalists, and contacts with local politicians in the provinces. There is also a great demand for literature in Russian on democracy, constitutional problems, human and civil rights and the rule of law. Thus the mere presence of the OSCE Group in the country helps to promote democracy and professionalization and strengthens the feeling among the people that Europe has not left them to their own devices.

Despite the positive start it is still much too early for optimistic predictions about the chances for the sort of democratic change that would have to find its outstanding expression in democratic and internationally supervised elections. The positions of government and opposition on the constitutional issue are still at odds. The opposition are holding to their view that the constitution of 1994 (the main lever of their legitimacy) continues to be valid while the government, for its part, insists on the sole legitimacy of the constitution of 1996. This creates problems for the Europeans because according to the 1994

version Lukashenko's mandate will expire in 1999 while the 1996 version, which he supports, does not call for new elections until 2001.

There are two conceivable ways out of this complicated situation. One would be to modify the demand for restoration of the 1994 constitution in such a way that its essential contents could be formally clothed in the one of 1996. Another, more promising, possibility would be to set the intricate constitutional controversy aside (without reducing its relevance) and concentrate instead on eliminating the legal and administrative obstacles to the development of democratic freedoms and creating conditions in which free and fair elections in accordance with OSCE standards can be held at an early date. However, this kind of solution, which according to the opposition leader Karpenko is supported by the European organizations and by Russia, has, initially at least, been rejected by Lukashenko.<sup>16</sup>

Given these circumstances it is likely that the OSCE Group has a long and tough struggle ahead of it. The Belarussian authorities have, to be sure, demonstrated their *formal* willingness to set up mixed consultative bodies and to begin a dialogue, mediated by the OSCE, with groups critical of the government. But it remains to be seen whether they are really disposed to transform the verbal declarations of intention they have so far made into a relevant political reality, i.e. to promote by solid actions the building of democratic structures based on the rule of law and thus to make a *substantial* contribution to democratic change.

Several indicators point, for the moment, to a need for caution. Among them is the continuing, undiminished political repression against those whose ideas and actions are critical of the regime, e.g. in response to protests by young people (long periods of detention for anti-presidential graffiti) or through practical efforts to strangle the few oppositional newspapers (by prohibiting state agencies from advertising in them). Another indicator is the President's habit of intervening personally in the legislative process and sometimes retracting promises already made. A mission to monitor democracy and the observance of human rights in Belarus is absurd and useless, Lukashenko declared at the beginning of 1998; the OSCE representation could only be tolerated if it reduced its activity and limited itself to occasional assistance in improving the legislative process.<sup>17</sup>

This disdainful attitude was further demonstrated by the presidential administration in May of 1998 when it precipitously introduced complete draft laws dealing with matters on which discussions with the OSCE Group were actually just about to begin. Among them were laws on municipal elections and the Central Election Commission - laws, in other words, which strongly prejudice the character and modalities of the parliamentary elections at which

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16 Cf. Karpenko's report in: *Nezavisimaya Gazeta* of 9 April 1998.

17 Cf. Reuters of 5 March 1998.

the OSCE Group was aiming. There are provisions, for example, which would forbid any direct or indirect participation by foreign election monitors and strengthen the state's vertical control over the electoral process, e.g. through the appointment of election commissions at all levels. The state authorities appear determined to create accomplished facts and harden their positions even *before* consultations with the OSCE Group. They obviously think that their formal willingness to enter into talks is alone enough to justify the expectation that Western organizations such as the EU and the Council of Europe will now begin to move and open up towards Belarus.

### *A Difficult Balance*

For the time being it remains an open question whether Belarus' growing problems - the critical economic and financial situation, its self-isolation vis-à-vis the West, diminishing material support from Moscow - will impel Lukashenko to correct his course and adopt OSCE standards and norms. The needed pressure from Russia - a key factor here - will be kept within limits since Lukashenko continues to be seen as a dependable supporter of Moscow's geo-strategic interests. All the same, the OSCE Group in Minsk, despite all of the turbulence surrounding the "Drozdy" scandal, has not yet had its ability to work curtailed and discussions are continuing in the five working groups already mentioned. It is obvious, however, that concrete results, if they are to be expected at all, cannot come about as long as the President feels that he is being excluded and discriminated against by the West. The OSCE Group, for its part, faces a difficult balancing act. It must seek a basis for understanding with the regime without thereby weakening the representatives of democratic reform. It must bear in mind that the regime regards negotiations with the European organizations only as an opportunity to obtain "indirect international recognition for the newly created domestic status quo"<sup>18</sup>, without making any substantial concessions of its own, and to recover its status as a respected member of the European family of peoples. An observer from Russia put the complicated situation in the following terms: "The presence of the five OSCE observers in Belarus unavoidably causes headaches for both sides. But both sides hope to profit from the difficult feat of co-operation."<sup>19</sup>

The real reason for the reduction of relations with Belarus was not, as the regime suggests, the desire of the Europeans to punish Minsk for its close relationship with Moscow. Rather, the decisive issue has been that Belarus re-

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18 Sahm, cited above (Note 6), p. 52 (own translation).

19 Sergei Karelin, *Konflikt ulazhen, problemy ostalis* [The Conflict Has Been Settled - the Problems Have Stayed], in: *Nezavisimaya Gazeta* of 4 March 1998.

fuses to practice the values, standards and democratic principles which have grown up historically in Europe and which the European community of states, through the OSCE, the Council of Europe and the European Union, have moulded into a consensus. This consensus is not at all tantamount to a levelling down of thought, behaviour and institutions - as the Minsk regime would have us believe through its anti-Western polemics - but it does call for adoption by all of basic democratic values and principles. Among them are fundamental rights and freedoms; political democracy, including party pluralism; separation of powers; the institution of the rule of law; and freedom of the press. These must be systematically achieved *and secured*.

Many of these principles, incidentally, are set forth in the cancelled Treaty of Partnership between the EU and Belarus. It speaks, for example, of strengthening political and economic liberties, of the extraordinary importance of the rule of law and of respect for human rights and of the building of a multi-party system with free and democratic elections.<sup>20</sup> Interestingly enough, all of these democratic principles, and more besides, are also to be found in the Belarus-Russia Charter of May 1997, which also has the binding character of a treaty.<sup>21</sup> In view of the many violations of these obligations undertaken by Belarus, the OSCE, the Council of Europe and the EU would themselves have been acting without principles and in denial of values if they had indulged in "*business as usual*" following Lukashenko's cold *coup d'état* of November 1996.

Against this background, the activities of the OSCE Group in Minsk to date should be judged favourably. By pushing for the establishment of an OSCE presence, the Europeans have shown that they want to hold the European door open for Belarus. Now it is up to the authorities of the country to accept the principles of democracy and of an open, pluralistic society and, step by step, to put them into practice. To the extent that the OSCE Group can find that there has been substantial progress in this direction - in accordance with the estimates of the opposition - the EU and the Council of Europe will surely be willing to revise their attitude towards Belarus, to help the country free itself from its self-isolation vis-à-vis the West, and to put into practice the partnership aimed at by treaty. To be sure, the prospects for this kind of development remain very unsure for the time being, especially because the words of the President and his entourage and their deeds are often startlingly divergent.

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20 Cf. the Proposal for a decision of the Council and Commission on concluding an Agreement of Partnership and Co-operation between the European Communities and its member states and the Republic of Belarus, published by the EC Commission in Brussels in 1995.

21 The Final version of the Treaty of "Union" between Russia and Belarus and of the related status are printed in: Rossiiskaya Gazety of 3 April 1997 and 24 May 1997.



## Problems and Difficulties of the OSCE's Long-Term Missions

### *The Essential Thematic Points of Reference*

In October of 1997 I was invited to a round-table discussion in Bonn on "Evaluating the state of the OSCE" to speak on "The mystery of the missions of long duration. Problems in the field and with the Vienna headquarters".<sup>1</sup> This title, which is perhaps a bit overdrawn, may give the best indication of the main points that have to be kept in mind in dealing with this subject.

The OSCE Yearbook 1997 described a number of missions in terms of the specific activities required by their mandates and the circumstances in each case.<sup>2</sup> The particular purpose of this paper, apart from dealing with the special responsibilities of certain groups of missions, is to throw light on the characteristics and criteria common to the entire system of OSCE outposts.

### *Terminology, History, Extent*

How many missions are there? We first have to deal with the question of terminology. There are 18 outposts altogether of which *ten* are actually described as "missions". For reasons of political mimicry and of the convenience offered by compromise (more on this below) the rest of the OSCE's representations carry a variety of names, some of which are misleading or meaningless to those not in the know; they can be looked up in the OSCE document already referred to. In official OSCE terminology they are referred to summarily as "other OSCE field activities" and as "OSCE assistance in the implementation of bilateral agreements".

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- 1 Round Table in Bonn on "Evaluating the state of the OSCE", 24-25 October 1997, arranged by the Kulturwissenschaftliches Institut im Wissenschaftszentrum Nordrhein-Westfalen [The Cultural Institute of the North Rhine-Westphalian Centre for Scholarly Research] in co-operation with the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH) and the European Centre for Minority Issues (ECMI) in Flensburg.
  - 2 Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1997, Baden-Baden 1998. In addition, the OSCE Secretariat publishes several times a year a document entitled "Survey of OSCE Long-Term Missions and other OSCE Field Activities" which provides information on the current status of the long-term missions. A summary of the results of the above-mentioned Round Table, written after its conclusion by Professor Dr Kurt P. Tudyka of IFSH, is also very much worth reading; this document was distributed to OSCE Delegations in Vienna on 28 November 1997.

There is *one* mission at the present time which is not active (see below): the "Missions" in Kosovo, Sandjak and Vojvodina. It has the peculiarity of being regarded as a *single* administrative unit but, owing to the three areas it was (formerly) responsible for, is always spoken of in the plural. The OSCE Representative to the Latvian-Russian Joint Commission on Military Pensioners is at the same time the Head of the OSCE Mission to Latvia; thus it is not viewed as a separate representation. The actual number of active outposts at the present time is thus 16.

The reason for the variations in terminology already mentioned is that some of the host states view the term "mission" as harmful to their own international reputation. In one case - that of Nagorno-Karabakh - there are even *two* separate entities (one in Vienna and therefore not included in the enumeration of outposts) that deal with the problems there, but the name of the region does not appear in the title of either one. In Albania, the former government's resistance to the title of "Mission" led to the use of the term "Presence" ("*Präsenz*", which sounds somewhat odd in German). The title of Head of Mission, usually abbreviated in English as "HOM", is given in Albania as "HOP" (Head of Presence) which could also evoke unserious associations in German.

A list of outposts can be found in the information sheets issued regularly by the Secretariat in the official OSCE languages which can be obtained upon request from the Secretariat's Public Information Officer.

#### *The Geo-political Distribution of the Network of Outposts*

The OSCE's formal *field* activities all take place within the domains of the former Soviet Union and in the area between the Danube and the Adriatic. I chose the latter form of expression because some capitals do not like to have their territory described as belonging to "the Balkans" and the term South-eastern Europe is, on the other hand, too broad. The expression did not originate with me but with the initiators of a study conference on the same region which was held at the Federal Academy for Security Policy in Munich in December 1997.

To put it another way, the early warning and conflict prevention activities of the OSCE, as well as its involvement in crisis management, relate only to that part of Europe which was formerly under communist rule. One is of course justified in asking whether there are no trouble spots that have to be cleaned up in the "old" democracies on our continent (especially in connection with minority problems) - whether they stem from ethnic or religious and social causes.



My purpose in this article is not to duplicate a very penetrating study of these issues which appeared in the last OSCE Yearbook.<sup>3</sup> For the most part I agree with Mr. Heintze's statements when he assumes in principle that countries with strongly rooted democratic traditions have adequate tools at their disposal to provide effective protection to minority rights and to prevent such problems from spilling over into other countries - so that OSCE missions are not needed. But is it really true that the "West" (in the sense of the division created by the Cold War) contains nothing but systems of perfect democrats and human rights advocates? And I am not entirely in agreement with Heintze's statement that the long-term missions serve only the purposes of early warning and conflict prevention. Crisis management and the solution of conflicts are very much in the OSCE's repertoire - just think of Nagorno-Karabakh, Chechnya and Albania.

The subject is too complicated to be covered in a few sentences. But it can be said, as a general proposition, that one should beware of restricting the area of OSCE operations *in principle* to the former "socialist states". The fact that the Parliamentary Assembly of the OSCE sent a delegation to Turkey in 1995 to look into minority issues should be seen as an indication, as Heintze says, that one "cannot avoid coming to grips with the problems of minority protection in Western countries. They are a subject for the OSCE."<sup>4</sup> This leads us to a question that may appear somewhat provocative: is it possible that in the not too distant future the position of an OSCE "HOM" in a member country of the EU or NATO will be advertised?

#### *The Concept of "Long Duration"*

What do we really mean by "missions of long duration" or "long-term missions"? Who decides how long they are to last? These questions, which seem simple enough, are not so easy to answer. A long-term mission, as understood by the OSCE, is any mission that goes beyond the nature of an "itinerant" delegation (which stays somewhere for a short time to find facts, carry on negotiations, etc.) *and* - this is important - has been given a mandate by the Permanent Council.

When first issued the mandates are usually limited to six months; in some cases the initial period depends on the attainment of certain objectives, e.g. holding elections. Sometimes the limitation to six months is contained in the Memorandum of Understanding (a kind of agreement specifying privileges and immunities) which the mission usually concludes with the host country;

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3 Hans-Joachim Heintze, Minorities in Western Europe - (Not) a Subject for the OSCE?, in: OSCE Yearbook 1997, cited above (Note 2), pp. 215-226.

4 Ibid., p. 226.

in other cases the Memorandum of Understanding (MOU) is concluded for the duration of the mission's activity in the country in question. There seems to be no uniform practice, but the extension of an outpost's activity is in any case decided by the Permanent Council in the form of an extension of mandate.

There are significant differences of opinion on the question of *when* a mandate can be regarded as having been fulfilled, so that the mission would be disbanded and withdrawn. So far, no long-term mission has been formally ended by the leadership of the Organization as a result of having fulfilled its mandate.

As already mentioned, the activities of the OSCE Missions operating in Kosovo, Sandjak and the Vojvodina (since September 1992) were suspended in 1993 because the government in Belgrade refused to extend the MOU. This resulted in the withdrawal of the mission members.

### *Volatility or Permanence?*

During the Swiss chairmanship of the OSCE there were emphatic efforts to dissolve one Mission on the theory that work has to be carried out rationally and operationally and that even the chairman of an international organization, like the board of private firms, should produce concrete successes. One aspect of success, however, is that organizational elements created for a specific purpose should, in the interest of the firm's productivity, be disbanded once their envisioned goal has been achieved.

Practice has shown that that is not the case or, rather, that it cannot be. Why? Opposing such efforts to introduce a style of leadership based on the criteria of private industry there are other arguments which have so far succeeded in upholding a policy of retaining, in principle, all outposts once they have been created. This attitude reminds one in some ways of the efforts of national governments to keep diplomatic missions going, at all costs, once they have been opened. At the national level the parliaments usually intervene and make more or less rigorous use of their red pencils. But what organ of the OSCE could do this? Certainly not the Parliamentary Assembly, which has its Secretariat in Copenhagen, far from the field of battle, and has no financial sovereignty comparable to that of a national parliament.

For practical purposes the Informal Financial Committee of the Permanent Council is the organ which comes closest to the way a budget committee in a national legislature works. But this body is completely dependent on the instructions it receives from the national delegates in the Permanent Council. It so happens that there are various groups of countries there which support the retention in principle of all or certain missions - Russia, for example, acting

from very egoistic motives, because in Moscow's view certain missions were set up mainly to protect Russian minorities in the states formerly members of the Soviet Union, and disbanding them could imply that the problems had finally been solved - which does not correspond to the Russian ideas and view of the situation.

There are other OSCE participating States - especially larger ones - which see the retention of the missions as a vehicle for exercising greater influence in certain regions of Europe or Central Asia. Some countries want in this way to keep, as it were, a permanent collective "eye" on restless neighbouring countries.

To put it briefly, there is a line of thought which views a fairly large number of operational missions as an outstanding indicator of prestige for the Organization and its members, calculated to elevate the OSCE to the same level as other international and regional organizations with a large regional or global presence, such as the European Union, NATO or the United Nations.

On the other hand, there have always been cases in which countries hosting missions within their borders have, in a kind of periodic rhythm, pressed for their withdrawal. There are two opposing facets to this problem. One is that the "receiving states" often regard the existence of the mission as a mark of shame and an indicator of crisis conditions that might deter potential foreign investors. But why do these countries not simply refuse to agree to an extension of the mission? It is a known fact that missions can neither be established nor their mandate extended without the agreement of the receiving state; in most cases they actually have to be "invited" by it. Often, however, "friendly hints" or "recommendations" (sometimes very emphatic ones) are to be heard in the Permanent Council and in bilateral contacts to the effect that the maintenance of peace and regional co-operation require such measures. And this kind of pressure (my experience tells me that this term is not too strong) may as well be applied against a large country, in which case the question of financial support, of joining certain organizations and similar considerations will play a not insignificant role.

To be sure, it has become clear in a number of cases that with patient and discrete persuasion on the part of the mission the host country can be convinced that the presence of an OSCE representation provides valuable protection against the greed of powerful neighbours and is therefore in their own most deeply rooted interest. It is in this area that the diplomatic abilities of the mission members, especially of the "HOM", are of vital importance. More will be said about this in the section on personnel matters in the missions.

### *Fulfilment of its Mandate by the Mission*

As already explained, the mandate of an OSCE mission is normally issued for six months even though a longer term is assumed from the very beginning - not least for financial reasons, since it would otherwise not be possible to establish annual budgets. The mandates do not always conform to a uniform pattern. Those for Estonia and Latvia, for example, are worded quite differently although the situations are more or less the same. There are significant variations even in the volume of responsibilities and the formulation of details. For example, the Latvia mandate focuses on citizenship issues. If one looked only at the text of the mandate it would be much easier to view this restrictive mandate as having been fulfilled than the Estonian one, with its much more comprehensive listing of responsibilities. It has already been explained that activities in their practical application offer quite a different picture from what would correspond to these theoretical considerations.

### *The Mission as the Result of an Institutionalized Security Paradigm?*

From the standpoint of a generally acceptable principle of equality it would appear opportune to manage to come to fundamental principles on the duration of long-term missions. Do we want them to be a flexible and temporary instrument for early warning and conflict prevention in the sense of "troubleshooting" or do we want to create a system - or, rather, a model or paradigm - of more or less permanent *multinational representations in the nature of embassies for dealing with the human dimension and for settling disputes in the broadest sense of the word* - a system of Atlantic-Eurasian inspection and monitoring units, as it were, which are permanently employed in areas where operational support for avoiding or solving conflicts is seen to be a long-term necessity?

But is the OSCE community really in a position to get together to this kind of long-term strategic thinking and, given the prevailing consensus (or consensus-minus-one) principle, to put it across?

### *The Mission and the Receiving State(s)*

Viewed from the outside, the Head of a long-term mission generally has the attributes of the Head of a diplomatic mission: diplomatic status, special license plates, etc. - all on the basis of the above-mentioned Memorandum of Understanding with the receiving state. Unless he happens at the moment to be in bad odour with the government, he is usually invited to state ceremo-

nies, official receptions and similar grand events. But these are often the only similarities between him and normal, bilateral diplomats. Again and again there are attempts by the political representatives of the host country to treat the mission and its Head as one of themselves - after all, the country is an OSCE participating State and this fellow is a representative of that Organization. Does not, then, one fifty-fourth part of him (or one fifty-fifth, if one insists on including the Federal Republic of Yugoslavia) belong to them? And doesn't he have to subordinate himself to their wishes? After all, they are among the ones paying for his mission...

Sometimes the line of argument is carried even further. The "HOM" really ought to take the desires of the receiving state into account in his reporting. If he doesn't do it of his own accord, it might be possible to give him a little help. If his next report does not deal with certain things in the manner desired by the host state, would it not be appropriate at the next meeting to ponder aloud the idea of non-extension of the mission's mandate? This sort of thing can quickly assume the proportions of diplomatic blackmail. It is up to the Head of Mission to decide what to do in these cases. If such actions are once allowed, it can tempt the host government to do more of the same, resulting in a curtailment of the mission's ability to act independently.

Such games in dealing with an OSCE mission are not unusual, particularly in "new" countries with relatively young officials. No one would dare to act this way against the representative of another subject of international law (i.e. a state) - but such a person is of course in no way considered to be partially an employee of the host country. Sometimes functionaries of the receiving state try to intimidate the mission or to treat it in haughty fashion in order to make a positive impression on their own superiors, to convince them of their own "elan" and to make the OSCE representatives look bad because of their alleged uncooperativeness.

In the heading to this section I indicated that the word "receiving state" could be used in the plural. For a number of missions there are practically several receiving states - or ones which regard themselves as such. The Baltic region can be mentioned in this connection, or the successor states to Yugoslavia, or certain areas in the Caucasus and Central Asia. In these places, the mission inevitably gets caught in the crossfire between opposing positions, not only on the scene but also in the Permanent Council and in the corridors of the Vienna Hofburg where the Permanent Council and its subordinate bodies hold their meetings. It usually does not pay for the Head of Mission to try to "sit on the fence", to use the graphic English expression, and tell both sides they are right. Nor, in most cases, does a one-sided and uncompromising role as ombudsman for minorities do justice to the contents of an OSCE mandate or to the fundamental character of the missions as peacekeepers and mediators. As experience has shown, ineptitude in these matters, which on the local

scene are generally seen as of first and essential importance, can in extreme cases lead to conflicts, including the recall of the Head of Mission. Not least for the sake of the dignity and reputation of the Organization, a Head of Mission should pursue a consistent and predictable policy line and defend it against the excesses of both sides (for such encroachments - or, better, blows below the belt - almost never come from just *one* side!) with the methods of classical diplomacy or, when necessary, even by unconventional methods. The latter would appear justified if the rules of civil society in dealing with international mediators have not yet been quite adopted in the receiving state. A code of behaviour along these lines would do a lot more for the image and prestige of the OSCE as a whole than do mission members who try, without principled positions of their own, to work their way through the difficulties in such a way as to avoid displeasing any of the protagonists.

In many countries that are now independent and used to be republics of the Soviet Union the missions have to take into account the local version of what nowadays, particularly in English, is called "*political correctness*". In the West, for example, we know from our school days that it is not appropriate to put Stalin on the same level of loathsomeness as Hitler and that the Nazi atrocities must in principle be classified as another, far more serious form of historical evil than those committed by Stalin. As Isaac Deutscher says in his biography of Stalin, "(...) For all these reasons, Stalin cannot be classed with Hitler, among the tyrants whose record is one of absolute worthlessness and futility. Hitler was the leader of a sterile counter-revolution, while Stalin has been both the leader and the exploiter of a tragic, self-contradictory but creative revolution (...)"<sup>5</sup>

This evaluation is not shared everywhere in the region under discussion. If one commits a "violation" of the locally accepted version of political correctness in this respect it can lead to diplomatic complications which under certain circumstances can result in the "guilty" OSCE functionary or functionaries having to leave the post involuntarily and in untimely fashion. The question can then arise in the course of a mission's daily work whether one should indirectly imply agreement with historical views of this kind by acting in such a way as to allow that interpretation, e.g. by accepting (official) invitations to memorial services even though people are being glorified there who in fact fought on Hitler's side and were even members of his elite units. And what if one is told that the Chairman of the local Jewish community will also be present? A certain amount of tact is required in such situations to find the correct way - here in the *diplomatic* sense of the word. Nor is it always possible to co-ordinate one's approach with colleagues from the bilateral side, as the OSCE is often treated differently from the representatives of individual

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5 Isaac Deutscher, *Stalin. A Political Biography*, London/New York/Toronto 1949, p. 569.

countries when it comes to issuing invitations; people from the OSCE are simply more "involved".

### *The Large Number of Organs that Issue Instructions*

Anyone who transfers from a national foreign ministry to the OSCE structure comes from a more or less homogeneous command structure or hierarchy through which instructions and reporting run their course. The levels of the OSCE hierarchy are of a somewhat different kind and sometimes surprise new recruits who have been trained in a national foreign service or the military. Here they are confronted with a complex hierarchical ladder made up of individual command centres that have varying levels of autonomy and these individual centres or bastions demand the attention of the mission within a system that often tends to operate in a horizontal-parallel fashion rather than vertically and hierarchically.

In view of the annual rotation at the highest command level - the country holding the chair and its Foreign Minister, who is the *Chairman-in-Office* of the OSCE - the missions face periodic modifications of the leadership parameters to which they must adapt themselves. Methods of work tend to vary from one Chairman to another. Sometimes orders come directly from the capital city of the Chairman and mission members have to take the time to get a sense of how the various functions in the OSCE office of the Chairman are arranged and who is responsible for what. It is advantageous to obtain somehow an organizational chart of the bureaucracy as it has been rearranged *ad hoc* or enlarged for the new Chairman's year in office, so that one can dial through directly to the extension one needs.

Other "one-year-rulers" grant greater freedom of movement to their Ambassador to the OSCE in Vienna - who (and this is important) at the same time is the Chairman of the Permanent Council (PC) - thus making him the actual "commander" and communicator visible to the mission.

Apart from the Chairman's idiosyncrasies, however, there are frequent situations in which the Chairman of the PC needs immediate and direct reporting because the Council is meeting and the delegates of the participating States want to be informed about the situation in a certain region and about the instructions that have been issued by the Chairman-in-Office. If co-operation between a mission and the PC Chairman were to fail in a crisis situation, when it can usually only be carried on by telephone, it could lead to serious problems at the political-strategic level.

It is natural that the *Secretariat* in Vienna also functions as a control and command mechanism for the missions. Sometimes the *Secretary General* of the Organization demands or expects a report directed specifically to him. He

needs this in concrete situations because in the conference room he is often under pressure to have full knowledge of all the events being discussed there. Sometimes the information is meant to serve as a basis for certain requests, initiatives or decisions that are required of the Secretary General in specific cases. Occasionally direct reports of this kind are expressly requested by fax or telephone. When this happens the delicate question arises whether the same report should also be sent to the Chairman of the Permanent Council, the Chairman-in-Office and other leading figures.

It is well to say a word here on the position of the Secretary General. Not long ago there were efforts to elevate his position and give him a larger measure of political responsibility. I do not want to go into detail here but in essence it must be said that these efforts have failed simply because the other actors did not want to have their hands tied. The situation today, to put it briefly, is that the Secretary General is used for jobs of political significance only on an *ad hoc* basis. This does not mean that he cannot exercise substantial influence behind the scenes if he has the necessary contacts and the right kind of personality. I mention this problem because it can affect the operational methods of missions and their flexibility within the OSCE system in ways that ought not to be underestimated. If a mission is in difficulty and urgently needs action by the central office, the effectiveness of various actors can often be determined only by "trial and error". The request is put to a number of different command units and the mission then waits to see who reacts fastest.

The *Conflict Prevention Centre*, represented by its Director and diplomatic staff, also needs to be regularly informed. It is, so to speak, the official channel for the decisions the OSCE has to make in all situations of tension and conflict in which it becomes involved.

Theoretically, there are rules specifying the people to whom reports should be faxed or mailed. They are often interpreted or applied in a contradictory manner, however, both by the command centres and the various actors in the field. It can also happen that certain changes are made when the job of Chairman-in-Office is transferred at the end of the year. But such changes are sometimes made by headquarters in Vienna as well. The reason is usually that a particular centre is given priority with respect to information or that there is at least a need to adapt it in terms of timing and substance to the availability and requirements of one of the other "bastions" in the OSCE family. After all, quicker access to information confers a kind of power - for the purpose of formulating and implementing appropriate initiatives.

In many cases, the description of the situation at a given location is supplemented by telephone reports or faxes directed personally to a particular functionary. Occasionally, this personalized way of reporting may result from an exaggerated craving for recognition on the part of the person engaging in it.



But experience has shown that parallel or selective reporting of this kind, given the existing command structures, can in critical situations be a real necessity.

The Secretariat's *Mission Support Section* plays a highly significant, often vital, role in the functioning of missions - in personnel matters and also in the important areas of logistics and procurement. There are situations, however, in which this section tends to exaggerate its role or move into areas that are no longer part of its field of competence. This raises an issue which can also appear in other forms: to what extent does an OSCE mission play the part of a traditional diplomatic representation - an Embassy under the terms of the Vienna Convention? And to what degree should the mission be allowed the trappings (the expression "paraphernalia" perhaps has more substance to it) of an Embassy? How far should one go in permitting a Head of Mission to engage in social activities (which are reflected, among other things, in the size of the so-called representation funds) for the purpose of generating a favourable mood in the people he talks to? Or should it be regarded as frivolous misuse of OSCE funds if he exceeds a minimum which is regarded as adequate by the above-mentioned section? Is this something that the head of the section for support and logistics is in a position to judge? The way out of this dilemma is to turn directly and on a selective basis to a "higher official" with diplomatic and political experience who might well be more susceptible to persuasion in this field.

#### *The Organs outside of the Main Line of the Hierarchy*

In any list of the authorities with which a mission must deal, the *High Commissioner on National Minorities* and the *Office for Democratic Institutions and Human Rights (ODIHR)* should not be forgotten. Depending on the region and the specific responsibilities of the mission, these institutions can have an important influence on its work and also on the composition of its staff. This is a good place to ask, based on the practical experience of missions, whether it makes sense, from the standpoint of synergy and productivity, to have these two OSCE offices located geographically so far away from headquarters. This sort of question is seen as heretical in some quarters and in putting it one can step on the toes of some people whose location I would prefer not to discuss here. Objectively speaking, however, it is important to call into question a historically based dispersal of this kind, which is of course copied from elsewhere - one need only recall Article 23 of the UN Charter ("[...] equitable geographical distribution [...]"). But does this principle always have to prevail, even when what is at issue is optimizing and streamlining an apparatus designed for early warning and conflict avoidance?

In both of these OSCE sub-organizations, independent or very personal opinions, methods and attitudes towards events and processes are developed - not least, perhaps, because they are located so far from the centre and its general political-strategic line of thinking. These postures then have to be accepted (or perhaps not) by the person responsible for the outpost in question. The appraisals and decisions required of a Head of Mission in such cases can hardly be delegated to any other member of the OSCE family, particularly in acute situations. One must learn to make use of the alternatives offered by a system with a large number of command structures and, with the leverage for manipulation (in the positive sense of the word) that they provide, to come closer to one's own assigned objectives.

Command structures can become even more specialized if, for example, the Head of Mission (as was the case in Albania during the first six months), as Resident Deputy, is subordinated to a Personal Representative of the OSCE Chairman-in-Office. In this situation, many urgent decisions were made over the telephone by these two functionaries while the other decision-making actors were informed after the fact.

Frequently the Ambassadors of the *Troika* countries, who regard themselves as the personal representation of the current threesome on the local scene, also influence the way OSCE work is done at the outposts. Occasionally they try to implement initiatives of their own with the idea of impressing their superiors. Thus, on the local scene too, the Head of Mission is regarded as an executive body with a reporting responsibility. A lack of current information or failure to bear in mind the importance of inviting the Troika to all relevant OSCE occasions can, in individual cases, lead to complaints against the Head of Mission.

#### *Long-Term Missions and Power Politics at the National Level*

Finally, interested governments, in more or less concealed fashion, can act as guidance-providing organs. A practical example: An OSCE operation is accompanied by troops because the local security situation is rightly regarded as so critical that the military presence - which has been invited by the country in question - is indispensable to the success of the OSCE's efforts. The next step, then, is a search for a field headquarters for the OSCE representation and a very forceful invitation is received from a powerful troop provider to run OSCE operations from a spot somewhat outside the country's capital. The newly designated Head of Mission refuses because the proposed building is not appropriately situated for free communications with the local authorities or with other international representations and bilateral missions; moreover, the road leading to it is full of deep pot holes. The location is

heavily guarded by military units of two participating countries, presenting such a daunting appearance that there are scarcely any local politicians or journalists who would dare to enter such a "fortress". The awkwardness of access makes it difficult and risky to travel by automobile, thus greatly weakening the argument that the objective is to provide protection. It is clear that the "inviter" wants to keep the OSCE Head of Mission and his staff under friendly supervision, check all visitors, etc. When the HOM resists this kind of "banishment", non-papers begin to show up in the foreign ministries of interested countries, as well as in OSCE headquarters in Vienna, accusing him of gambling frivolously with the lives of his staff. Often enough the only thing that helps in such a situation is a threat to cease all work or simple refusal to move to the new location. Then counter-intrigues are set in motion at a higher level and he waits it out. In the case described here there was the satisfaction, not long afterward, of seeing the troops that had been intended to protect the OSCE mission themselves left the place in a headlong flight owing to problems with the local Mafia organizations which came close to costing lives. This is a crass example, but such interference, perhaps in somewhat more discrete form, occurs again and again. For example: a newly appointed OSCE Head of Mission, walking through the corridors of the Secretariat in Vienna, encounters a man he does not know but who introduces himself with the words "I am your deputy", at the same time waving a piece of paper on which his Foreign Minister has designated him for the job. Upon inquiry in the Secretariat, the HOM hears an uneasy reply: "Yes, we've already heard about that fellow...".

#### *Evaluation of People and of the System in Connection with Long-Term Missions*

This portrayal of parallel hierarchies which are often complicated and seem to be confusing ought not necessarily to be interpreted as negative criticism but, rather, as a basis for discussions of the meaning and purpose of certain structures. On the other hand, we need to ask ourselves seriously whether the OSCE could act as quickly and effectively if it had a different command structure. Might it not lose the flexibility that distinguishes it from other international organizations if the hierarchy were made more rigid and if at the level of Heads of Mission there were less freedom for tactical creativity and resourceful thinking - qualities that are often badly needed in critical situations?

At the very least this system calls for a high level of integrity and a deep sense of responsibility from mission staff and, in particular, from the Head of Mission. A fairly loose system of this kind engenders a certain temptation to

get involved in intrigues and to play one's superiors (or participating States!) off against each other - if it is permissible to employ here an expression customarily used to describe relationships of superiority and inferiority at the national level. The people who like to use such tactics are often enough those who are seeking to cover up their lack of flexibility and of ideas for overcoming problems or, in some cases, their overweening ambition.

The awareness of working with colleagues who are similarly motivated and have like objectives - who in times of tension and crisis and, particularly, in moments of acute danger must in honesty and good conscience stand together - should inspire all participants to carry out their responsibilities in the service of protecting peace and human rights with *esprit de corps* and without selfish national preoccupations or personal vanity.

A soulless and mechanical approach to carrying out orders does not work in a mission. Sometimes badly needed instructions do not come on time or at all, and it is necessary, acting on one's own, to use common sense and to obtain *ex post facto* approval of the chosen course.

#### *Recruiting Mission Personnel - Relationships within the Mission*

Relationships within an OSCE mission are often very different from the atmosphere in a national representation, particularly when the members have had to be selected from a very limited reservoir of candidates without regard to appropriate professional qualifications. In particular, the setting up of a mission in an acute crisis, when speed is of the essence and there is not enough time for thorough examination of personnel, can lead to serious personnel problems.

The system of "secondment", through which participating States send personnel to the missions, certainly has financial advantages for the Organization and also makes it easier to provide for staff needs. But the Secretariat having to recruit qualified staff for the missions tends to get caught in precarious situations because of this system.

There is one positive observation that needs to be stressed, however. The Department in the OSCE Secretariat which is responsible for filling positions and recruiting personnel for the missions has succeeded again and again, despite a rapidly growing work load and in the face of all other difficulties, in securing the staff-related infrastructure of the outpost network; and, despite threatening bottlenecks, the responsible people in the Secretariat have been able for the most part to meet personnel needs which have grown rapidly in recent months, especially for the Missions to Croatia and Bosnia.

Broadly speaking one can say that the people best qualified for working together smoothly in a mission are those whose experience comes from a dip-

lomatic or military career. Purists, theoreticians and prophets of various theories of human happiness tend to create difficulties in a mission. In any event, to the extent that time and personnel policies allow, the Head of Mission should be given the greatest possible latitude in choosing his team.

Specialists in particular fields do not always produce positive results in a mission over the medium and long term. They are useful for tasks of limited duration and content but experience has shown that in terms of human relations they often become a burden rather quickly when living conditions become difficult and opportunities for recreation are inadequate.

Another disadvantage of recruiting by advertisement in the participating States is that the time limits on the resulting secondments are often unacceptably short. Mission press spokesmen who are replaced every three or four weeks, for example, are simply unable to work very efficiently, no matter how well qualified they may be as individuals. For posts where living conditions and the quality of life are very difficult the candidates should receive psychological testing in advance.

The fact that beginning in 1996 seminars have been organized for mission members is certainly an improvement, but they are not yet obligatory and there ought to be more of them, since the brief training provided by the Secretariat before new people go to their posts has in many cases proved inadequate.

#### *The Other Organizations on the Local Scene*

A lot has been written on this subject - co-operation with the representations of other international or regional organizations located in the same place or region. There is undoubtedly a fair amount of duplication in the business of providing international support. It turned out in the case of Albania that the OSCE Presence in Tirana, at least when assistance from outside was first being provided, constituted a focal point for international efforts and this role as co-ordinator was expressly acknowledged by the international community. Nevertheless, a word of clarification is needed on what the term "co-ordination" really means in individual cases. What the OSCE really did in Albania - to use this example once again - was somewhat *less* than full co-ordination, which implies a certain right to issue instructions to others. In the end it lay somewhere between liaison, clearing house and co-ordination in the strict sense of the word. Even so, the OSCE's headquarters in Albania, which was used by the Council of Europe and the WEU as well, constituted a kind of interface with high symbolic value, both towards the outer world and for the Albanian public.

I believe that any comprehensive evaluation and judgement of the numerous facets of the system of long-term missions as it has evolved so far, which are often only briefly touched upon in this article, must conclude that the sub-title above does not require a question mark at the end but, on the contrary, can be regarded *grosso modo* as a *fact proven by the experience of the last six years*.

All the same, in view of the difficulties and problems discussed here, continuous efforts must be made to improve and perfect the existing standards. The proposed *Charter on European Security*, based on the experience so far gathered, should give adequate attention to the role of the *long-term missions*. How should developments be evaluated in this connection? In Decision No. 5 of the OSCE Foreign Ministers of 19 December 1997 on the Guidelines on the Document-Charter, it was decided to refine the instruments, tools and mechanisms of the Organization, to perfect them, and where necessary to develop *new ones*; and to work for greater acceptance on the part of participating States of the use of this whole range of instruments (point 5, *lit.* b, c, g). The agreement on the Guidelines was also included in the Chairman's Summary of the Copenhagen Ministerial Council. These decisions justify the assumption that the long-term missions will continue to be an important item on the agenda of future OSCE consultations.

## Autonomy as a Method of Conflict Management and Protection of Minorities within the OSCE Framework<sup>1</sup>

From the very beginning, autonomy projects have played a substantial role in the efforts of the international community to settle national conflicts such as the ones that, in particular, resulted from the disintegration of Yugoslavia and the Soviet Union. The OSCE has participated in this process, both operationally and in the continuing development of the norms relating to European security.

Autonomy arrangements have typically proven to be in demand for certain portions of the territory in the successor states to Yugoslavia and the Soviet Union where national minorities constitute a regional majority - thus in parts of Croatia, Kosovo, Trans-Dniestria, South Ossetia, Abkhazia, Nagorno-Karabakh, the Crimea and Chechnya.

As a practical matter, what is usually involved is the attempt to forestall efforts at secession by the granting of extensive rights of self-government. The idea is to satisfy the demands of minorities for self-determination in a way consistent with the territorial integrity of the country in question.

In the cases mentioned above it is primarily a question of territorial autonomy, of introducing a special status into a particular area. Thus the terms "special status" or "special status of autonomy" or "self-government" are in some cases used in place of "autonomy".

The way in which the efforts of the international community are focused on solutions involving territorial autonomy is noteworthy because international law has not, to date, recognized a claim on the part of minorities to the granting of autonomy.<sup>2</sup> Even in the OSCE, minority rights are as a matter of principle treated as the rights of individuals. The OSCE document which has so far gone farthest in formulating a claim of groups to protection through the granting of autonomy is the one which emerged from the meeting of the Conference on the Human Dimension of the CSCE of 29 June 1990 in Copenhagen; in No. 35 it characterized the establishment of "local or autonomous administrations corresponding to the specific historical and territorial circumstances" of certain national minorities as "one of the possible means" for protecting and promoting their identity. Views similar to those in the Copenhagen Document were expressed in the Report of the CSCE Meeting of Experts on National Minorities of 19 July 1991 in Geneva in which the par-

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1 The article represents the personal opinions of the author. State of affairs as of 30 June 1998.

2 Cf. Hans-Joachim Heintze (Ed.), *Selbstbestimmungsrecht der Völker - Herausforderung der Staatenwelt* [The Right of Self-determination of Peoples - A Challenge for the Community of States], Bonn 1997, p. 30.

ticipating States - under Point IV, para. 7 - "note with interest that positive results have been obtained by some of them" by, *inter alia*, "local and autonomous administration, as well as autonomy on a territorial basis, including the existence of consultative, legislative and executive bodies".

As non-committal as these words are in terms of substance - and not just from a legal standpoint - they are by no means without political significance. The Report of the experts meeting in Geneva, in another place (Point II, para. 3), describes issues concerning national minorities as "matters of legitimate international concern" which "consequently do not constitute exclusively an internal affair of the respective State". Now that autonomy has been included in certain OSCE documents on minority matters as a possible form of settlement, it has become more difficult to reject international involvement with reference to the principle of non-intervention (as the Federal Republic of Yugoslavia is presently trying to do in connection with the Kosovo question), even though these texts cannot be regarded as a basis for autonomy claims under international law. It would be desirable to go on developing these texts so as to improve further the possibilities for international involvement in the settlement of minority conflicts.

Settlement of conflicts rather than protection of minorities is, for obvious reasons, the predominant motive in the current efforts of the international community to make autonomy workable and it is therefore very much in the foreground. The OSCE has become active in a variety of ways in individual cases. Its efforts range from "facilitating" dialogue between the parties to working on draft status papers and monitoring settlements that have been reached as well as obligations that have been undertaken. Only in a very limited way can one speak of successes - not surprising in view of the extraordinary depth of differences. The only agreement so far on an autonomy statute was in Tatarstan where the Russian government and territorial representatives, without international assistance, reached agreement in 1994. (The provisions in the Ukrainian constitution of 28 June 1996 on an Autonomous Republic of the Crimea have to be regarded as a one-sided solution.)<sup>3</sup>

The brief summary that follows explains the status of the most important cases that are in dispute.

The European Community's so-called *Carrington Plan* of October 1991 for former Yugoslavia represents the most ambitious project so far to introduce autonomy as a method of conflict settlement into multi-national states that were once communist. The Carrington Plan provided for three gradations of minority rights: fundamental rights for persons belonging to minorities; ad-

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3 Cf. Rolf Welberts, *The OSCE Missions to the Successor States of the Former Soviet Union*, in: Institute for Peace Research and Security Policy at the University of Hamburg /IFSH (Ed.), *OSCE Yearbook 1997, Baden-Baden 1998*, pp. 123-134, here: p. 131.



ditional political rights of participation where the minority constitutes a significant part of the population without being a regional majority; and, finally, a "special status of autonomy" for areas - yet to be determined - in which persons belonging to a national or ethnic group constitute the majority (see Chapter 2 on Human Rights and the Rights of Ethnic and National Groups). Autonomy status should, *inter alia*, include a legislative body, an administrative structure, including police, and a judiciary, which would be responsible for matters affecting the territories in question and reflect the composition of the population.

In a decision of the Committee of Senior Officials on "The Situation in Yugoslavia" of 22 October 1991, the CSCE "welcomes" the introduction of the Carrington proposal and "notes with great interest" that it covers *inter alia* guidelines for implementing the rights of ethnic and national groups.<sup>4</sup>

Because a unified settlement on the territory of former Yugoslavia proved to be unattainable, the approach to solutions had to be adapted to each separate situation. Even so, the provisions of the Carrington Plan dealing with minorities continue to be of importance. Reference was made to them in the reports of the Badinter Commission on recognition of the successor states to Yugoslavia (1991/1992), which provided the basis for the international community to grant recognition.

The autonomy provisions of the Carrington Plan were intended, in particular, for the parts of Croatia with Serbian majorities and for Kosovo. Deficiencies of autonomy in Croatia and the Federal Republic of Yugoslavia continue to be of significance.

The OSCE faces particularly big challenges in this regard in *Croatia*. Its Long-Term Mission there has important responsibilities in connection with human rights and minority issues. The mandate of the OSCE Mission (Decision No. 176 of 26 June 1997) stipulates that the Mission is to monitor implementation of Croatian legislation and agreements and commitments entered into by the Croatian government on

- the return of all refugees and displaced persons and on protection of their rights, and
- the protection of persons belonging to national minorities.

The suspension (by constitutional law of 20 September 1995) of autonomy provisions contained in the constitutional law of 4 December 1991 for communities and territories with minority populations of more than 50 per cent

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4 Fourth CSO Meeting, Prague, 22-24 October 1991, The Situation in Yugoslavia, 4-CSO/Journal No. 1, Annex 3, in: Arie Bloed (Ed.), The Conference on Security and Cooperation in Europe. Analysis and Basic Documents, 1972-1993, Dordrecht/Boston/London 1993, pp. 914-916, here: p. 915.

gives cause for concern. The Badinter Commission, at the end of 1991, had especially urged Croatia to adopt the Carrington Plan in its entirety, particularly the "special status" rule. Full adoption of the plan was at the time a clear condition of recognition under international law and President Tudjman had assured the chairman of the Commission in writing that it would be done. Suspension of the provisions in the constitutional law of December 1991 on "special status" was criticized on a number of occasions by the Secretary-General of the United Nations in reports to the Security Council.

As a result of flight and expulsion, demographic conditions in Croatia are no longer the same as they were in 1991. Even so, there are still valid obligations to ensure the return of refugees and displaced persons without regard to nationality which, if carried out, would over the medium or long term approximately restore the relationships that existed then. It can be expected, therefore, that the OSCE Mission will apply pressure to have the ruling of December 1991 restored.

With regard to *Kosovo*, the international community continues, in view of a 90 per cent Albanian share of the population, to support a territorial autonomy arrangement without border changes (in which respect for the inviolability of borders under point IV.7, para. 4 of the conclusions of the Prague Meeting of the CSCE Council on 30/31 January 1992 would be understood to apply as well to "internal borders" in former Yugoslavia). This consistent position on the part of the international community is matched, on the side of the parties to the dispute, by a persistently negative one. The Yugoslav-Serbian side has refused to grant territorial autonomy to Kosovo ever since 1989 when it unilaterally abolished the extensive autonomy Kosovo enjoyed under the constitutional ruling of 1974. It takes the position that Serbia and the FRY are fulfilling their obligations to minorities as established by international agreements. Lately, under pressure from the international community, the Yugoslav-Serbian side has declared itself willing to enter into a dialogue on forms of autonomy. It remains to be seen whether this would include territorial autonomy. The representatives of the Kosovo-Albanians, for their part, reject as inadequate any grant of autonomy within the Serbian state, whether through restoration of the former status or in another form. Their declared goal now is the independence of Kosovo. Under these circumstances it is an open question whether a settlement of the Kosovo issue within the FRY is still possible.

Because the Federal Republic of Yugoslavia has so far rejected international mediation of the Kosovo issue in principle and only hesitantly and selectively shown itself willing to accept good offices, the international community has so far been unable to become fully engaged. The Working Group on Minority Issues, which was at first located in the International Conference for Yugoslavia (ICFY) and since the dissolution of that Conference at the end of 1995

has been in the office of the High Representative (primarily concerned with Bosnia and Herzegovina), has never been able to carry out fully its responsibilities regarding Kosovo. Most recently, the Contact Group (CG) - consisting of representatives from the United States, Germany, France, the United Kingdom, Italy, Russia and the country holding the EU Chairmanship - has established itself as the most important international institution dealing with the Kosovo issue. It has initiated economic sanctions in order to force the Federal Republic of Yugoslavia to adopt a constructive attitude on the Kosovo issue. On 9 March 1998 the CG came out in favour of using the former Spanish Prime Minister, Felipe González, as Personal Representative of the OSCE's Chairman-in-Office for the Federal Republic of Yugoslavia, with a special mandate for dealing with Kosovo problems. As for substance, the CG calls in its regular announcements on Kosovo for substantially strengthened autonomy, which would have to include genuine self-government.

The Permanent Council of the OSCE, for its part, supported (with Decision No. 218 of 11 March 1998) a new mission by Felipe González as Personal Representative of the OSCE Chairman-in-Office which among other things was to include a mandate for addressing the problems in Kosovo. González' appointment was made on 18 March 1998 by letter from the Polish Foreign Minister in his capacity as Chairman-in-Office of the OSCE.

This mission has not yet been carried out. As a first step, the Federal Republic of Yugoslavia demands the reactivation of its participation in the OSCE, suspended since July 1992. In return, however, it is willing only to allow an OSCE Mission to Kosovo - not the full implementation of the González mission, which would apply to the FRY as a whole. Discussions are presently under way on these issues between the OSCE Chairman and the Yugoslav Foreign Ministry.

American diplomats have been actively involved with the Kosovo problem since May 1998, conducting "proximity talks" in Belgrade and Priština which are aimed at bringing the two sides closer together.

It is obvious that the parties themselves are not (or no longer) capable of settling the problem of Kosovo's status on their own. Nor does it appear any more likely that a single organization or a single country could solve a conflict of this kind and this magnitude all alone.<sup>5</sup> It is not yet clear what roles will be played by various organizations and countries, but the OSCE could, in the case of international mediation, provide the leading international figure in the person of the former Spanish Prime Minister and, through a long-term mission, the framework for co-ordinating international activities in Kosovo. Whether this actually comes about will depend on the will of the OSCE participating States and of the parties.

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5 This view was expressed by Foreign Minister Bronisław Geremek before the Permanent Council of the OSCE on 17 June 1998.

On the territory of the *former Soviet Union* there are still a number of minorities which have a regional majority and are continuing to demand independence. Those involved are portions of successor states which enjoyed "autonomy" in various gradations during the Soviet time: Trans-Dniestria, South Ossetia, Abkhazia, Nagorno-Karabakh and Chechnya. But none of the separatist parties regards the former status as satisfactory today.

To the extent that international assistance in the solution of conflicts is accepted at all, the OSCE plays a central role. With the exception of Chechnya, where, at present, the Russian government has ruled out international mediation in settling the status question, the OSCE is represented by long-term missions and other instruments whose responsibilities do include the issue of status.

As for *Moldova/Trans-Dniestria*, the mandate of the OSCE's Long-Term Mission, dating from 4 February 1993, expressly makes an agreement on a "special status" for Trans-Dniestria one of its goals. At an earlier stage, the Mission presented a detailed proposal for autonomous territorial status for Trans-Dniestria as a part of Moldova (Mission Report No. 13 of 12 November 1993). But the parties have still not agreed on the status of Trans-Dniestria and its future relations. Parallel mediation efforts by the Russian Federation also failed to produce a successful result. Characteristic for the process to date were meetings of the disputants with Russia and Ukraine (on 8 May 1997 in the Kremlin and on 19/20 March 1998 in Odessa) at the highest level (some of them in the presence of the OSCE Head of Mission) in which they agreed upon working out conjointly a status for Trans-Dniestria, but without being followed by any concrete steps. What is needed is an initiative by the mediators to develop a proposal that will be continuously co-ordinated with both sides to the dispute.<sup>6</sup>

In *Georgia* the mandate of the OSCE Mission for South Ossetia is less specifically focused on status than is that of the Moldova Mission with respect to Trans-Dniestria. Nevertheless, the Mission presented a proposal on the status of South Ossetia in September 1994, urging that territorial autonomy be granted within the framework of a federal state; the response in Georgia was generally positive but, in South Ossetia itself, predominantly negative. Here too, as in the case of Moldova, there were parallel efforts on the part of the Russian Federation. A draft arrangement for distributing competences in South Ossetia within a federal structure was worked out under Russian aegis in early 1995; it was supported by Georgia and rejected by South Ossetia. The question of South Ossetia's status has not really made any progress since then. There has, however, been some improvement of practical co-operation in areas of common interest such as transportation and the exchange of goods - enough to say that the ties broken by the 1992 war have, increasingly, been

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6 Cf. Welberts, cited above (Note 3), p. 130.

restored. On the assumption that a solution of the status issue would have to be preceded by measures to build confidence, the OSCE Mission, in June of 1994, had already proposed a pragmatic approach of this kind to indirectly narrowing the differences over status. After initial resistance by the South Ossetian side, based on fears of being gulled by the Georgians, this approach has yielded some positive results. The OSCE Mission is also active as initiator and co-ordinator of international assistance for South Ossetia, as a part of Georgia.

Attempts to solve the *Abkhazia* problem have likewise met with no success to date. Under UN leadership and with OSCE participation, the approach, since the end of active hostilities in 1993, has been to search for an autonomy arrangement. The situation is even more difficult than in South Ossetia, however, because even before the war the Abkhazians were in the minority in their own territory vis-à-vis the Georgians and thus unable to claim a regional majority. Even so, the Georgian side is willing to grant territorial autonomy.

Negotiations on *Nagorno-Karabakh* - an enclave in Azerbaijan with an Armenian majority which, along with some so-called "occupied areas", has been under Armenian control since the 1992-1994 war - have been conducted since 1992 in the OSCE's Minsk Group, to which ten OSCE participating States (including Germany) belong. These negotiations, as well as direct contacts between the Armenians and Azerbaijani, have so far produced no tangible results. At the 1996 OSCE Summit in Lisbon all participating States with the exception of Armenia agreed on principles to underlie a solution of the conflict (territorial integrity, self-rule for Nagorno-Karabakh on the basis of self-determination within Azerbaijan, security guarantees for Nagorno-Karabakh).

The Co-Chairmen of the Minsk Group (France, Russia and the United States) presented a frequently modified, phased plan to the disputant parties in summer 1997. As a first step, it provided for the withdrawal of Armenian troops from five of the six occupied areas; the second stage was to be the solution of the status issue. While Azerbaijan and the Armenian President, Ter-Petrossian, who resigned in February 1998, accepted the plan at least as a basis for negotiations, Nagorno-Karabakh rejected it categorically. Just very recently, official representatives of Armenia declared their readiness to abandon the idea of annexing Nagorno-Karabakh and to accept a solution "short of independence but more than autonomy".

This brief overview shows that - even taking all of the differences between the individual cases into account - the settlement of these conflicts is a more protracted and difficult process than we thought when the communist systems of rule collapsed. We ought to keep in mind, however, that it also took a long time for autonomy settlements to become politically ripe in the "West", in such cases as South Tyrol and Northern Ireland. Additional factors in the

successor states to Yugoslavia and the Soviet Union are that they have had no experience with genuine, democratic autonomy; that relations between nationalities are often characterized by deep mistrust; that the building of civil societies, in which the citizens can be sure of their rights, is only in the beginning stages; that the countries lack the inner stability and self-confidence needed for the granting of autonomy; and that models for open borders, such as would be useful if not necessary for a solution of the question of the Albanians, have not been practised and could not be easily introduced. Despite these difficult problems there do not seem to be any models for settling the cases described here that would have better prospects of successful negotiation (and could be implemented peacefully) than territorial autonomy. Neither independence nor unification of territories nor personal autonomy unrelated to territory have appeared to be negotiable. Thus concepts of territorial autonomy are still of interest for settling such conflicts and will remain so for the foreseeable future.

In view of the magnitude of "internal" problems, the international community can only help to bring solutions about - it cannot impose them. It is important, therefore, to make the best possible use of their efforts. This applies not least to the activities of the OSCE.

The OSCE has taken on - or been given by the participating States - a growing number of operational conflict-settlement cases and has thus assumed a central role amongst the international institutions engaged in the successor states. It is not surprising, considering the weightiness of the problems, that the OSCE's long-term missions strike some as being "weak drills for thick boards"<sup>7</sup>, but this has to be taken seriously. In my view, the following measures might serve to help the "drills" or the drilling operation under the circumstances described above:

- even stronger linkage between the operational activities of the OSCE and the activities of other international organizations and participating States, according to their relative strengths and abilities, as is beginning to happen in Georgia and appears to be in prospect for Kosovo; use of OSCE long-term missions for co-ordination of international activities on the local scene (as is already happening in Albania);
- even stronger political support on the part of the participating States for the local activities of the OSCE in the places where it is engaged and in fora outside of the OSCE itself. By no means all of the participating States have exhausted these possibilities in the past;

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7 Stefan Troebst, "Dicke Bretter, schwache Bohrer". Die Langzeitmissionen der OSZE ["Thick Boards, Weak Drills". The Long-Term Missions of the OSCE], in: Dieter Senghaas (Ed.), *Frieden machen [Making Peace]*, Frankfurt/Main 1997, pp. 147ff.

- restraint in competitive national involvement on the part of participating States that have a special interest in certain areas; as indispensable as, for example, an active Russian policy aimed at pacification is in the Trans-Caucasus or Moldova, it remains desirable that this policy be clearly assigned to the OSCE's involvement and to active support for the OSCE in these areas outside of the territory of the Russian Federation;
- full use of the instruments available to the OSCE itself. This could include extension of the High Commissioner on National Minorities' (HCNM's) activity to such matters as influencing the granting of autonomy to minorities as a method of conflict settlement. For the most part, this has not so far happened as the HCNM sees himself as an instrument of early warning and conflict prevention. In addition, we could think about better use of the potential offered by the OSCE's Court of Conciliation and Arbitration. While it has no direct formal jurisdiction over disputes within participating States, there ought to be ways of involving its members as experts in national conflicts along the lines of the Badinter Commission in 1991/1992;
- introducing the autonomy principle into the OSCE's set of norms, as part of the work presently under way on a European Security Charter. The autonomy of minorities, going beyond the non-committal nature of its past treatment in OSCE documents, should be presented as a principle of settlement which, as a kind of "internal" self-determination, would bring the CSCE principles of the territorial integrity of states and the right of self-determination of peoples into harmony with each other. "Promoting" autonomy to a higher rank in this way would make it harder to resist the introduction of autonomy concepts in the future and thus be of great practical significance.

It would probably not be easy to get countries which are less open-minded about minority issues to support this idea; moreover, there has of late been little enthusiasm among the OSCE representatives in Vienna for debates over principles - especially ones that are viewed as difficult - owing to the pressure of operational matters.

Still, in view of the great difficulties in solving nationality conflicts and of the compelling arguments in favour of compromise solutions along the lines of (territorial) autonomy, the attempt should be made. The OSCE is, as a practical matter, so heavily engaged and by virtue of its reputation so much involved that it is almost compelled to follow a course which lies very much in its own tradition. Further development of the OSCE's set of norms in the politically binding fashion appropriate to the Organization could prove to be more practical than efforts to bolster the law on minorities with legally binding agreements within the framework of the Council of Europe or of the United Nations.

## The Future of the Civilian Police within the OSCE Framework

Since the end of the eighties there has been a new player in the game of international peacekeeping - the Civilian Police (CIVPOL). Used at first only under UN aegis, this "newcomer" has in the meantime established a tradition in UN missions and recently had its OSCE debut. At first it was classified as a lowly auxiliary unit which could safely be neglected and the figure it cut in comparison with the super-powerful military units was laughed at. However, CIVPOL has succeeded in a very short time in becoming an important component of international missions.

At the present time the Civilian Police put up about a third of uniformed UN personnel and one fifth of all UN employees are members of the CIVPOL. CIVPOL has thus become a force that can no longer be ignored.

The United Nations has reacted to this trend, not least in an operational sense. It was decided at an international conference in March 1998 to upgrade its responsible unit, the UN Civilian Police Department, in terms of personnel and also hierarchically. For these reasons, it is time to think about the future role of the Civilian Police as a factor in OSCE operations.

The OSCE used its first Civilian Police in Croatia in early 1998, but not as officials with executive authority. The original intention was obviously to send a unified police contingent organized on the UN model whose real job would be to supervise the local police. Until now, however, the OSCE police have not been deployed as a uniformed contingent but, rather, given responsibilities that are atypical for policemen and more appropriate for lawyers or diplomats. This operation cannot, therefore, be regarded as a "genuine" police operation.

But the next and, this time, "genuine" OSCE police mission is just around the corner. On 15 October 1998 the OSCE is scheduled to take over the work of the United Nations Civilian Police Support Group (UNCPSG) in Eastern Slavonia. The plan is for 120 executive officials, working for the OSCE and fitted out with the same competences as the United Nations people before them, to provide this service.

So it is time to ask why the OSCE is setting out on this "new" path. To be more concrete: what can an executive official do in the operational area? What results can be expected? And what are the conditions the OSCE must establish for the use of civilian policemen?

The future operations of the OSCE cannot be viewed in isolation from past experience. In almost twenty CIVPOL missions, the UN has acquired enough



experience so that conclusions can be drawn directly for the OSCE as well. Moreover, the OSCE has enough experienced UN police in its participating States. Thus it would appear appropriate and logical to draw on UN experience to a large extent. For this reason it is unavoidable that we take a fairly close look at the UNCIVPOL.

Even though UNCIVPOL are by now firmly established as a part of peacekeeping operations, a number of false notions remain about their mission. There is the impression, for example, that UNCIVPOL consists of armed units which maintain law and order with the usual methods used by police - i.e. by making arrests, carrying out investigations, etc.

The fact is, however, that in most cases there are "Memoranda of Understanding" and "Standing Operation Procedures" that expressly forbid UNCIVPOL the exercise of executive force. That means that arrests and investigations of the kind carried out by the criminal police are usually not allowed. And in the overwhelming majority of missions the UNCIVPOL are completely unarmed.

The only exceptions to this rule so far were in missions to Haiti (UNMIH II) and Iraq (UNGCI). In Haiti the UN had taken on the responsibility for building a new security system. The UNCIVPOL were therefore not only armed but also empowered, in accordance with prevailing Haitian law, to exercise executive force.

This mission certainly had positive aspects but it also demonstrated some of the limits of CIVPOL. The exercise of executive force by the UNCIVPOL did not function as expected. Co-operation with the local police was not entirely successful owing to language difficulties and weaknesses in training.

The most important point to make, however, is that considerably more personnel would have had to be employed by the UNCIVPOL and the mission would have had to last for a substantially longer time.

Considering Haiti's population of about five million, an international police contingent of about 10,000 men would have been needed if comparable European figures had been used as a guide. But neither logistically nor financially would a mission of this magnitude have been possible. It is questionable, moreover, whether a country would be prepared to give up such important sovereign rights as the exercise of justice and of police authority.

As the WEU mission in Mostar - similar to the UN one in Haiti - showed, substantial difficulties must be anticipated in this regard.

For the sake of completeness, we should mention one more UNCIVPOL experience here - that of the United Nations Guard Contingent in Iraq. This contingent's task was to provide protection for the transports of humanitarian assistance and relief goods for Kurdish refugees. A further responsibility, which came later, was to advise UN agencies and NGOs on security matters. Its structure was modelled on the UN guard units at the UN's three head-

quarters and UN guards were recruited from New York, Geneva and Vienna along with policemen and soldiers from a number of UN member states. They were armed with pistols. The marginal successes achieved by the guards were not enough to justify their losses (Austria, which had supplied 20 gendarmes and policemen over a period of four years, had four policemen seriously wounded by weapons fire).

The mission in Iraq tried to carry out what was *de facto* a classical military operation in a kind of "light version" in order to avoid a new political and/or military confrontation.

The two types of mission just described did not work out very well; they were tailor-made too much for certain missions. The "role model" - if one can use that term - for all other UNCIVPOL missions was, however, created much earlier in Namibia. The Namibia operation can, indeed, be regarded as a "genuine" CIVPOL mission. The model used there has remained unchanged up to the present day and has served as the prototype for almost all subsequent missions. The task in Namibia was to finish the decolonization of the country and to ensure that democratic elections were held. For that purpose the local police, trained by South Africa, had to be supervised. At the same time, however, the "civilian" SWAPO activities needed to be monitored. In the event of human rights violations or other incorrect behaviour on the part of the local police the UNCIVPOL were not to intervene directly but (in theory at least) only to report. The objective was to create conditions in which free and fair elections could be held. As the elections proceeded, other activities were taken on, especially observing or monitoring the elections.

In the missions that followed, the work of UNCIVPOL was of course adapted and expanded. In El Salvador, for example, the training of local police was in the forefront.

There are, of course, definite disadvantages when UNCIVPOL are unarmed in this kind of mission. It is impossible to implement law and order by force and even UNCIVPOL's own self-defence is for the most part out of the question. It should be added, however, that the largest number of attacks on UNCIVPOL has been seen in missions where carrying weapons was prescribed. There is also the question of just what the light armament of a policeman could accomplish against a heavily armed opponent. It seems to be true that the best self-defence lies in being defenceless.

Of course it is more than self-protection that underlies the refusal of UNCIVPOL to carry weapons. Apart from such exceptions as Bosnia and Herzegovina, UN missions are limited to a very short period of time. Once a mission is over, the host country is again completely dependent on its own capabilities and capacities. Ideally, a UN mission should leave behind an emerging firmly established and functioning democracy. One essential part of a functioning democracy, however, is a police force that acts in conformity

with democratic principles and in such a way as to uphold human rights. If they are to be able to meet these conditions at a later time the local police must learn while the CIVPOL are still there how to carry out their responsibilities independently and in a proper fashion. Hence the local police should neither allow CIVPOL to treat them as incompetent nor expect CIVPOL simply to take over their work.

So much for the UN experience. Now we shall move on to answering the questions posed at the beginning of this article.

#### *What Can CIVPOL Accomplish for the OSCE?*

Until recently peacekeeping operations completely neglected the field of non-military security. On the few occasions when some attention was paid to it, hopelessly overburdened and overtaxed soldiers were given the job of "looking after things".

It should be said right at the start that civilian police cannot replace soldiers or diplomats, nor do they want to - but they carry out responsibilities that these others cannot assume.

It is a fact that in all countries afflicted by conflicts of whatever kind the security system has generally collapsed. One of the main tasks for the international community, when it seeks to provide assistance, must therefore be to rebuild internal security along with the reconstruction of political, military and economic institutions. The most important elements of internal security are unquestionably the police and the system of justice.

Whether an international mission succeeds or fails is decided in part by the local police in the host country. The prospects of success grow if these countries are able to prevent violations of human rights while at the same time using a vigorous and democratic police force to proceed against corruption and organized crime, thus laying the groundwork for economic renewal. To put it another way, even the best conceived economic assistance is doomed to failure if latent insecurity prevails or if economic life is dominated by organized crime. This fact of course has been recognized by international organizations, which for that reason invest a great deal in rebuilding police systems in the places where they are actively involved.

But how can they know where to put their money? What local policemen can one depend on? And - another important question - how can one prevent human rights violations by the local police?

Past observers have not been able to answer these questions or to solve the problems. Only professional policemen have the capacity to see police organizations clearly and to analyse them - to draw conclusions and propose improvements. They are also in a position to discern police hierarchies which

are not immediately obvious and they can perceive the important informal processes in the activities of the local police. It is important, especially in police organizations that have gone to ruin, to eliminate "grey eminences" that usually owe their legitimacy to undemocratic structures or to connections.

Moreover, they are in a position, as a result of their own investigative experience, to comprehend police actions in other countries. Even more important is that they are able, referring to their own experience, to suggest alternatives to the procedures of the local police.

This brings us to one of the main reasons for the successes of CIVPOL: members of CIVPOL and local policemen can meet on a professional level. They have had approximately the same kind of training and the criminal cases they have dealt with have left their mark on all of them. As a consequence, policemen are much more readily accepted as partners, or even mentors, than are members of other professional groups.

#### *What Results can be Expected from a CIVPOL Mission?*

It would certainly be wrong to arouse unfulfillable hopes by suggesting that a CIVPOL mission could leave behind a fully functioning security system. In fact, considering the size of the task, one can be happy if rudimentary standards are achieved.

A lot depends on conditions in the host country. In a country which had something approaching a tradition of the rule of law before falling into conflict, success is more likely than in one that lacks any such tradition.

One successful result that can in any event be guaranteed by CIVPOL is that the number of excesses committed by the local police - i.e. violations of human or civil rights - will be reduced. Through close observation and investigation, every mission to date has succeeded in making itself so "burdensome" to the local police that the incidence of such behaviour has gone down.

What is less easy, because it requires the active co-operation of the local police, is to ensure that *all* police work is accomplished, i.e. that the local police do not just support those who are agreeable to them but treat all persons equally, regardless of their ethnic origin or their political and religious convictions. But some successes are possible here too, even if more difficult. It is too easy for the local police to accept reports while letting the investigation come to nothing, or to practice bureaucratic obstructionism.

It is a big success for CIVPOL if they are able to rid the local police completely of policemen who are undependable or may even have been associated with crime, and to replace them with new personnel trained in democracy and in the rule of law. In that case one can assume that the local police,

even after the withdrawal of CIVPOL, are almost certain to go on functioning as intended. This is the ideal case, but a rare one. That is why more and more emphasis has recently been put on the schooling and training by CIVPOL.

*What are the Necessary Conditions for a CIVPOL Mission?*

*We should never forget that CIVPOL can only function under certain conditions. If they are absent, then failure is pre-programmed.*

The first essential point is that all parties to a conflict must have agreed to the CIVPOL mission. CIVPOL cannot accomplish its work by force. *Durable Memoranda of Understanding in which CIVPOL's role is set forth and its responsibilities clearly defined* are an absolute necessity. CIVPOL can never make peace in an area torn by war or crisis. For this purpose, and for the military support that is sometimes required, troops must be provided. And the terms of co-operation between military and civilian components must be worked out at the same time.

It is no less important to establish the needed organizational structures before the beginning of a civilian police mission. This calls, on the one hand, for an independent logistical component and, on the other, for an office to deal with strategy and tactics of a police operation. One cannot rely on existing structures; new ones must be set up, even if it costs more. Above all, these new structures must be in the hands of professional police officers. Police work is a completely independent field and must be carried out by people with appropriate experience. It cannot be done by people outside the profession.

Even before these structures are established the standards for future OSCE policemen must be laid out. There should be no compromises. Professional executive officials must have good training, adequate police experience and the necessary knowledge of languages. The moment exceptions are made to these standards - so as not to annoy certain participating States, perhaps - there will be dissatisfaction amongst all members of the mission and its effectiveness will be substantially lessened.

If these conditions are met, however, there is nothing to prevent a successful police mission. Of course there are no guaranties of success. Too much depends on political imponderables.

As already mentioned, the first "genuine" OSCE CIVPOL mission is about to take place. It is certain that other missions will follow. Although this is new territory for the OSCE, the learning experience ought not to be too costly. The experience of the UN should be sufficient to avoid repetition of earlier mistakes.

## The Human Dimension and the Development of Democracy



## The Third OSCE Implementation Meeting on Human Dimension Issues in Warsaw, 1997

### *The Emergence of the "Human Dimension" of the OSCE and the Evolution of "Human Dimension Mechanisms"*

The "human dimension" of the Organization for Security and Co-operation in Europe (OSCE) is defined as "the undertakings entered into in the Final Act and in other CSCE documents concerning respect for all human rights and fundamental freedoms, human contacts and other issues of a related humanitarian character".<sup>1</sup> The human dimension corresponds to the "third basket" of the Final Act of Helsinki (1975).<sup>2</sup> This concept only became official at the Vienna Follow-up Meeting (1986-1989) when it was adopted by Western delegations in their proposal for a mechanism to monitor compliance with CSCE commitments on human rights and human contacts. The result was the creation of a "human dimension mechanism" and a "Conference on the Human Dimension" (CHD). Situations not resolved under the human dimension mechanism could be referred to the CHD. The Vienna Concluding Document stated that the CHD "will hold three meetings before the next CSCE Follow-up Meeting", a way of accommodating the East European countries who did not want to commit themselves beyond the Follow-up Meeting.<sup>3</sup> Accordingly, three such conferences were held - in Paris (1989), Copenhagen (1990) and Moscow (1991). The Copenhagen Document, adopted in June 1990 amidst the optimism accompanying the changes in Central and Eastern Europe, has become a reference in the field of human rights, especially with respect to the rights of persons belonging to national minorities.<sup>4</sup> The "Vienna Mechanism" adopted in January 1989 was a four-stage procedure for mandatory inter-state dialogue on human dimension issues.

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1 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/Boston/London 1993, pp. 326-411, here: p. 367.

2 At the Copenhagen and Moscow Meetings of the Conference on the Human Dimension of the CSCE (CHD), the human dimension was extended to include democracy, democratic institutions and the rule of law. Cf. Rob Zaagman, *Institutional Aspects of the CSCE Human Dimension after Helsinki-II*, in: Arie Bloed (Ed.), *The Challenges of Change: The Helsinki Summit of the CSCE and its Aftermath*, Dordrecht/Boston/London 1994, p. 231.

3 See Rachel Brett, *The Human Dimension Mechanism of the CSCE and the CSCE Response to Minorities*, in: Michael R. Lucas (Ed.), *The CSCE in the 1990s: Constructing European Security and Cooperation*, Baden-Baden 1993, p. 146.

4 For more on the Copenhagen CHD, see Arie Bloed, *Successful Meeting of the Conference on the Human Dimension of the CSCE*, in: *Netherlands Quarterly of Human Rights* 3/1990, pp. 235-325.



The provisions set forth in the Moscow Concluding Document (October 1991) further elaborated the Vienna Mechanism by allowing for the creation of missions of independent experts or rapporteurs, in some cases even without prior consultation with the OSCE State involved (in the case of "emergency" missions).<sup>5</sup> The "Moscow Mechanism" constituted significant progress, allowing for the first time third-party supervision, fact-finding and mediation. However, the Committee of Senior Officials (CSO) is the only body entitled to make a decision, after reviewing the report submitted by the mission, which remains confidential until that moment. Since the events of 1989, human dimension mechanisms have not been used much in order to allow time for democratic transformations in the East to be completed.<sup>6</sup> Furthermore, these mechanisms are rarely used against Western countries.

The institutional framework of the human dimension was strengthened at the Paris Summit (November 1990) when, in addition to a Conflict Prevention Centre (CPC) in Vienna and a Secretariat in Prague, an Office for Free Elections (OFE) was established in Warsaw.<sup>7</sup> At the Prague Meeting of the CSCE Council of Ministers (30-31 January 1992), the "consensus-minus-one" principle was introduced in order to allow for the Council of Ministers or CSO to take measures against the will of a participating State in cases of "clear, gross and uncorrected violations of relevant CSCE commitments".<sup>8</sup> The Prague Document also attempted to define the relations between the human dimension and the institutions created in Paris, and significantly broadened the mandate of the OFE. Upon an initiative by the United States which was concerned by the difficulties faced by Central and Eastern European states in building democratic institutions, the OFE was renamed the Office for Democratic Institutions and Human Rights (ODIHR).<sup>9</sup> ODIHR thus became the "clearing-house" of the human dimension, with no advisory competence and under the supervision of the CSO, which was exclusively responsible for selecting topics for human dimension meetings and seminars, lest ODIHR become too independent.<sup>10</sup>

At the fourth follow-up meeting in Helsinki (24 March - 9 July 1992), also known as Helsinki-II, the basic principle underlying the human dimension

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5 See Chapter I of the 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: pp. 607-611.

6 See Zaagman, cited above (Note 2), p. 237.

7 See Charter of Paris for a New Europe, Paris, 21 November 1990, in: Bloed (Ed.), cited above (Note 1), pp. 537-566, Chapter "New Structures and Institutions of the CSCE Process", pp. 548-550, and the "Supplementary Document to give effect to certain provisions contained in the Charter of Paris for a New Europe", pp. 551-561.

8 See Prague Meeting of the CSCE Council, 30-31 January 1992, in: Bloed (Ed.), cited above (Note 1), pp. 822-839, here: Part IV, para. 16, p. 832.

9 See Zaagman, cited above (Note 2), p. 244.

10 For an overview of the human dimension before Helsinki-II, see Alexis Heraclides, *Security and Cooperation in Europe: The Human Dimension, 1972-1992*, London 1992.

was defined. Chapter VI entitled "Human Dimension" of the Helsinki Document (Helsinki Decisions) stated that the exchange of information and ideas on the human dimension can contribute to early warning and conflict prevention in OSCE States; in other words, that respect for human rights and peace and security are highly interdependent.<sup>11</sup> At Helsinki-II, the CHD was replaced by an "Implementation Meeting on Human Dimension Issues" whose tasks were twofold: (a) "a thorough exchange of views on the implementation of Human Dimension commitments, including discussion on the information provided in accordance with paragraph 4 of the Human Dimension Mechanism and on the Human Dimension aspects of the reports of CSCE missions, as well as the consideration of ways and means of improving implementation"; and (b) "an evaluation of the procedures for monitoring compliance with commitments".<sup>12</sup> The implementation meetings are organized by ODIHR in Warsaw at the expert level every year in which a review conference (the successor to the follow-up meetings) does not take place. The purpose of review conferences is to assess the entire range of OSCE principles, standards, mechanisms and structures, including those belonging to the human dimension. Both meetings are "under the general guidance of the CSO". Implementation meetings, in contrast to review conferences, do not have the authority to adopt a negotiated document. This has the advantage that time is not lost over lengthy negotiations on a concluding document. In the end, it was agreed that "(t)he implementation meeting may draw to the attention of the CSO measures to improve implementation which it deems necessary".<sup>13</sup> A summary of the discussions as well as a series of informal recommendations by the Rapporteurs is produced at the end of the meeting. Other institutional innovations related to the human dimension at Helsinki-II included the creation of the position of a High Commissioner on National Minorities (HCNM)<sup>14</sup> and the enhancement of the role of ODIHR.<sup>15</sup> Although the HCNM is not part of the human dimension, his activities are closely connected to it. Furthermore, if the CSO so requests, the HCNM may provide information on his activities to the meeting, keeping in mind the confidentiality of his mandate.<sup>16</sup>

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11 See CSCE Helsinki Document 1992: *The Challenges of Change*, Helsinki, 10 July 1992, in: Bloed (Ed.), cited above (Note 1), pp. 701-777, here: Chapter VI of the Helsinki Decisions, para. 2, p. 743.

12 Ibid. Chapter VI, para. 9, 9a and 9b, pp. 745-746.

13 Ibid., para. 10, p. 746.

14 See *ibid.*, Chapter I, para. 23, p. 714, and Chapter II, para. 1-37, pp. 715-721.

15 See *ibid.*, Chapter I, para. 25, p. 714, and Chapter VI, para. 5-6, pp. 744-745.

16 See *ibid.*, Chapter II, para. 22, p. 719.

The third Implementation Meeting on Human Dimension Issues was held under the Danish Chairmanship in Warsaw from 12 to 28 November 1997.<sup>17</sup> It brought together over 500 delegates from OSCE participating States, two partner countries (Japan and Egypt), several international organizations and numerous non-governmental organizations (NGOs). After an opening plenary, the meeting was divided into two Subsidiary Working Bodies (SWB): SWB1 - "Review of Implementation in Participating States as well as Consideration of Ways and Means of Improving Implementation", and SWB2 - "Review of the Human Dimension of the OSCE with a Special Focus on Monitoring and Enhancing Compliance with Commitments and on the Use of Existing Mechanisms and Procedures". A moderator was appointed for each working body: Mr. Harris Nielsen, Denmark, (SWB1) and Mr. Wojciech Flara, Poland, (SWB2). The two Rapporteurs, Mr. Bjorn M. Berge, Norway, (SWB1) and Ms. Carmel Whelton, Canada, (SWB2), were in charge of the report describing discussions and recommendations.<sup>18</sup> An intermediary plenary session was held at the end of the second week to consider progress, as well as two closing plenaries during which the reports of the Rapporteurs were presented. SWB1 was organized on the basis of a thematic list, drawn up by the moderator, of subjects previously agreed upon by the Permanent Council. This report only covers sessions 9 and 10 of SWB1 on National Minorities and Roma and Sinti respectively, and session 3 of SWB2 on the review of the activities of the OSCE's HCNM and the Contact Point for Roma and Sinti Issues (CPRSI).<sup>19</sup> A summary of proposals during other SWB2 sessions is also included.

Each session began with statements by national delegations, then by international organizations, and finally NGOs. National delegations could also exercise their right of reply. Delegates were encouraged to focus on the subject of the session and to offer concrete proposals on how to better implement human dimension commitments. The delegations' statements roughly fit two models: (a) reaffirmation of the state's commitment to international instruments and documents, followed by an overview of domestic measures to guarantee the protection of minority rights and recent improvements; or (b) criticism of violations of the rights of a particular minority in one or several countries, or criticism of the general minorities situation in a specific coun-

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17 For an overview of the first two implementation meetings, cf. Thomas Buchsbaum *et al.*, *The First CSCE Human Dimension Implementation Meeting*, in: *Helsinki Monitor* 1/1994, pp. 64-74; and María Amor Martín Estébanez, *The OSCE Implementation Meeting on Human Dimension Issues 1995*, in: *Helsinki Monitor* 1/1996, pp. 5-26.

18 Reports of Rapporteurs, *Implementation Meeting on Human Dimension Issues*, Warsaw, 12-28 November 1997, OSCE ODIHR Doc. No. 316.

19 For further information on these and other sessions, cf. *ibid.* and: *OSCE Implementation Meeting on Human Dimension Issues*, Warsaw, 1997, Vienna, 1997.

try. Delegates from Eastern Europe and the Commonwealth of Independent States (CIS) generally provided thorough overviews of domestic provisions and recent steps to improve implementation whereas most Western delegations, with the exception of Denmark, Germany and Switzerland, opted instead to raise the violation of the rights of minorities or of a particular minority in an Eastern European country. Statements by international organizations focused on recommendations for increased co-operation and co-ordination with the OSCE. NGO interventions focused on specific cases of minority rights violations.

*Measures Taken to Ensure Respect of the Rights of Persons Belonging to National Minorities*

Since the last implementation meeting in 1995, many East European and CIS countries seem to have entered a phase in which they are attempting to implement new national minority legislation. With Hungary as the forerunner, more and more countries now have separate minority or language laws, or have introduced administrative measures and designated special government bodies or departments to deal with minority issues. The delegation of Tajikistan spoke about the Tajik constitution which recognizes three official languages - Tajik, Russian and Uzbek - as well as the new "Treaty on Social Concord" signed in 1996. Secondary education in the minority language is available to the largest minorities, while higher education is available in Russian and Uzbek. Poland focused on the protection of historical minorities, including Jews and Roma. Recognizing that the issue of the protection of minorities is linked to the issue of Poles living abroad, the Polish delegate stressed that minorities should not be treated as political hostages in relations between neighbouring countries. Slovakia presented itself as a possible success model, emphasizing that the recognition of persons belonging to national minorities is based on the constitutionally guaranteed right of every Slovak citizen to a free choice of the ethnic group he or she wants to belong to. Croatia claimed to have been particularly devoted to bringing national legislation in line with OSCE and UN standards. Recent initiatives include a Council of Ethnic and National Communities including representatives of national minorities. Implementation is now the main goal of the Croatian government. Hungary gave a brief overview of developments in implementation over the last two years. 792 minority self-governments were created following the municipal elections in December 1994 and by-elections in November 1995. As to the parliamentary representation of minorities, Hungary announced that a draft amendment would be presented before the end of 1997 to allow minorities to nominate their candidates on lists separate from

those of political parties. There has been a Parliamentary Commissioner for National and Ethnic Minority Rights (minority ombudsman) since 1995. Hungary estimated that the five basic treaties concluded with Croatia, Romania, Slovakia, Slovenia and Ukraine could have a significant impact, provided that there is political will. Hungary also expressed the hope that an agreement would soon be reached with Slovakia on the composition of a joint sub-committee on national minorities, as is already the case with the other four countries. In conclusion, Hungary stressed that no government should use a minority situation in another country as an excuse for not implementing its own international commitments. Romania, too, gave a thorough overview of new domestic institutions such as the National Minorities Council and the Department for National Minority Protection, which is led by a Minister delegated to the Prime Minister and includes a special Office for Roma. This department is launching a national minority plan in co-operation with government representatives and NGOs. A draft government strategy for 1998-2001 concerning national minorities, due in March 1998, would aim to transfer decision-making authority to local communities and civil society. Regarding the new draft law on education, Romania announced plans to re-examine the question of the financing of education in national minority languages. The Republic of Macedonia concentrated on measures to enhance the education of minorities in their mother tongue. A significant increase in the number of students belonging to the Albanian minority in secondary schools has been observed over the last couple of years. University education is carried out in the Macedonian language, but a new Law on the Languages of Instruction at the Pedagogical Faculty has been adopted. Russia elaborated on domestic and regional provisions, such as the CIS Convention on the Rights of Persons Belonging to National Minorities. It also spoke about agreements signed between the Ministers of Nationality Affairs of Russia and Ukraine, and the protocol signed with Hungary's Directorate for Hungarians abroad. Since the enactment of a Law on National Cultural Autonomy in 1996, 13 regional national cultural autonomies have been registered. Belarus made every effort to present a picture of a peaceful multinational state. A law on minorities has been adopted and a co-ordinating council dealing with the affairs of national minorities was created in January 1995 under the Ministry of Culture. Since January 1997, there has also been a State Committee on Religion and Nationalities. Belarus announced an agreement with Moldova and hoped for similar agreements with Lithuania and Ukraine. The Belarussian delegate acknowledged financial constraints on the national cultural councils, as well as the lack of expertise and materials. He also illustrated the complexity of the issue by reporting the domestic outcry which followed the introduction in spring 1997 of new passports which

did not list ethnic origin. As a result, citizens of Belarus can again list their ethnic origin if they wish.

A few Western countries also presented an overview of domestic implementation. Germany spoke in detail about implementation of OSCE commitments, emphasizing that it had been very active both nationally and internationally. The efforts of the Central Council of German Sinti and Roma to fight discrimination against Sinti and Roma in Germany, which led to the enactment by the German Press Council of new guidelines in 1994, was praised. It was noted that these guidelines are not deemed sufficient by the Central Council. The founding of the European Centre for Minority Issues (ECMI) as an autonomous institution whose objective is to contribute to the improvement of inter-ethnic relations was also announced. The delegate from Denmark, himself a member of the German minority in North Schleswig and speaking in German, focused on German-Danish minority policy which is often held up as a model. Switzerland also offered the Swiss experience of a pluralist society as a source of solutions to acute minority conflicts. The Swiss position is that the language issue is central, an issue to which the OSCE has not devoted enough attention, in contrast to the Council of Europe. The UNHCHR representative dealt with how the efforts of the OSCE and the UN to protect minorities and prevent conflicts can be mutually reinforced, pointing out that such complex and sensitive issues can not always be best addressed by one organization alone. She offered to share with ODIHR information collected during the visits of the UNHCHR, Special Rapporteurs, and various other UN committees and working groups. The Council of Europe representative spoke about the significance of the Framework Convention for the Protection of National Minorities,<sup>20</sup> as well as of the co-operation and assistance programmes which are carried out jointly with the EU's TACIS and PHARE democracy programmes. Co-operation efforts between the Council of Europe and the European Commission as well as the HCNM were also mentioned. It should be noted that the Framework Convention was referred to many times during the meeting, providing testimony to the increasing interdependence between the OSCE and Council of Europe approaches to the protection of national minorities. Macedonia stated that it would apply the Framework Convention to its Albanian, Serb, Turkish, Vlach and Roma minorities. Germany will apply it to the four recognized national minorities: Danes, Sorbs, Frisians and Sinti and Roma. Armenia reminded participants that, although it is not a member State of the

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20 The Framework Convention for the Protection of National Minorities has since entered into force, having received the necessary 12 ratifications. On 1 February 1998 it came into force in the following countries: Croatia, Cyprus, Denmark, Estonia, Finland, Germany, Hungary, Macedonia, Moldova, Romania, San Marino, Slovakia and Spain. By 1 July 1998, it will also come into effect in Austria, Italy, Liechtenstein, Malta, Slovenia, Ukraine and the United Kingdom.

Council of Europe, it has signed the Framework Convention.<sup>21</sup> Bulgaria referred to the explanatory report of the Framework Convention, according to which the existence of persons belonging to ethnic, linguistic, and religious groups does not necessarily lead to the creation of national minorities and concluding that the development of international documents should not lead to the creation of national minorities where they do not exist.

*Specific Cases of Non-Compliance Raised in the Session on National Minorities*

Many specific cases of non-compliance concerning national minorities were raised. Harassment and discrimination against minorities on the territory of the former Yugoslavia, especially against the Albanian population in Serbia (Kosovo) and in Macedonia was a main issue of concern. On behalf of the EU, Austria deplored the slow return of refugees and displaced persons to minority areas in Bosnia, especially in Republika Srpska. Norway, too, stressed the right of refugees and displaced persons from Bosnia and Herzegovina and Croatia to return home. On behalf of the EU, Austria also expressed concern over the treatment of Kosovo Albanians as well as the exacerbated situation of Albanians in Macedonia. The US delegate also focused attention on Kosovo Albanians, especially Serbian police brutality directed against them and the failure of the Serbian government to move forward with the Kosovo education agreement. Regarding the Albanian minority in Macedonia, the US delegate was disappointed by reports on the new law on higher education. Albania thanked Austria acting for the EU for its concern for the Albanian populations in Kosovo and Macedonia and deplored the fact that democratic transformation in former communist countries has been a mere conversion into national democracy for the majority, with a revival of old nationalist aspirations and nationalist nostalgia. The Albanian delegate warned against the "democratic mimicry" which is taking place in almost all ex-communist countries. He furthermore called upon state authorities "who use unjustified zeal and violence against peaceful demonstrations of national minorities" to demonstrate "additional patience".

Slovakia, too, was the unwilling subject of much criticism. While Austria, on behalf of the EU, praised improvements in Hungary and Romania, it observed that in Slovakia progress is hampered by equivocal statements made about its Hungarian minority. The systematic denial of the rights of individuals in Slovakia was seen as an indicator of the absence of democracy by the

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21 This is an open convention enabling non-member states to accede upon recommendation by the Committee of Ministers. Armenia is the only non-member state to have signed the Framework Convention.

US delegate, who also denounced Prime Minister Meciar's population exchange proposal. She invited her Hungarian colleagues to reiterate their commitment to current borders. Slovakia's reply was that its "proposal for free movement" had been misinterpreted and was meant not only for ethnic minorities in Slovakia and Hungary, but for all citizens. Hungary replied that it had signed treaties which reaffirm existing borders and that the US delegate was obviously referring to a statement made by a member of the opposition Smallholders' Party which therefore did not represent the government's position. The International Helsinki Federation (IHF) concentrated on minorities in Slovakia, criticizing the refusal to grant more autonomy to the Hungarian minority, the increase of racially-motivated attacks, and the elimination of bilingual school report cards for the Hungarian minority, as well as the infamous Slovak language law. Slovakia's reply consisted in reiterating its commitment to international instruments, including Recommendation 1201 with the exception of the principle of collective rights. The Slovak delegate explained that the language law of 1995 does not affect the right of citizens belonging to national minorities to receive and disseminate information in their mother tongue. Finally, with respect to the reorganization of territorial administrative districts, he claimed that the purpose was to decentralize, not to reduce the ratio of Hungarians in each district. Switzerland criticized the Slovak and Ukrainian language laws which do not allow for more than one official state language. The situation of Hungarian minorities in Slovakia, Ukraine, Romania and Yugoslavia was raised by several NGOs as well. The representative of the Federalist Union of European Nationalities (FUEN), himself an ethnic Hungarian, criticized non-compliance in Slovakia regarding the right of a minority to have local signs displayed in their language, and the reorganization of administrative districts in areas inhabited by the Hungarian minority. The World Federation of Hungarians criticized the limited possibility in Ukraine for education in the minority language, which is available at the kindergarten and elementary school levels only.

In connection with Turkey's persistent perception of the discussion by the OSCE of the situation of national minorities in Turkey as interference in its internal affairs and direct support of terrorism, Austria, quoting the HCNM, said that the protection of national minorities is "no longer a matter of choice, but a political necessity". Turkey, exercising its right of reply, vehemently defended its system of human rights protection which it claimed followed the French model of individual rights. Turkey also defended its right to safeguard its security and territorial integrity, and to "struggle against terrorism". The US delegate criticized Greece and Turkey, which deny the existence of their Macedonian and Kurdish minorities respectively, and quoted the HCNM: "To belong to a national minority is a matter of personal choice." Minority Rights Group (MRG) strongly condemned violations against the



Kurdish minority in Turkey, as well as human rights violations committed by the Kurdish Workers' Party (PKK). Turkey responded that it did not have a national minority problem.

Greece defended itself against accusations that it was violating the rights of the "so-called Macedonian minority". It explained the historical origins of the province of Macedonia, maintaining that there is no such thing as a separate Macedonian identity and that these persons are not Macedonians but Greeks, Serbs, or Bulgarians. Greece stated that the majority of Slav-speaking persons living in the north of Greece moved to Bulgaria of their own volition under the Treaty of Neuilly. Regarding the Greek citizens living in the Greek province of Macedonia who want to be recognized as Macedonians, the Greek position is that language alone is not a sufficient criterion for the recognition of a minority. Greece concluded that its relations with its northern neighbours are as good as they have ever been and regretted "artificially created problems" which hamper the reduction of tensions. Bulgaria, whose stated priority was the situation of Bulgarians abroad, also implicitly refused to recognize the existence of a Macedonian minority. The delegate of Macedonia, in her right of reply to Greece and Bulgaria, briefly said that their presentations were easily refutable but that she preferred not to bring up history and welcomed the signature by both countries of the Framework Convention. The Macedonian National Council (MNC) from Canada recalled periods of history during which the Macedonian minority enjoyed greater recognition in Bulgaria (from the end of World War II to 1963) and in Greece (in 1925 a linguistic map was produced indicating where Macedonian was spoken). The MNC called for Greece and Bulgaria to (1) acknowledge the existence of their Macedonian minority, (2) stop their policy of forced assimilation and denationalization, (3) allow the free use of the Macedonian language, (4) allow the teaching of the Macedonian language at all levels, (5) recognize the right to freedom of religion, and (6) allow the return of ethnic Macedonians to Greece. Bulgaria's reply focused on technical irregularities with the registration of MNC. Bulgaria justified the absence of the term "national minority" in the Bulgarian constitution by the lack of a universal definition. Greece responded to the Federation of Western Thrace Turks in Europe by denying that it refuses to recognize the existence of "Moslems of Turkish origin" in Western Thrace. Greece's position is that not all are Turks, as there are also Pomaks and Roma living in that region. Turkey summarily rejected the allegations by the Imvrian Foundation/Imvrian Association of Athens and the Constantinopolitan Society (also based in Athens) who evoked the situation of Greek minorities and reiterated its adherence to the Treaty of Lausanne.

Azerbaijan brought up the Nagorno-Karabakh conflict and called for a solution which would both preserve territorial integrity and the rights of national

minorities. Armenia, in its right of reply, expressed surprise at Azerbaijan's claim that there are no problems in Nagorno-Karabakh. In response, Azerbaijan declared its willingness to extend the highest level of self-government to the Armenians of Nagorno-Karabakh. The issue of Russians abroad was raised by Russia who deplored the cuts in the use and financing of the Russian language although it continues to be the language of inter-ethnic discourse. It also brought up the issue of persistent mass statelessness, and referred to the intergovernmental commissions established with Latvia and Estonia. A complaint of illegal assimilation by Poland of its Slovak minority was brought up by the Association of Slovaks in Poland against the Polish Catholic Church which allegedly applies an even stronger policy of assimilation than state officials. Poland accepted the importance of religious services in the national language, an issue which must be dealt with, it said, in co-operation with leaders of the church.

*Proposals on Improving Implementation of Human Dimension Commitments Concerning National Minorities*

Few proposals emerged in SWB1 as the presentations focused more on substantive rather than operational aspects, which were discussed in SWB2. A general recommendation was made that OSCE States develop both effective legislation and practical means to protect and promote the rights of persons belonging to national minorities and that they consider ratifying the Framework Convention. One of several proposals made by the UNHCHR was that OSCE States submit specific information to the UN on the measures they have adopted to promote and protect the rights of persons belonging to minorities according to the various UN human rights procedures and mechanisms; another proposal called for more active participation of OSCE States in the work of the UN Working Group on Minorities. Albania fully endorsed a proposal of the HCNM to establish government round tables with representatives of national minorities which would also serve as a means of early warning. Slovakia proposed that the HCNM elaborate a comparative study on the situation of national minorities in every OSCE participating State in co-operation with a group of experts from these countries nominated by the Implementation Meeting.

*Main Issues Raised during the Session on Roma and Sinti*

A special session was reserved for the discussion of Roma and Sinti issues to reflect the importance that the OSCE attaches to this particular minority. De-

spite the attention, as the US delegate summed up the situation, "it has not been a good year for Roma anywhere in Europe". Violent racist attacks against Roma have become commonplace in Central and Eastern Europe where they have also been discriminated against in privatization processes. Deploring the lack of effective legal machinery, the US delegate nevertheless praised efforts in Hungary, Slovakia and the Czech Republic to remedy this situation, such as the Slovak initiative of 4 November 1997 to address Roma issues and the creation of a Czech "Inter-Ministerial Commission on the Roma Community". Recent efforts in the Czech Republic and Hungary regarding Roma and Sinti had been noted earlier by the NGO "Romani Criss". The US delegate acknowledged the existence of anti-Roma sentiments in the United States and welcomed the removal of the last anti-Gypsy statute in New Jersey. Switzerland pointed to serious discrimination against Roma in Romania, Albania, Slovakia, the Czech Republic and Hungary, and asked for the respect of Roma's "right to be different". Speaking earlier in the session on national minorities, the representative from the Central Council of German Sinti and Roma had mentioned violations of the rights of Roma in the Czech Republic, Slovakia, Bulgaria and Germany. He questioned the verdict of a court in the Czech Republic which acquitted two youths accused of throwing a Roma boy off a train, and the encouragement by local officials of emigration of Czech Roma. Data collection methods of Bavarian authorities were criticized for being based on the external appearance and including the ethnicity of supposed offenders. In its reply, the Czech Republic claimed that the Minister of Justice had immediately appealed against the court decision. The European Roma Rights Centre (ERRC) questioned the accuracy of the Czech delegate's reply. As to Germany, it responded to the criticism of data-collecting practices by explaining that the Bavarian classification system was not specifically targeted against Sinti and Roma; a hundred distinguishing features are used so that anyone could theoretically claim to be discriminated against.

The Czech Republic and Slovakia emphasized recent steps taken to stem the tide of increasing racism and violence perpetrated against Roma. The Czech Republic announced the creation in October 1997 of a new Inter-Ministerial Commission on the Roma Community, as well as the completion of a report by the Czech Council for National Minorities on the situation of the Roma community in the Czech Republic. The Czech Republic sees education as crucial whereas for Slovakia the solution lies in improving social conditions. Accordingly, Slovakia recently issued a document containing guidelines on solving Roma issues in the socio-economic sphere. Slovakia also claimed to pay "the utmost attention to racially-motivated attacks against Roma". The Council of Europe expressed concern about child prostitution which in East Central Europe mainly involves Roma boys aged eight to twelve, and quoted

a UN representative from that region who had allegedly said not to be concerned by this issue because "these are not our children". The Council of Europe delegate also encouraged states to follow Recommendation 1203 to appoint a mediator for Roma. The ERRC representative focused on Roma in the Czech and Slovak Republics, reproaching them for having failed to protect Roma from racist violence, and reminded the meeting participants that there were still 40 Czech Roma waiting in the French port of Calais. The Project on Ethnic Relations was represented by an expert member of the American Roma community who commented on the language used by various delegations and NGOs, suggesting instead that the knowledge of Romanian should be presented as an advantage not a handicap. To speak one's mother tongue should not be seen as a disadvantage, he said.

Among the proposals made during this session, MRG recommended that OSCE States develop a comprehensive approach to Roma and Sinti issues in close co-operation with representatives of Roma and Sinti, as well as with NGOs and relevant international organizations such as the Council of Europe.

*Review of the Activities of the OSCE High Commissioner on National Minorities (HCNM)*

Delegations were unanimous in praising the work of the HCNM. In an earlier session, Norway had described the HCNM as one of the most effective OSCE institutions. On behalf of the EU, Austria suggested that the presence of the HCNM in a particular country should be seen as a positive sign and dismissed complaints which had been made regarding the arbitrariness of his approach to certain minorities. Hungary, which the HCNM had just visited in September 1997, underlined the importance of dialogue between governments and representatives of national minorities and said that his recommendations merited more replies from governments; Hungary also endorsed the recommendation of the HCNM not to set new standards but to implement existing ones. Slovakia referred to its "fruitful co-operation" with the High Commissioner. Mr. Frans Timmermans, adviser to the HCNM, highlighted a few points from Mr. van der Stoep's statement at the opening plenary. Regarding the recurring issue of the definition of a national minority, he stressed that the basis should be the individual's decision, and not the government's definition. This should especially apply to the Framework Convention. He also spoke about a comparative study on minority languages that is being carried out and asked that states reply as soon as possible to the questionnaires sent out in this context. He emphasized that such a study can be useful for states that are looking for solutions. Similar studies could be

carried out in other areas but the Office of the HCNM is limited in capacity. Also, he emphasized that these comparative studies should not be taken as normative acts.

Certain problems faced by the HCNM over the past year were raised. The US delegate was concerned with the continued refusal by Belgrade to grant him a visa to travel to Kosovo, even though the OSCE had been permitted to monitor elections in Serbia. Switzerland pointed to the deteriorating conditions for the work of the HCNM and appealed to states to grant him free access upon request. Canada and Slovakia called for more financial and personnel resources for the Office of the HCNM. For Canada, these investments would be a cost-effective way of conflict prevention. The Russian Federation would have liked the HCNM to pay more attention to all countries where Russians reside. The UNHCR spoke about the close co-operation which it has developed with OSCE institutions, especially the HCNM, in the form of information exchange, joint consultations, inviting each other's representatives to round tables and other meetings, and launching joint initiatives. As an example of a good working partnership, he cited joint efforts for the reintegration of the Crimean Tatars.

Proposals concerning the HCNM's activities aimed at enhancing implementation of his recommendations. The Russian Federation proposed that countries adopt an accountability mechanism on the basis of which the HCNM could make recommendations and report to the OSCE Senior Council. Slovakia suggested that his recommendations also be submitted to representatives of the national minorities concerned in order to improve dialogue between them and the government. Mr. Timmermans proposed that the Permanent Council and the participating States concerned devote more attention to the High Commissioner's recommendations and that they provide regular follow-up. He also called for increased co-operation with other international organizations tackling similar issues. A proposal was also made to enhance co-operation between the HCNM, ODIHR and OSCE missions. The UNHCHR representative also recommended closer links with the HCNM in order to avoid duplication and to share information about visits.

#### *Review of the Activities of the Contact Point for Roma and Sinti Issues (CPRSI)*

The delegations spoke positively about the CPRSI as well, but in light of the perceived growing threat to Roma in OSCE States, the need to devote more attention to this issue was brought up many times. The US delegate supported the work of CPRSI but called for a re-evaluation of its activities and condemned the insufficient response of OSCE States to growing threats to

Roma. The clearing-house function of the CPRSI was praised by Romania, MRG and Romani Criss, but the need to go beyond this function was stressed. MRG called for a complementary pro-active approach to the problem by allocating senior ODIHR staff to Roma issues as a way of attracting attention. MRG regretted the increasing specialization of ODIHR in election monitoring to the detriment of the Roma issue, and warned that short-term success might lead to over-confidence. The recent case of emigrating Roma highlights how tensions can arise between states if problems are not addressed. Lack of co-ordination between the OSCE, the Council of Europe, and the EU was another point of criticism from MRG who noted that there had been no representation nor report from ODIHR at the Council of Europe meeting on Roma in October 1997. The need for CPRSI to expand legal assistance to Roma and Sinti was pointed out by the delegate from Finland, herself a representative of the Finnish Roma community, while the need for civic education of Roma citizens in order to increase participation in elections was stressed by Romani Criss, speaking on behalf of the standing councils of Sinti and Roma in Europe.

Recommendations on the activities of the CPRSI included an MRG suggestion that the OSCE, Council of Europe and EU prioritize Roma issues, including funding initiatives. Romania proposed that CPRSI develop a close relationship with the new OSCE Representative on Freedom of the Media in order to combat expressions of ethnic hatred and discrimination against Roma and Sinti, and to sensitize the media to these issues. Romani Criss asked that the OSCE and other international organizations create a forum for Roma organizations; Romani Criss also proposed an international fund for local government policies regarding Roma. Another proposal called for the full integration of Roma and Sinti issues in the work of the Permanent Council in Vienna.

*Results of the Discussions in Other Sessions of SWB2 "Review of the Human Dimension of the OSCE with a Special Focus on Monitoring and Enhancing Compliance with Commitments on the Use of Existing Mechanisms and Procedures"*

During the discussions of SWB2, delegations reaffirmed the importance of enhancing human dimension commitments in a co-operative fashion, building on the twin concepts of solidarity and accountability.<sup>22</sup> Support was expressed for all OSCE efforts related to the human dimension such as the activities of ODIHR, the HCNM, OSCE field operations, the work of the Per-

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22 Cf. Reports of Rapporteurs, cited above (Note 18), pp. 17-28.

manent Council, and the instrument of Personal Representative of the Chairman-in-Office. The future OSCE Representative on Freedom of the Media as well as the Court of Conciliation and Arbitration were also considered to hold great potential for improving implementation of human dimension commitments. The need to better integrate the human dimension into the work of other OSCE institutions such as the Permanent Council was emphasized with a suggestion to establish a procedure enabling states to provide explanations for non-compliance within the framework of the Permanent Council. Some interventions called for the Permanent Council and the OSCE Chairman-in-Office to become more active in encouraging compliance and even take action in cases of serious and repeated violations, while others stressed the need for dialogue and co-operation to encourage compliance. Improving awareness about the nature of OSCE human dimension commitments was seen as equally important. Finally, recommendations were made to work more closely with international organizations and NGOs and to pay greater attention to the information and expertise provided by NGOs on implementation shortcomings. Certain interventions encouraged states to make greater use of human dimension mechanisms, such as the infrequently-used Moscow Mechanism. Others expressed the view that these mechanisms were relics of another era. All participants seemed satisfied with the human dimension related work of ODIHR and welcomed the ODIHR Concept Paper approved by the Permanent Council in July 1997 aimed at improving ODIHR activities in the field of election monitoring and grass-root projects. Certain interesting proposals emerged in SWB2, a few of which are listed here, as stated in the Report of Rapporteurs:<sup>23</sup>

- Human rights related issues should play a greater part in the work of OSCE missions; the OSCE should develop a plan for human rights training for mission members.
- ODIHR should enhance its role as an advisory body to the Permanent Council and the Chairman-in-Office through more frequent participation in Permanent Council discussions by ODIHR representatives, more informal discussions with OSCE Delegations in Vienna and by regular reports on projects and activities.
- Heads of Missions and field operations should be encouraged by the Permanent Council to address implementation of human dimension commitments, bringing cases of alleged non-compliance to the attention of the Permanent Council as part of their "early-warning" functions.

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23 Cf. *ibid.*, pp. 17-28.

- Extraordinary meetings of the Permanent Council or reinforced Permanent Councils might be devoted to human dimension issues, including the follow-up of implementation review meetings.
- Informal Permanent Councils should be regularly convened to examine human dimension issues, to follow-up on specific human dimension seminars and to discuss obstacles to compliance with human dimension commitments.

Reluctance to grant more significance to the human dimension could be sensed in certain proposals, especially regarding human dimension seminars. One proposal for example argued that the subject matter of these seminars should reflect Permanent Council objectives and priorities. There was no agreement on the number of seminars to be held in the future, with some delegations calling for only one in 1998.

#### *Increasing Dialogue and Openness During OSCE Implementation Meetings*

Although the general atmosphere during the meeting was good, there were tense moments during the session on national minorities and Roma and Sinti when much of the old rhetoric of the past was heard and strong, defensive reactions to certain NGO statements were exhibited. The effectiveness of implementation meetings relies strongly upon genuine dialogue between participants which is especially important since there is no concluding document nor binding agreements. The meetings are supposed to be conducted at the "expert" level and are therefore viewed by some states as less important than other OSCE meetings. As a consequence, lower-ranking delegates are often sent. Nevertheless, certain countries keen on presenting a better image and highlighting recent efforts have sent active and forthcoming representatives from newly created governmental structures to deal with human rights, and especially minority issues. Unfortunately, most of the time is taken up by formal statements prepared in advance, with little time left for right of reply and almost none for discussions. In the past, many delegations have called for spontaneous discussions but regrettably no formal mechanism has been devised yet. However, a recommendation was made this year to create a revitalized structure for implementation meetings in order to foster dialogue with NGOs on concrete issues. This could include a better use of the speakers' list to stimulate discussions and thematic round tables.<sup>24</sup> Dialogue between delegations and NGOs has also been enhanced by increased NGO involvement, in line with efforts since Helsinki-II to make the OSCE more

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24 Cf. *ibid.*, p. 28.



open.<sup>25</sup> However, "organizations which resort to the use of violence or publicly condone terrorism or the use of violence" may be excluded from meetings.<sup>26</sup> Over 100 NGOs were registered at this year's meeting and all formal sessions of plenary and working bodies were open to them. There was also a special NGO liaison, as well as facilities for representatives from NGOs. To allow for better opportunities for contacts between delegation members and NGOs, two morning blocks were left free, in accordance with the provisions for implementation meetings.<sup>27</sup> Naturally, dialogue with well-known international human rights organizations is more developed, but some dialogue with smaller NGOs was also observed. Suggestions made during the SWB2 session on the role of NGOs included the creation of an OSCE access fund for NGOs to increase participation in meetings and seminars, and improved co-ordination between NGOs in OSCE implementation meetings. Some NGOs also requested greater access to OSCE meetings dealing with security issues.

*Prospects for Strengthening the OSCE through the Human Dimension in the Face of NATO Enlargement*

As Europe takes steps to gradually incorporate the new democracies of Central and Eastern Europe into its institutions such as the EU and NATO, the question often arises whether the OSCE still serves a purpose, and if so, how it can adapt to the changing international environment. In pre-1989 Europe, the then CSCE was the only European forum for dialogue on human rights between East and West, given its pan-European circle of participating States (including the United States, Canada and the Soviet Union) and, as such, can claim to have the most far-reaching experience in this respect. With the end of the Cold War, it seemed for a while as if human dimension issues would slip into the background and governments became increasingly wary of adopting a confrontational approach. This was especially obvious at the Helsinki-II meeting.<sup>28</sup> However, as the period of economic and political transition drags on and the countries of Central and Eastern Europe and the CIS struggle to strengthen their fledgling democracies and market economies, human rights problems have persisted and even been aggravated, especially where minorities are concerned. Minority issues have been at the heart of the post-Cold War conflicts and the potential for further conflicts persists in the

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25 Cf. CSCE Helsinki Document, cited above (Note 11), Chapter IV of the Helsinki Decisions, para. 12-18, pp. 732-733.

26 Ibid., para. 16, p. 733.

27 Cf. *ibid.*, Chapter VI, para. 16, p. 746.

28 See Zaagman, cited above (Note 2), pp. 251-253, and Thomas M. Buchsbaum, *The Human Dimension after Helsinki-II*, in: Bloed (Ed.), cited above (Note 2) pp. 311-316.

many ethnopolitical hotspots of today's Europe. Clearly, there is still much to be gained by maintaining a forum for dialogue on human rights issues. In 1994, the Budapest Review Conference confirmed the significance of the human dimension in all the activities of the OSCE.<sup>29</sup> Indeed, the OSCE has developed a comprehensive security concept which underlines the inter-dependency between the protection of human rights and peace and stability in Europe. The newly-developed mechanisms and instruments of the new, post Helsinki-II OSCE have focused on preventive diplomacy, early warning, conflict prevention, and crisis management. It is true that the OSCE must rely on political pressure on delinquent states and can be at times significantly handicapped by its political nature in the face of open defiance, whereas NATO and, to a lesser extent, the UN, have the physical force to support strong-arm tactics and decisions made by their members. But numerous cases, particularly in Iraq and the former Yugoslavia, have demonstrated the futility of the threat of force in de-escalating a crisis. The OSCE and NATO should not be seen as overlapping, but rather as complementary institutions in the phases of conflict prevention and post-conflict peacekeeping and monitoring. The regular discussions which take place on these issues between participating States, as well as between States and NGOs, have a more focused, "intimate" and perhaps informal character in the European forum of the OSCE than at the UN. Other human dimension related activities such as election monitoring missions co-ordinated through ODIHR, the missions managed from the CPC in Vienna, and the activities of the HCNM also have a unique conflict prevention potential which is unsurpassed, despite the proliferation of similar efforts by other international and non-governmental actors. With recent improvements such as more flexible budget procedures giving ODIHR more leeway in responding to crises, these activities can only become more effective. As the High Commissioner recalled at the third Implementation Meeting on Human Dimension Issues:

"The human dimension is indivisible. In the OSCE area there can be no zones of lesser humanity. In other words: commitments and responsibilities undertaken in the field of the human dimension of the OSCE apply in their entirety and equally in each and all of the participating states. Also, human dimension commitments are of direct and legitimate concern to all participating states. No state can shun its responsibility in this area by using the argument of non-interference in internal affairs. This has always been a key principle of the Helsinki process. Finally, comprehensive security of the OSCE states is impossible if it is not based upon the protec-

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29 Cf. CSCE Budapest Document 1994, Budapest, 6 December 1994, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Basic Documents, 1993-1995*, The Hague/London/Boston 1997, pp. 145-189, here: para. 14 of the Budapest Summit Declaration, p. 148..

tion and promotion of human rights and fundamental freedoms and upon the strengthening of democratic institutions. Conflict prevention can be a success only if due account is taken of the human dimension."<sup>30</sup>

The future of the OSCE is therefore closely linked to the success of OSCE work in the human dimension. The nature of this work will be primarily implementation of existing commitments, as there seems to be a consensus among participating States and OSCE experts in the academic field that standard-setting has reached a satisfactory level. At Budapest participating States agreed that it is "essential to concentrate their efforts on the implementation of existing CSCE commitments".<sup>31</sup> The extent to which the human dimension of the OSCE can further the aims of the new OSCE will depend on the willingness of all OSCE participating States, from both East and West, to engage in multilateral discussions with states and non-governmental actors on the implementation of human dimension commitments. This in turn will largely depend on the development of constructive and non-confrontational methods for addressing these issues which can first be tested in the framework of the expert human dimension implementation meetings.

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30 Report of Mr. Max van der Stoep, OSCE HCNM, presented on 12 November 1997 at the OSCE Implementation Meeting on Human Dimension Issues, 12-28 November 1997, Warsaw. An extensive excerpt of the High Commissioner's statement is available in: Helsinki Monitor 1/1998, pp. 68-76, here: p. 70.

31 Budapest Document 1994, cited above (Note 29), here: Chapter VIII, para. 4 of the Budapest Decisions, p. 175.

## Human Rights Protection in the Field of Action of the Council of Europe and the OSCE<sup>1</sup>

*From Moscow to Sarajevo: An Idea Makes Its Way*

In the autumn of 1991, Moscow was the venue of the Third Conference on the Human Dimension held from 10 September to 4 October in the framework of the Conference on Security and Co-operation in Europe (CSCE). The eagerness of the Parliamentary Assembly of the Council of Europe to hold a meeting there on that occasion is brought out by the fact that its Bureau convened no fewer than four different sub-committees in Moscow for a joint discussion on the Conference agenda.

For most of the parliamentarians, this was their first trip to Moscow and much water would continue to flow under the bridges before there was any question whatsoever of Russia's accession to the Council of Europe. Indeed, the Russian parliamentary delegation endowed with "special guest" status was still made up of members of the Supreme Soviet of the USSR. In Moscow, three rounds of talks took place: one with CSCE heads of delegation from Council of Europe member States, a second with a delegation representing Canada and the United States, and a third with heads of delegations from States not members of the Council of Europe. Amongst the many issues discussed, the idea was mooted that the Council of Europe might be able to offer the latter States the benefit of certain legal machinery for the protection of human rights.

Drawn up shortly afterwards under the aegis of the Sub-Committee for Human Rights of the Parliamentary Assembly, the Moscow meeting report contains a passage on the division of labour between the CE and CSCE: "The division of responsibilities between the CSCE and the Council of Europe in the sphere of human rights was discussed in all the rounds of talks. Human rights are clearly so fundamental that no institution ought to be prevented from helping to implement them and put them into effect. This is the first point to be noted. Nevertheless, a basic trend stemming from the structure and history of the two organisations did crystallise in the talks, especially those with the heads of the delegations of Council of Europe member States: the CSCE is making it its business to win acceptance for human rights mainly through the mechanism of

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<sup>1</sup> The original text was written in German language as a contribution to the *Festschrift* for Heinrich Klebes and was also published in the *OSZE-Jahrbuch 1998*. The version published in the present volume is the official translation which has been done at the Parliamentary Assembly of the Council of Europe, Document AS/Jur (1998) 32 rev 2, 8 July 1998.

politics and political pressure, whereas the Council of Europe's principal task is the realisation of human rights through the process of law. This is a result of the structure and historical development of the two organisations."<sup>2</sup>

Still fresh in our minds these words offer a brief description of the situation we are faced with today, apart perhaps from the fact that, reading between the lines, we can detect signs of politico-legal tug-of-war that has become ever more tangible over the six intervening years. However, more about that later, as we shall first track the course of the idea that emerged in 1991.

### *Synergies with the Council of Europe*

By 5 May 1992 the Parliamentary Assembly had already adopted and put before the Committee of Ministers a number of proposals as to how non-member States might make use of the machinery contained in various Council of Europe conventions. The main thrust of the proposals was that the European Court of Human Rights and the Committee of Experts of the European Social Charter could provide opinions at the request of the countries concerned, and that the latter might also be brought under the remit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment. The Committee of Ministers referred these proposals for opinion to the bodies concerned and to the European Commission of Human Rights.

With the war in Bosnia having taken a turn for the worse, in February 1993 the Assembly adopted for the benefit of the Committee of Ministers a second, amended, proposal referring to a debate in which Lord Owen, the then co-Chairman of the International Conference for Peace in Former Yugoslavia, had taken part and in which he had put to the Assembly a number of specific proposals concerning protection machinery, no doubt drawing on work done at meetings in Strasbourg where attempts were being made to work out approaches based on the initial proposal.

Also prompted by the debate with Lord Owen, the Committee of Ministers had already called for work to be set in train on the first proposal when it was officially apprised of the Assembly recommendation. Finally, on 9 March 1993 the Committee of Ministers adopted Resolution 93(6) preparing the ground for the putting-in-place of institutions for the protection of human rights in countries not yet members of the Council of Europe. The Committee of Ministers did not follow up the idea set out in the Assembly's original proposal. Nevertheless, the outcome was a protocol to the European Convention on the Prevention of Torture and Inhuman or Degrading Treatment designed to open the latter for signature and ratification by States not members of the Council of Europe.

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2 Report on the meeting of the Sub-Committee on Human Rights in Moscow on 30 September and 1 October 1991.

A well-trying Council of Europe recipe had once again shown how effective it could be. What I have in mind is joint action by different bodies such as the Parliamentary Assembly and the Committee of Ministers. Already way back in 1950, shortly after the Organisation was set up, this approach had led to the adoption of the European Convention on Human Rights (ECHR). Suggestions from the Parliamentary Assembly to the Committee of Ministers, with skilled help by the Secretariat and steering committees and the know-how of national ministries, still offer a means of creating synergies enabling the veteran and somewhat tightly structured organisation to tread new paths. A case in point is the emergence of Protocol No. 11 to the European Convention on Human Rights which will entail the merger of the European Commission and the European Court of Human Rights into a single body.

The concept of Council of Europe support for the observance of human rights in non-member countries henceforth had a legal basis. The road to concrete action in Central and Eastern Europe now lay open. In any case, there was no longer much scope for such action in Central Europe, since several countries of that region were already members of the Council of Europe. However, a twist of fate meant that our idea had first moved to the other side of the Atlantic Ocean.

#### *The Path Passes through Washington and Dayton*

Shortly after its adoption, consideration was given to the idea of applying Resolution 93(6) in respect of Croatia, but that idea was then abandoned in favour of alternative legal forms. The first echo to the Resolution came from the Washington Agreement of 1 March 1994 which laid down the basis for the creation for the Federation of Bosnia and Herzegovina. The setting-up of the Court of Human Rights provided for in the Agreement had been put on hold pending the outcome of the invitation by the Federation made up mainly of Croats from Bosnia and Bosniacs calling upon the Serbs to join, which implied a need to wait and see how the situation might develop further.<sup>3</sup> However, participation by the Bosnian Serbs did not materialise and the war went on unabated for over one year with the Croats from Bosnia and the Bosniacs joining forces and regaining their territory from the Bosnian Serbs. The Croat-Bosniac Federation finally turned out to be one of the two components of the future State of Bosnia and Herzegovina.

As a result of the Dayton and Paris Peace Accords concluded on 14 December 1995, the ECHR finally became part and parcel of the domestic law of

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3 Cf. Communication from the Committee of Ministers - Interim reply to Recommendation 1204(1993) and Recommendation 1219(1993) on establishing a mechanism for the protection of human rights in European States not members of the Council of Europe (Doc. 7113).

the State of Bosnia and Herzegovina. This was the first time that the rights guaranteed by the Convention were directly applicable outside the member States of the Council of Europe. In the matter of discrimination, a whole series of other international law conventions were also directly applicable. The ECHR could not be ratified by Bosnia and Herzegovina which was not a member State of the Council of Europe whose bodies were not able to operate in that country. However, Annex 6 of the Peace Accord provided for two institutions particularly responsible for dealing with the application of international legal instruments, namely an Ombudsperson and a Human Rights Chamber.

Based on Resolution 93(6) of the Council of Europe, the Human Rights Chamber comprised six Bosnians and eight international members, the latter being appointed by the Committee of Ministers of the Council of Europe. The Ombudsperson was to be appointed by OSCE after designation by the international community. Although answerable to the international authorities for an initial five-year period, these organs are both institutions of the State of Bosnia and Herzegovina, the Human Rights Chamber coming under the ambit of the Council of Europe, the Ombudsperson under that of the OSCE, thus providing what might be termed a Council of Europe-OSCE joint venture between the two bodies which began its work at the end of March 1996.

#### *Experience in Sarajevo*

The terms of reference of the Human Rights Chamber are comparable to those of the organs of the ECHR. The Ombudsperson has a very broad remit including not only the publication of reports on individual applications along the lines of what is done by the European Commission of Human Rights, but also the traditional role of mediation and the publication of special reports on matters selected by the Ombudsperson *proprio motu*. However, in the initial phase, the Ombudsperson concentrated on the first of the above items. For informal mediation to be able to take place between complainants and the public authorities there was a need for at least some degree of viable administrative procedures, which meant that in 1996 the country was not yet ready for an ombudsperson of the traditional type.

The Ombudsperson's activity was largely focused on the somewhat formal processing of individual applications, along the lines of the European Commission of Human Rights, and the effect of this was to flesh out the combined role of the two bodies as set out in Annex 6, i.e. that of a Council of Europe-OSCE joint venture, in that, when processing such applications, the Human Rights Chamber and the Ombudsperson followed the procedures of the Strasbourg organs of the ECHR. A further consequence of this was that it speeded up the incorporation of the new international legal instruments into legal life in Bosnia.

One interesting feature is that many staff from international agencies on human rights assignments in Bosnia were somewhat taken aback - at least initially - by this highly legalistic approach of the two institutions set up under Annex 6, as well as by the direct application of the pre-eminent international law. Not only Americans and Canadians, but also Europeans, had this reaction, which is quite understandable, since this was the first time that the ECHR was being directly applied outside the membership of the Council of Europe through bodies specially set up for that purpose. What was surprising, however, is that international officials on human rights monitoring duties sometime betrayed total ignorance of the Strasbourg machinery and the associated case-law. Indeed, many of them seemed unable to grasp the fact that norms of international law could be directly applicable and especially the corollary of that fact, namely the inapplicability of domestic legal norms at variance with them.

It might be useful, against this background, to give a brief outline of the various stages in the development of human rights protection. Slowly but surely, international protection of human rights is gaining strength. In the initial phase we have the declarations and policy statements of international organisations that serve as a frame of reference for political action. In the following stage these policy statements are translated into international treaties, signed and ratified by States but whose implementation - at least at international level - remains a political matter. In the third stage, to these treaties there is added a possibility of individual petition to a body which makes recommendations to the State concerned. Finally, in a fourth stage, there emerges a remedy of individual petition leading to judgments having binding force under international law.

#### *Europe in the Van*

By what we might term "an upward and downward delegation of jurisdiction", Europe has systematically restricted the influence of national governments in human rights enforcement. Whether or not there has been a breach of rights guaranteed by the ECHR is for the European Court of Human Rights to decide, with the role of the government concerned being confined to that of a party to the proceedings. The decision to institute proceedings lies solely with the potential applicant, which represents a downward delegation of power. Governments' influence is further restrained by Protocol No. 11 to the ECHR, whereby the Committee of Ministers was deprived of its earlier power to judge the issue of the existence of a violation in cases not already referred to the Court.

The fact that such limited powers should have been allocated to governments should be seen in the context of the 1940s. Europeans were still reeling at the time under the horrific human rights violations perpetrated on their continent. It had long since been plain in Europe that democracy alone was no absolute



guarantee of human rights, since individuals who had come to power through the democratic process had had more than a helping hand in these atrocities. So those who drafted the ECHR did not stop at creating a catalogue of human rights but went on to add to it machinery for the lodging of applications. As we have seen, this machinery restricted the role of governments, and its effects that are politically binding on an entire continent still make it unique.

True, the Inter-American Convention on Human Rights does possess similar machinery, although it provides only for reports and for recommendations to the State concerned. In political terms, however, this system has not yet gained full acceptance, as only a number of the signatory States have recognised the principle of individual petition and the Convention has never been ratified by such a country as the United States. In contrast, a political *sine qua non* for any country wishing to join the Council of Europe is the ratification of the ECHR and its built-in protection machinery. Accession to the Council of Europe becomes effective only when States undertake to ratify the ECHR within a specific deadline. Under Protocol No. 11, recognition of the right of individual petition is now compulsory. Independence vis-à-vis governments and the judicialisation of human rights protection have now thus become a constituent element of Europe.

In contrast with this, the activity of the UN Human Rights Commission is based on direct political pressure lying exclusively in the hands of governments. The initiation of any discussion about human rights violations and the way these rights are to be interpreted are matters that are left to the free play of political forces, whereas in Europe such issues have been removed from the political arena. Government delegations to the UN Human Rights Commission are given the task of inciting other governments to respect human rights whilst guarding over their own governments' political or economic interests, and this can lead to questionable *quid pro quo* situations. Be that as it may, the work of the UN Human Rights Commission plays a major part in consolidating human rights throughout the world.

The UN also has machinery independent of governments for the lodging of individual applications with the UN Committee for Human Rights. Established under an optional protocol to the International Covenant of Civil and Political Rights, it provides for the "forwarding of views" to the government concerned and to the applicant. Although it is not a court and is unable to hand down rulings that are binding under international law, the Committee has been doing a useful job and has developed considerable experience in interpreting the provisions of the Covenant.

Once Protocol No. 11 to the ECHR has come into force, the task of the Committee of Ministers will be reduced to that of supervising the execution of judgments. Whether or not to allege a violation will continue to be a matter for the individual to decide, and the interpretation of the rights guaranteed will lie ex-

clusively with a judicial body handing down internationally binding agreements. The significance of this clear-cut division of roles should not be underestimated, for it has enabled the European system for the protection of human rights to take the lead in the slow but steady process of consolidation now observable throughout the world. Subordination of political action by governments to adjudication by an international court on the basis of principles hammered out in common represents a by no means negligible step in the development of civilisation.

Now approaching its 50th birthday, the ECHR has become an instrument of great importance, not only for individual applicants, but also in terms of prevention, as the judgments handed down can lead - as has often been the case - to legislative reform in the signatory countries. The Convention, together with its organs and the Council of Europe, still has to face the acid test, namely the enlargement of its scope to Central and Eastern Europe. However, before turning to the future, let us briefly recall the historical prelude to the situation as it stands at present.

### *European History: A Curse and a Blessing?*

What has happened in Europe may be termed the "judicialisation" of human rights protection. There are of course areas of life when, if it is taken too far, codification of this sort can create problems by eroding the flexibility of social structures. However, this does not apply to human rights. These lie at the very heart of human dignity, so much so indeed that we are duty bound to be totally intransigent when it comes to putting them into effect.

In the Europe of the late 1940s, this perception had taken root in most people's minds. It had grown out of a long European history marked by folly, horror and laden with guilt - notably its dealings with other continents - but also rich in constructive tension and cultural diversity, with the urge to sally forth to meet others, all of which nurtured its philosophy in areas such as the law and the power of the State. Interwoven with present day perceptions, this legacy of the past has enabled Europe to take the lead in implementing human rights, so that the darker and brighter sides of its history sometimes seem to mirror one another. Europe by no means has a monopoly of this pattern of development. Some dream of a world court of human rights recognised by all Governments. Our awareness that the future often begins with dreams does not mean that we can afford to remain with our heads in the clouds. We have now reached a stage where it has to be said that Europe should no longer lay claim to the role of a model for the rest of the world, for there are too many skeletons in our historical cupboard. For too long now, the use of force has been one of the means

whereby Europe's capacity for innovation has left its imprint on the world. Within our continent itself, the lead we mentioned above is, historically speaking, the outcome of horrors perpetuated against human rights, so a more modest attitude on our part would seem to be in order.

Being modest in this context means that, although Europe's lead in the implementation of human rights should undoubtedly be seen as a contribution to the slow but steady process of consolidation in this field, we should not for all that seek to impose it on other continents. However, there is a downside to this modesty, namely the obligation to preserve the legacy of history and to develop it further. Although Europe's duty to itself is to protect the lead born out of its own historical trials and tribulations, that duty also flows from its historical guilt resulting from the human rights violations it perpetrated on other continents. Should this curse of history finally produce a blessing, it will fall to Europe to preserve that blessing and to hold it at the disposal of those whose history has taken a different course. Histoire oblige.

### *Structural Differences between the Council of Europe and the OSCE*

Let us now revert to the joint venture, to the undertaking which the Council of Europe and the OSCE embarked on together in Bosnia, and let us look at the way they differ from one another in their approach to information and their perception of events as a direct result of their differing structures.

Set up in 1975 as the Conference on Security and Co-operation in Europe and then re-styled OSCE, the OSCE has 55 members, including the USA and Canada. Membership of the Federal Republic of Yugoslavia is currently suspended. To all intents and purposes, Governments alone have any say in the running of the organisation. The Vienna-based secretariat is 120 or so strong. The Organisation's budget (for 1997) amounted to some ATS 340 million (roughly FRF 170 million). However, Governments continually provide the Organisation with temporary staff selected and paid by them. A small number of staff work in the secretariat, although most are allocated to the Organisation's many duties in the field. All activities together with the Organisation's budget are decided upon by the Permanent Council of Government Representatives. Decisions on matters of major importance are taken by the Ministerial Council or at summit meetings. The Ministerial Council is also responsible for the choice of Secretary General as well as for the approval - officially or informally - of appointments to senior posts. The Secretary General implements the decisions of the Ministerial Council. The secretariat has no agenda of its own. The Organisation's operational activity comes under the responsibility of the Chairman-in-office, i.e. the Foreign Affairs Minister of the country holding the Chair.

Founded in 1949, the Council of Europe has 40 member States. Its secretariat numbers some 1200 officials whose statute expressly forbids them to be Government employees or Members of Parliament and who are appointed by the secretariat after competitive examination. The secretariat serves all the Council's organs: the Committee of Ministers, the Parliamentary Assembly and the Conference of Local and Regional Authorities in Europe. The budget (for 1997) amounted to some FRF 1 billion. Responsibility for decision-making is divided among the various organs. For example, the Committee of Ministers adopts the budget, the Parliamentary Assembly at the request of the Committee of Ministers elects the Secretary General and his deputy as well as the judges of the European Court of Human Rights. Delegations from national parliaments must include representatives from both the majority party and the opposition so as to ensure the representation of a broad European political spectrum.

Similar in structure to that of the Council of Europe, the OSCE Parliamentary Assembly, created in the early 1990s, has its own staff and premises distinct from those of the OSCE proper (the Secretariat in Copenhagen; *editorial staff*) and sits for one week a year. It is not empowered to influence OSCE activities, and neither does the Assembly have any specific right of recommendation to Governments, as compared with the Parliamentary Assembly of the Council of Europe which - as we have just seen - makes recommendations to the Committee of Ministers and meets much more frequently. Organised along the same lines as the Parliamentary Assembly, the Congress of Local and Regional Authorities in Europe may also submit recommendations to the Committee of Ministers.

Structurally speaking, the two Organisations could hardly be more different from one another. The OSCE is practically an exclusive preserve of Governments, whereas what characterises the Council of Europe is the way its various organs co-exist and counter-balance one another, and the way they take purchase on the work of the ECHR organs which pervades their activities and from which they draw support. Activity at Government level in the OSCE Ministerial Council is determined in national capitals, mainly in the Foreign Ministries, but also to some extent in Defence Ministries. In contrast to this, the work of the Council of Europe's Committee of Ministers also involves other ministries with emphasis often being placed on Ministries of Justice.

As regards the implementation of human rights, the difference between their positions in the slow four-stage process towards consolidation of human rights in the world can be attributed to the structural differences between the two Organisations. Active so far in the third stage, the Council of Europe will soon be moving definitively on to stage four where all individual applications will lead to an internationally binding judgment. The OSCE is operating in stage one involving the attainment of common policy objectives. The rationale for this difference also lies in the fact that, for the OSCE, human rights are significant

especially when failure to observe them threatens the stability of a region or a State.

### *Different Working Methods*

The OSCE thus works mainly *in situ* with Governments providing staff for specific assignments lasting several months and mainly concentrated at present in Eastern and South-Eastern Europe at sites selected on the basis of their potential risk as sources of conflict and destabilisation. When policy issues are involved, the necessary input normally comes from member States. Among OSCE working methods particularly noteworthy are conferences often involving NGO representation in addition to that of Governments.

Work in the field in the case of the Council of Europe usually lasts only a few days on the basis of planning carried out in Strasbourg. Reference should be made here to the many assistance and development programmes drawn up by the secretariat for the benefit of Central and East European States. Despite a theoretical risk of overlap with the activities of the OSCE Office for Democratic Institutions and Human Rights in Warsaw, in practice efforts are today usually well co-ordinated.

In the Council of Europe great importance is currently attached to monitoring, a process designed to ascertain to what extent new member States are honouring the commitments they entered into when joining the Organisation. Both the Parliamentary Assembly and the Committee of Ministers have introduced procedures for the completion of this task. The competitive edge that seems to have crept in between the two Council of Europe organs will in all likelihood turn out to be a plus rather than a handicap for this exercise and further rather than hamper the attainment of its objectives. Although political in nature, the procedures in question have their foundation in law.

The regular contacts that the Parliamentary Assembly has at political level with the countries of Central and Eastern Europe also have their importance, and their significance for human rights should not be underestimated. Many members of the delegations to the Parliamentary Assembly devote an appreciable part of their time to these contacts, over and above their work in their national parliaments, and are thus able to meet their colleagues in the countries concerned, or to receive them in their home countries. This offers them a means of developing relations of trust and marks a direct contribution to European values.

Finally, mention should be made of the inter-governmental co-operation within the Council of Europe. This regularly brings together senior officials from the national capitals in many specialised committees. There too, relations of trust

are developed and further the dissemination of know-how and associated values which would not otherwise be possible.

However, behind these differences in structure between the two organisations and their differing working methods lies another difference, one that is of a markedly political nature. The OSCE has always been loosely structured, thus enabling Governments to state their requirements and values and to integrate them into the day-to-day business of government. Political aims are set in common with the priorities among them being decided in the changing light of the current political situation.

In the Council of Europe on the other hand, basic values are to a large extent enshrined in Conventions that are legally binding on the signatory States. Since the latter have agreed to submit themselves to the binding judgments of an international judicial body, the application of these fundamental values may go further than the political interests their Governments seek to defend on a day-to-day basis and, on occasions - as in the field of human rights - even run counter to them. So, in our analysis of the structural difference between the two organisations, we are led back once again to differences in substance in the ways in which they implement human rights.

#### *Judicialisation - A Decisive Achievement*

The Council of Europe and the OSCE differ not only in legal but also in political terms, the main difference between them being in the field of legal policy. Ever since its inception, the Council of Europe has stood for that step forwards civilisation makes when moving from the political to the legal order, and not only in the human rights field at that. Nowadays, we often tend to forget that, in many areas, the supra-national community law of the European Union was the offspring of the harmonisation of law between members of the Council of Europe. Wellspring of its richness and originality, Europe's cultural and national diversity was an incentive to go down the road to harmonisation of law, a forerunner to economic integration bringing in its wake the unification of ever more areas of law within the framework of the European Union.

Once again, Europe has to blaze new trails. Within the European Union, through the integration of nation States, a structure is in the making which in all likelihood will not be headed by an all-powerful central Government comparable to that of the United States, but whose steering bodies will nonetheless need to be capable of action. In the economic sphere, globalisation will perhaps lay down universal limits of its own, but as far as political structures and basic principles are concerned, Europe will continue to plough its own furrow, ever mindful of our continent's diversity in culture and political traditions and of its history.

The achievement represented by judicialisation of human rights thus remains a pivotal point in Council of Europe-OSCE relations. The Council of Europe will continue to steer a steady course over the sea of fundamental values themselves firmly anchored in the law, an approach that may perhaps appear somewhat roundabout when seen through OSCE eyes. As opposed to that, the OSCE will preserve its rapid-response capability stemming from its closeness to the political climate of the day, although the impression gained by an on-looker from the Council of Europe might be one of an unsteady hand at the tiller when it comes to drawing a chart of fundamental values. In the meantime - and precisely because of these differences between them - there has grown up between the two Organisations a constructive and practical form of co-operation nurtured by the assets of each, namely the rapid response of the OSCE and the time-tested skills of the Council of Europe.

A "human rights fire brigade" was the expression used by the head of the OSCE Office for Democratic Institutions and Human Rights in Warsaw when summing up the activity of the Office as being that of an organisation designed for coping with emergencies.<sup>4</sup> This image also very aptly describes the practical co-operation between the two Organisations, with the Council of Europe providing the architect and the OSCE the fire-fighters, both of whose work has to be co-ordinated, despite differences in know-how, procedures and materials. In other words, the judicialisation of which the Council of Europe has now become the symbol is today acknowledged by the OSCE in the field of practical co-operation.

### *The Moment of Truth*

Over recent months, voices from outside the organisation, but also sad to say occasionally from within, have bemoaned what was alleged to be a betrayal of its own values when it accepted new members from Eastern Europe. Such hand-wringing is misplaced and shows that two aspects of the question have been lost sight of: firstly, the very structure of the Council of Europe and, secondly, the lead time resulting from its pre-eminent position when it comes to implementing human rights.

In contrast with other international organisations where Governments alone determine what activities are to be carried out, the Committee of Ministers of the Council of Europe does not hold the key as regards the Council's capacity to absorb new members. As a result of its particular structure imposed on it by its role of guardian of the flame of judicialisation in Europe, events in that organisation tend to follow a somewhat different pattern. The critical hurdle in determining whether the Council of Europe can admit new members is the European

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4      Neue Zürcher Zeitung of 15 October 1997.

Court of Human Rights which hands down its judgments independently of any political pressure from Governments. Given the extensive case-law of the organs of the ECHR, there is hardly any likelihood of a *volte face* in the near future.

The moment of truth will come when the first judgments finding against the respondent States are referred to the Committee of Ministers for the supervision of their execution. So far, all judgments of the European Court of Human Rights have eventually been accepted, and even though the enforcement may be long-drawn-out and laborious, it continues its course and thus keeps developments on the right path in the country concerned. What would happen if the member States were to try and opt out of this process? Under the ECHR procedure, it is a matter for applicants to denounce violations of human rights, and once Protocol No. 11 has come into force it will remain up to the European Court of Human Rights to rule on applications, so that the only question that arises is what steps the State concerned will take to execute the judgment.

The outcome of this will be to lend a fresh quality to the human rights debate at governmental level, which will also benefit from a renewed impetus that other international organisations not fulfilling the relevant legal policy requirements are unable to imitate. Thus, it would be a mistake to assume that this European approach to the implementation of human rights would eliminate the need for political pressure, for under that approach the political echelon is given a part to play, albeit more limited and therefore more concentrated, namely that of supervising the execution of judgments that are binding under international law.

At this juncture we should revert to the various stages in the development of human rights protection and to the slow but steady progress towards the strengthening of that protection throughout the world. This process should be seen as a whole, hence the need, whenever possible, to interlink the various stages so as to foster its further development. There seems therefore to be a clear case for looking for synergies in supervising the execution of judgments. In the Council of Europe itself, co-operation between the various bodies would be important on this subject which could well be placed on the agenda of the Parliamentary Assembly and the Congress of Local and Regional Authorities in Europe, as well as on that of the various steering committees. It could also well be the subject of personal contacts.

However, the concrete fall-out of all this would mainly occur at governmental level. The reinvigorated debate on the execution of judgments handed down by the ECHR should not be confined to the meetings of the Committee of Ministers. Debate on the execution of judgments by the European Court of Human Rights should also take place in the UN Human Rights Commission. Then again, greater use could be made of the bilateral framework with regular bilateral discussions on enforcement between national capitals.



There remains a further topic from which conclusions may be drawn concerning the co-ordination of the activities of the different international organisations and which should be seen in the light of experience gained in Bosnia.

In Central Europe and even more so in Eastern Europe, the enforcement machinery of the ECHR will not suffice to secure observance of human rights in all the countries concerned. Some of these States will take additional measures to set up national institutions for protecting human rights, such as commissions, ombudspersons and the like.

The way in which national institutions for the protection of human rights are set up in future States Parties to the ECHR and in States unable to ratify the ECHR because they are not members of the Council of Europe will necessarily differ. Although theoretically possible, parallelism in this respect would not make much sense. In the former category of States there would be a need *inter alia* for an ombudsperson able to advise individuals involved in a dispute with the authorities whether to seek a friendly settlement or to initiate proceedings before the organs of the ECHR. In order to be able to give such advice, the ombudsperson must be familiar with the ECHR and have some knowledge of the case-law or at least be able to access the necessary information. Ombudspersons will also require these insights in their dealings with the authorities to which they would submit appropriate recommendations as to how breaches of human rights might well be avoided in specific cases. In any State Party to the ECHR, it is this instrument that is the yardstick against which all critical comment and all cogent claims pertaining to human rights have to be measured in the final analysis.

A practical conclusion to be drawn from these considerations is that, when designing their own machinery for the protection of human rights, States that have ratified the ECHR or are planning to do so should ensure that their level of protection will then dovetail with that provided under the procedures of the ECHR. When planning the introduction of such enforcement machinery, the authorities concerned should seek advice only from experts fully conversant with the organs of the ECHR, and this is a point that should be taken to heart by any international organisation concerned with the setting up of national human rights protection machinery, namely the OSCE Office for Democratic Institutions and Human Rights in Warsaw, the Council of Europe and the relevant UN agency.

#### *Human Rights - A Political Football?*

The subject of a debate that was initiated a short time ago was whether or not to the Universal Declaration of Human Rights there should be added a similar

declaration of human duties. In the course of that debate it had been stated that "Today, close on half a century after the Universal Declaration of Human Rights, the over-riding moral imperative it lays on the shoulders of Mankind and its 200 sovereign States is under threat, for the fact is that some Western politicians, especially in the United States, use the expression 'human rights' not so much as a rallying call, but rather as a war cry or an aggressive means of exerting pressure in the field of foreign policy, more often than not in a selective manner (...)"<sup>5</sup> Whether at world level the response to the politicisation of human rights should take the shape of a Declaration of Human Duties is a question that may remain open, although there is every room for doubt and reservations on that score.

What brooks no doubt is the fact that the politicisation of human rights in the international move towards improving their protection is a retrograde step. For Europe to invent a Code of Human Duties would be completely off target when confronted with a regression of this sort, because Europe has already seen off attempts to politicise human rights by another means, namely the enforcement machinery of the ECHR. However, the words quoted above do refer to circumstances of much importance for the subject dealt with in this contribution. I offer two points by way of illustration.

The first concerns the way the media influence what goes on in society. The perceptibility of social phenomena as such is conditional on the extent to which they impinge on the media. Although we may go along with the idea that "jaw-jaw", even political "jaw-jaw", is better than "war-war" and the subsequent absorption of political "jaw-jaw" into law represents progress for civilisation, there is no getting away from the fact that media influence can be a bar to progress. More than any others it is the visual media that tend to find a greater appeal in conflict than in politics. As for legal matters, they evoke even less interest than politics, unless of course there happens to be a show trial in progress.

The second key word is speed. Military action happens at lightning speed, political action takes somewhat longer and legal proceedings often drag on even longer still. The speed of a process and its media impact are clearly inter-related, and these two factors appear somehow to be in inverse proportion to what we have just described as progress of civilisation.

In other words, the factor that reduces media coverage is precisely what Europe has achieved in bringing human rights within the ambit of the law. It is under this heading that our answer is to be found as regards differing levels of information and perception among those involved in Bosnia. Nobody without a professional grasp of Europe's lead in implementing human rights will be able to learn much about these matters from the media. What does produce media impact is direct bilateral diplomatic pressure, as well as political debate in the UN Human Rights Commission, namely all activities stemming directly from gov-

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5 Helmut Schmidt in "Die Zeit" of 3 October 1997.

ernment initiative and whose political handling remains entirely in government hands.

A logical sequel to this would be to query whether the Council of Europe should not perhaps see to it that the ECHR implementation machinery achieves a greater media impact. Although this would no doubt prove useful, we need to revert to what we termed the "moment of truth". Not only will government-level discussion of human rights gain in quality, but a fresh impetus will also be given to it. A decisive factor in this connection will be efforts towards extending the political discussion about the execution of judgments of the European Court of Human Rights beyond the Committee of Ministers of the Council of Europe to other bodies such as the OSCE, the UN Human Rights Commission, as well as to various bilateral channels.

Should efforts to this end succeed, improved media coverage would automatically ensue. Granted, this increased impact of human rights on the media would be due to political debate and political pressure, although they would not run any risk of being politicised in the sense mentioned earlier, since the jurisdiction of the Court and the right of individual petition would remain unaffected.

### *Political Protection of "Judicialisation"*

A second area where the political level is decisive for Europe's lead in the implementation of human rights needs to be addressed, for the preservation and, if necessary, the defence of that lead, representing as it does a major achievement in the field of legal policy, is first and foremost a political task.

Europe's leading position in implementing human rights is currently being drawn into the discussion about globalisation and deregulation. In an age of deregulation, the view prevails that, in the economic field, conflicts of interest are better resolved by drawing short-term demarcation lines than by full-scale settlements. However, in the human rights field, there is no talk of deregulation. If there were, what Europe has achieved in the legal policy field would be under threat.

However, as the effects of globalisation have long since spilled over from the economic into the cultural and political spheres, both culturally and politically Europe has found itself a player on the world stage. Hence the usefulness and even the need for European human rights circles to become aware of the differences and to keep a watchful eye on the different stages of development in human rights protection, as well as on the gradual process of consolidation underway throughout the world as a whole. Europe's achievement in the legal policy field with respect to human rights lies in the removal of the protection of those rights from the sphere of day-to-day political bargaining between Governments, whose role is henceforth restricted to supervising the execution of

judgments. In contrast with that prevailing in Europe, human rights protection in its earlier stages relies far more on deregulation or - to express it more correctly in historical terms - efforts in Europe have led to a higher degree of "judicialisation" of human rights, since the process of consolidation has basically been a movement from the political sphere to that of the law.

The reference in the NATO Madrid Declaration of 8 July 1997 to the OSCE as being the body - implicitly the only one - responsible for implementing the democratic and human rights set out at great length in that Declaration is something of an eye-opener. What it in fact shows is that the European government delegates involved in drawing up the Declaration or in its adoption failed to grasp that, measured against the world-wide development underway in the implementation of human rights, the OSCE contribution was less coherent than that of the Council of Europe, so much so that the language used could in fact amount to a step backwards.

What also raised a few eyebrows was the fact that, in the terms of reference of the planned office of the Representative on Freedom of the Media, the OSCE should have deliberately avoided any reference to the ECHR, so that the 34 OSCE States that had ratified the Convention put in an interpretative declaration requiring the Representative on Freedom of the Media also to take into account freedom of expression including freedom of the media in accordance with the ECHR. This brings home the need for a greater awareness of how important it can be to link together various stages in the slow process of world-wide consolidation of human rights protection as a means of furthering its continued progress.

### *Prospects*

Sarajevo, November 1997. Frost flowers make their first appearance on the window of the small flat overlooking the old town where this paper was written. Sarajevo's third post-war winter took hold a few days earlier and the two institutions set up under Annex 6 of the Dayton and Paris Accords will soon be able to look back at two years' activity in which they sought above all to introduce the ECHR into the legal life of Bosnia and Herzegovina. Things got off to a quiet start, almost totally cut off from the omni-present media of the first post-war months. Working procedures had to be devised and the international community needed briefing on the legal foundations underpinning the activity of the two institutions. This proved possible because we knew exactly where we were starting from and that we were continuing a tradition that will soon be 50 years old. It took some time before the first effects of our work made themselves felt and the media began to show interest. Today, it is quite clear that these effects would have gone unnoticed had we mainly directed our efforts to

achieving media coverage. So it is perhaps after all occasionally possible to break that dreaded link between media impact and speed.

Who could have foreseen in August 1991 in Moscow that the road through Resolution 93(6) led from Dayton to Sarajevo? Along the way, a number of things became clear. In States that are not members of the Council of Europe, machinery for the protection of human rights will remain the exception, since most Central and East European States have taken out membership of the Council of Europe. Experience gained in Bosnia is not only significant for the country itself, but will also serve to improve our understanding of how the ECHR and the machinery for the implementation can put down roots in the landscape of European organisations.

L'histoire oblige. More than any other continent Europe is marked by the duty its history has imposed upon it. Until a few years ago, its duty resulted in the main from its pre-1945 history. Strasbourg had become the symbol of that duty and it is in the ECHR that legal policy was to give expression to the historic pledge of "Never again". Today, as the history of the Balkans approaches the end of the century, another pledge of "Never again" emerges. Like Strasbourg, Sarajevo has become a symbol of a duty imposed by history.

Such a duty, however, is indivisible. In the field of human rights, Europe has to shoulder the none-too-light task of extending its achievement in the field of legal policy to the implementation of those rights throughout Central and Eastern Europe. Since that achievement is mirrored in the ECHR, the brunt of the burden of discharging that task falls upon the Council of Europe. The Organisation lost no time in tackling this new historic task, firstly by the rapid admission of Central and Eastern European States, secondly by reforming the enforcement machinery of the ECHR. All European organisations together with all European States will be called upon to contribute to this development by lending their resolute support to the implementation procedures of the ECHR.

## The Building of Co-operative Security



## A European Security Architecture for the 21st Century

### *A Continuing Story*

Three OSCE Yearbooks have preceded the present one. Each one of them contains a chapter on the development and state of a pan-European security order.<sup>1</sup> Hence the subject has a history that does not begin in the reporting period covered by this volume. Anyone who wants to look into the changes it has undergone must, unavoidably, take the earlier accounts into consideration. That is the only way continuity and change in the development of a pan-European Security Charter can be made clear without repeatedly presenting all the details of past stages. This article, therefore, stands in a close relationship to its predecessors in respect to both content and procedure. One of the objectives of a future Security Charter is to avoid duplication of work between the organizations engaged in security work in Europe and the Atlantic area. This will also be the guiding principle for the thoughts contained in this article.

Some of the matters discussed in the previous stages can in 1998 be regarded as settled or at least as having no further topical importance. This somewhat sweeping statement rests on a well-founded view of the matter which, however, is in the final analysis also subjective. It is offered to the reader as the premise which underlies what follows: there is no one "model" of a European security order that can be used to measure progress, stagnation or retrogress. This report supports the interim conclusion of the two Swiss diplomats - drawn after one and a half years of discussion on a European Security Model - that the Security Model cannot be a "ponderous new collective security structure".<sup>2</sup> The concept of a collective security order is not the only standard by which past and future developments ought to be measured.

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1 Cf. Dieter S. Lutz, Die OSZE im Übergang von der Sicherheitsarchitektur des Zwanzigsten Jahrhunderts zum Sicherheitsmodell des Einundzwanzigsten Jahrhunderts [The OSCE in Transition from the Security Architecture of the Twentieth Century to the Security Model of the Twenty-First Century], in: Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg [Institute for Peace Research and Security Policy at the University of Hamburg]/IFSH (Ed.), OSZE-Jahrbuch [OSCE Yearbook] 1995, Baden-Baden 1995, pp. 63-96; Benedikt von Tscharner/Linus von Castelmur, The Work on a Security Model for Europe for the 21st Century, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1995/1996, Baden-Baden 1997, pp. 227-240; Heinrich Schneider, The "European Security Model for the 21st Century" - A Story without an Ending?, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1997, Baden-Baden 1998, pp. 235-255.

2 Von Tscharner/von Castelmur, cited above (Note 1), p. 239.



Heinrich Schneider concludes his article with a look ahead that includes the following three assumptions:

- "We can (...) assume that the agreement between NATO and the Russian Federation of 27 May 1997 on the 'Founding Act on Mutual Relations, Cooperation and Security' will also alter the terms of the discussion on the 'Security Model'."
- "It is possible that the agreement between NATO and Russia will lessen the significance of the OSCE's reform efforts (...) OSCE reforms, viewed as 'bargaining chips' for Russian acceptance of NATO enlargement, would thus have lost some of their value."
- "But another interpretation is possible, namely that Russia - because it entered into the agreement of 27 May 1997 only *nolens volens* - is all the more interested in not having that agreement be the only significant basis for East-West developments."<sup>3</sup>

Our intention is to use these hypotheses of Schneider as a point of departure. Once again they make very clear that the arrangements reached in a European Security Charter depend on the surrounding political circumstances. Of particular importance here are changes in security institutions and the related interests of state actors - first and foremost those of the United States and the Russian Federation.

#### *NATO as the Motor of American Security Policy in Europe*

The communiqué of the NATO Summit Conference in Rome in November 1991 states that "(...) our Alliance will continue to play a key role in building a new, lasting order of peace in Europe (...)".<sup>4</sup> This formulation did not exclude the possibility of opening NATO to new members, but that was not its intention. Four and a half years later, however, the members of the Alliance, at their meeting in Noordwijk in May 1995, stated confidently and without beating around the bush: "We have worked to make the Alliance an *agent of change*, even as it promoted security and stability *throughout Europe*."<sup>5</sup> These are the salient points in a line of development during which the United

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3 Schneider, cited above (Note 1), pp. 254-255.

4 Rome Declaration on Peace and Cooperation. Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Rome on 7th-8th November 1991, in: NATO's Sixteen Nations 7/1991, pp. 60-62, here: p. 60.

5 Ministerial Meeting of the North Atlantic Council, Noordwijk aan Zee, The Netherlands, 30 May 1995, in: NATO review 4/1995, pp. 31-34, here: p. 31 (author's emphasis).

States changed from a foot dragger into a determined advocate of opening NATO.

From the standpoint of the Alliance 1997 was a year in which much of what had still been a declaration of intent in 1994/95 was made good on. Among the events were the already mentioned "Founding Act"<sup>6</sup>, the "Charter on a Distinctive Partnership" with Ukraine of July 1997,<sup>7</sup> the transformation of the North Atlantic Cooperation Council into a Euro-Atlantic Partnership Council,<sup>8</sup> the decision to expand the concept of the Partnership for Peace<sup>9</sup> and finally, at the end of the year - and mentioned last only for that reason - the signing of Protocols of Accession with the Czech Republic, Hungary and Poland.<sup>10</sup> If one looks at all of these steps together it is hard to deny that the fly-wheel of security policy was turned by NATO in 1997. In the words of John Kornblum, whose long years of service as Head of the American Delegation in Vienna certify him as an OSCE expert and who is now Ambassador to Germany, "NATO is developing rapidly into a pan-European security organization"<sup>11</sup> which makes a new Security Charter appear anything but urgent.

In light of these developments during 1997 and of Kornblum's cogent summary, what was to be expected of an event intended to move the model discussion forward, i.e. the Ministerial Council meeting of the OSCE Foreign Ministers in Copenhagen on 18 and 19 December 1997? According to the (obviously accurate) evaluation of a participant in the negotiations that preceded the Copenhagen meeting, the US, following the Lisbon Summit Meeting of the OSCE in December, had dug itself in on the question of a European Security Model. Only with great reticence do the decisions of Copenhagen (see below) reveal that the United States and the countries that tend to follow its lead on the issue of a pan-European security architecture had dug themselves out again in time. In 1997 the Atlantic Alliance played the "central" role that Russia had originally wanted the OSCE to play and became the centre-piece of the European security discussion. If there ever was a competitive relationship between NATO and the CSCE/OSCE and a

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6 Founding Act on Mutual Relations, Cooperation and Security between the North Atlantic Treaty Organization and the Russian Federation. Issued in Paris, France, on 27 May 1997, in: NATO review 4/1997, Documentation, pp. 7-10.

7 Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and Ukraine. Issued in Madrid, Spain, on 9 July 1997, in: *ibid.*, pp. 5-6.

8 Ministerial Meeting of the North Atlantic Council, Sintra, Portugal, 29 May 1997, Final Communiqué, in: *ibid.*, pp. 12-13; see also: Basic Document of the Euro-Atlantic Partnership Council. Issued in Sintra, Portugal, on 30 May 1997, in: *ibid.*, pp. 11-12.

9 Cf. Ministerial Meeting of the North Atlantic Council, Sintra, Portugal, 29 May 1997, Final Communiqué, cited above (Note 8), p. 12.

10 Cf. U.S. Information and Texts 051/1997, pp. 6ff.

11 John C. Kornblum, *Amerika und Europa - eine unentbehrliche Partnerschaft* [America and Europe - An Indispensable Partnership], speech at the Friedrich-Ebert-Stiftung/Deutsche Atlantische Gesellschaft [Friedrich Ebert Foundation/German Atlantic Society], Bonn, 12 November 1997 (manuscript; own translation).

different security order than the one which took on increasingly clear form during 1997 had ever represented a realistic alternative, it was - that we can state right here - no longer on the agenda in the Copenhagen negotiations.

#### *A Pan-European Security Order: A Russian Preference*

It is not really necessary to go back over everything that happened before the Budapest Summit of the (at that time, still) CSCE in December 1994 to agree with the view that the Budapest decision to discuss a "Common and Comprehensive Security Model for Europe for the Twenty-First Century"<sup>12</sup> was intended above all to assuage Russian concerns over the process of NATO enlargement, which had picked up speed and gained focus in the course of 1994. To put it crudely, the model debate initially had the function of a placebo.

The Russian Federation was not only the initiator of the model debate in 1994 but proved to be its motor during the succeeding years.<sup>13</sup> Given this background, what would be the consequences of the signing of the "Founding Act" in May 1997? Would it lend new force to the motor in Moscow or cause it to flag? The signers of the "Founding Act" did not reach any fundamentally new agreements with regard to the OSCE, but they did record their determination to go on developing the OSCE "as a primary instrument in preventive diplomacy, conflict prevention, crisis management, post-conflict rehabilitation and regional security cooperation" and to improve its "operational capabilities". In general, they attest to the fact that the OSCE plays a "key role in European peace and stability".<sup>14</sup>

By contrast, the statements in the "Founding Act" on a "Security Model for Europe for the Twenty-First Century" are reserved and vague. The project for a European Security Charter is referred to with the non-committal statement that "NATO and Russia will seek the widest possible cooperation among participating States of the OSCE with the aim of creating in Europe a common space of security and stability, without dividing lines or spheres of influence limiting the sovereignty of any state".<sup>15</sup> Thus both sides were able to make the point of importance to them. In connection with the term "dividing lines" Moscow was no doubt thinking mainly about NATO enlargement; the reference to possible "spheres of influence" doubtless reflects

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12 Budapest Document 1994, Budapest, 6 December 1994, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Basic Documents, 1993-1995*, The Hague/London/Boston 1997, pp. 145-189, here: p. 173.

13 Cf. Schneider, cited above (Note 1), pp. 243ff.

14 Founding Act, cited above (Note 6), p. 7.

15 Ibid.

the concerns of Alliance members over Russian ambitions with regard to post-Soviet territory.

As was soon to be demonstrated, the signing of the "Founding Act" did not cause Moscow to lose interest in the model discussion and certainly not to signal its end. The document that had been agreed upon in Paris in May 1997 opened up for Russia an important field of action; it was not, in Moscow's view, meant as a substitute for a European Security Charter. In July 1997 the Russian government took the initiative and went public in the OSCE's Security Model Committee with a draft proposal for a European Security Charter.<sup>16</sup>

The unofficial English translation, to which my comments will refer, speaks of an "outline" rather than a "draft". It is impossible to say for sure whether and to what extent this term was intended to signal more openness. In his accompanying remarks the Russian representative to the OSCE, Yuri Ushakov, characterized the outline as a "preliminary vision of a new document"<sup>17</sup>, which can be taken as a restrictive term and as a signal for willingness to compromise.

The first thing that strikes one is that Ushakov avoids any direct reference to NATO and its enlargement intentions. Even so, the problems of enlargement become evident in the background. This happens as a result of expressions of dissatisfaction, held in general terms, about presumed efforts to divide Europe and to create artificial obstacles. The NATO enlargement process was doubtless also behind the call for dealing especially with the security interests of countries that belong to no military organization. Thus the shadow of NATO did not disappear with the signing of the "Founding Act". Still, the Russian draft is by no means focused solely on NATO. Rather, Ushakov makes clear that the project for a European Security Charter aims at far more than setting up a defensive wall against the enlargement plans of the Atlantic Alliance. One section of the draft is devoted to the problem that there are various organizations in the OSCE region which are concerned with different aspects of security and that the task of the future will be to organize their co-operation. "We see here a serious political meaning of the Charter."<sup>18</sup> Here, Ushakov refers specifically to the "Platform for Cooperative Security"<sup>19</sup> presented by the European Union at Lisbon in 1996 on which no unified position could be reached, primarily owing to American objections.

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16 Cf. Permanent Mission of the Russian Federation to the OSCE, Statement by the Permanent Representative of the Russian Federation, Ambassador Yu. Ushakov, at the meeting of the Security Model Committee, Document REF.PC/662/97 (17 July 1997); An Outline of the Charter on European Security, Document REF.PC/663/97 (17 July 1997).

17 Ibid.

18 Ibid.

19 Presidency of the European Union, Platform for Cooperative Security, OSCE Common Concept for the Development of Cooperation between Mutually-reinforcing Institutions, Document REF.RM/182/96 (12 November 1996).

Noteworthy in connection with this question of co-operation between security-related institutions is the role intended for the OSCE: "The OSCE which has gathered under its auspices all other less universal and more limited in membership groupings and alliances acting in Europe could make its contribution to the co-ordination of their efforts (...) The European security system should consist of mutually reinforcing and interacting organizations. None of them claim to be the sole leader."<sup>20</sup> This is not just the kind of language found in NATO communiqués; it is at the same time no more than a weak echo of the "central role" once proposed for the OSCE or of the leading position within a hierarchy of security institutions which, at least for a short while, was intended for it.

The introductory remarks of the Russian Ambassador, like the draft of a Security Charter, concern themselves with a subject that remains controversial and has a certain explosive potential. "It is also necessary", Ushakov says, "to enhance the peace-making potential of the OSCE, to make it capable of carrying out its own peace-keeping operations and, to this end, to further develop its previously adopted decisions on relevant issues. In recent years the problem of peace-keeping has been actively studied by different organizations in Europe. The OSCE should not stay aloof from this important cause."<sup>21</sup>

Does Russia want to give life to the provisions of the 1992 Helsinki Document on "CSCE peacekeeping"<sup>22</sup> or perhaps even go beyond them? Ushakov speaks of the experiences of recent years which ought to be reflected in a Charter, but he gets no more precise than that. And so it must remain an open question whether among these experiences is the fact that the line between completely non-violent peacekeeping activities and the use of coercive measures below the threshold of peace enforcement measures under the terms of Chapter VII of the United Nations Charter cannot always be clearly discerned. The draft paper for discussion of the Charter does, however, make clear that Russia wants things, in one respect at least, to remain as they were agreed in 1992 at Helsinki: measures to enforce peace are a matter for the United Nations as long as the Security Council has not expressly stipulated otherwise. Thus the problem of border-line cases remains unclear.

It can be assumed that it continues to be the intention of the Russian government not only to entrust the CIS with peacekeeping responsibilities but to assign a certain privilege it in the post-Soviet area, but this is not touched upon in the draft paper of summer of 1997. It is another matter that the CIS, or

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20 Ibid.

21 Ushakov, 17 July 1997, cited above (Note 16).

22 CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 701-777, here: pp. 725-729.

what has become of it, lacks many of the prerequisites for such a role. It is also unclear whether and when the preliminary thoughts of the High Level Planning Group on a peacekeeping force in Nagorno-Karabakh will become an initial test case.

This article does not aim to present the Russian draft for a European Security Charter in full detail. The points raised here constitute a selection which, in the nature of the case, is not free of subjectivity and seeks above all to determine whether the Russian government has entered new territory with one or another of its proposals or whether it is holding or returning to familiar positions, even though they have been regarded as settled in OSCE agreements.

The draft repeats the arrangement, already embodied in the "Code of Conduct on Politico-Military Aspects of Security",<sup>23</sup> that no state may strengthen its security at the expense of other states' security. This assurance needs to be reinforced, according to the draft, with a number of additional provisions which are not elaborated upon. But the 1994 Code of Conduct goes on to say that every participating State has the right "freely to choose its own security arrangements".<sup>24</sup> There is no such reference in the Russian draft of 1997.

The Russian draft, without any further qualification, advocates confirmation of the principle of "non-intervention" in the internal affairs of states. It was presumably not unintentional that the wording leaves unclear whether only military actions are meant or whether all forms of "interference" are to be excluded. However, a comparison with the corresponding passage in the "Founding Act" strengthens the assumption that Russia - like the member states of the Atlantic Alliance - is interested in a general prohibition of interference, even if it does not involve "intervention" in the military sense. This interpretation rests on the statement in the "Founding Act" with regard to the "Permanent Joint Council" that consultations will not extend to the internal matters of either NATO, NATO member states or Russia.<sup>25</sup>

This taboo fails, as would a like proscription in a European Security Charter, to take account of the often made observation that the great majority of conflicts that have taken place in Europe - and not only there - since 1989/90 stem from internal causes. What was signed in May 1997 in Paris, which Russia in its draft seeks to extend to the entire OSCE area, lags behind the agreements on the "human dimension" of the CSCE which were achieved in Moscow back in October of 1991. The participating States declared on that occasion "categorically and irrevocably (...) that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct

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23 Budapest Document 1994, cited above (Note 12), pp. 161-167.

24 Ibid., p. 163.

25 Cf. Founding Act, cited above (Note 6), p. 8.

and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned".<sup>26</sup>

This reference to a status that was achieved years ago does not deny that it was only provisions in the area of the "human dimension" that were under discussion in Moscow in 1991. But it has to be asked which internal causes of conflict are at issue if they do not (also) involve "a particularly serious threat to the fulfilment of the provisions of the (...) human dimension",<sup>27</sup> for which the despatch of a mission of rapporteurs, even without the permission of the affected state, is foreseen explicitly.

On this point the Russian draft of July 1997 is contradictory, even though it contains a separate chapter entitled "Human Dimension" which goes into the question of how greater force can be given to observance of the commitments undertaken in the field of human rights and fundamental freedoms. Amongst the measures recommended in it there are two which deserve particular attention. They call for

- more active participation by non-governmental organizations in order to make greater progress in the area of the human dimension, and
- fuller use of existing mechanisms (but without saying whether the Moscow Mechanism of 1991 would be among them) and instruments.

The tension between these requirements, on the one hand, and the principle of non-intervention, on the other, is obvious. In any event, it is clear that the Russian draft does not constitute a step forward towards a "culture of intervention" of the kind that has been called for in a European security order.<sup>28</sup>

If the draft is read from the standpoint of what is *not* in it that had hitherto been a solid component in the catalogue of Russian policy demands, there are two points of particular interest which have disappeared. An Executive Council or Advisory Committee, in which only a limited number of OSCE participants are represented, no longer appears. And the idea of giving the OSCE a legally binding structure is not mentioned. It is unclear, however, whether these two aspects have been dropped permanently.

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26 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 22), pp. 605-629, here: p. 606.

27 Ibid., p. 611.

28 Waltraud Schoppe, Menschenrechte und Außenpolitik. Soll die Moral die Außenpolitik dominieren? [Human Rights and Foreign Policy. Should Morality Dominate Foreign Policy?], in: Internationale Politik 8/1995, p. 29.

What could the sixth meeting of OSCE Foreign Ministers in Copenhagen on 18 and 19 December 1997 be expected to accomplish with regard to a pan-European security structure in view of American reservations and the lack of clarity in the Russian discussion draft of July 1997? No great breakthrough, in any event! While it is true that the United States jumped on the Charter wagon, it has not committed itself to the final objective. As a result Copenhagen became, at best, an intermediate station that bears the awkwardly opaque name "Guidelines on an OSCE Document-Charter on European Security". The determination not to commit to anything can be felt almost physically. The dual term "Document-Charter" reminds one of the discussion that preceded the agreement between NATO and the Russian Federation, in which Moscow's demand for a treaty under international law, on the one hand, and the willingness to accept a legally non-binding Charter, on the other, ended with the compromise of the "Founding Act". Even those who attach little importance to the political significance of concepts and judge them mainly by how they are given life in the ongoing process cannot deny that this choice of words serves as a kind of signal. The concept put together at Copenhagen signals nothing more than "an effort to move closer together". From the Copenhagen meeting there emerged something that was unofficially characterized as a broad menu. If we look back at the beginnings of the model discussion when the objective, as in a collection of materials, was to catalogue the conflicts and potential conflicts with which Europe currently had to deal or would have to deal in the future,<sup>29</sup> then one could say (holding to the metaphor) that in Copenhagen the menu was clearly enlarged. The participants at the Lisbon Summit had been unable even to agree that the "Platform for Cooperative Security. A Common Concept for the Development of Cooperation between Mutually-reinforcing Institutions"<sup>30</sup> which Ireland had presented in 1996 on behalf of the European Union, should be put on the agenda of the model discussion. In Copenhagen a version of it which had been only slightly modified was adopted in the form of an annex and expressly described as "an essential element of the Document-Charter". While the relationship between the discussion on the Security Model and the Platform had been initially unclear, the latter is now to be an integral part of a document which will one day (so its advocates say, at least) bear the name of a "Charter on European Security". The Foreign Ministers could not agree, however, to reduce the baroque multiplicity of concepts by half, retaining the

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29 On this, see Schneider, cited above (Note 1), p. 241.

30 See Note 19.



terms "Charter" and "Platform" while leaving the notions of "Common Concept" and "Model"<sup>31</sup> behind.

The clarification achieved in Copenhagen obviously rests on experience garnered by the OSCE in both Bosnia and Herzegovina and Albania. The decision, at first controversial, to entrust the American diplomat, Robert F. Frowick, with the leadership of the OSCE Mission based on the Dayton Agreement, and to choose another American as his successor, has a double significance. For one thing, it makes clear Washington's continuing interest in this particular OSCE responsibility. Beyond that, however, the Americans' experience on the scene appears to have strengthened the view that co-operation between security-relevant institutions, not least in the management of crises, requires understandings that go beyond the individual case. John Kornblum expressly regrets the competition between individual organizations, noting critically that "the OSCE and the EU had an unseemly dispute over the question of who bore responsibility for Albania".<sup>32</sup>

Even earlier, in the summer of 1997 at an OSCE seminar on experiences in Bosnia and Herzegovina, it had been observed that the individual organizations, at least at the beginning, were inadequately informed about the mandates of the other organizations.<sup>33</sup> Developments in Albania in early 1997 and the OSCE action there eased the way for the decision of Copenhagen. In this connection, the Danish Foreign Minister speaks of "*lessons learned*".<sup>34</sup> The "Common Concept" adopted in Copenhagen shows just how modest these lessons turned out to be. It mentions a "*first set of practical steps towards the development of co-operation*" which are essentially limited to agreeing on "regular contacts" and minimal organizational measures. In the event of "specific crises" the "relevant organizations and institutions are *encouraged* to keep each other informed".<sup>35</sup> This formulation is more an indication of reluctant willingness to "foster co-ordinated approaches" than it is an expression of determined action.

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31 On this concept, see Schneider, cited above (Note 1), p. 240.

32 John C. Kornblum, *Amerika und Europa - eine unentbehrliche Partnerschaft* [America and Europe - An Indispensable Partnership], speech by the Ambassador of the United States of America to the Federal Republic of Germany before the *Bundesakademie für Sicherheitspolitik* [Federal Academy for Security Policy], Bad Neuenahr, 27 January 1998, p. 4 (manuscript; own translation).

33 Cf. OSCE Seminar on Co-operation among International Organizations and Institutions: Experience in Bosnia and Herzegovina, Portoroz, 29-30 September 1997, Consolidated Summary, p. 22. "In this context the operation in Bosnia and Herzegovina represents a concrete contribution to the discussion going on in the Permanent Council on the elaboration of a Security Model for Europe, particularly the Platform for Cooperative Security." *Ibid.*, p. 24.

34 Organization for Security and Co-operation in Europe, Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, reprinted in this volume, pp. 431-457, here: Chairman's Summary, p. 433 (author's emphasis).

35 Decision No. 5 of the Sixth Meeting of the Ministerial Council in Copenhagen, in: *ibid.*, pp. 444-452, here: pp. 450 (author's emphasis).

The interventions of the United States at Copenhagen and during the preparations for that meeting do not permit any sure conclusion about whether the experiences the Danish Foreign Minister was referring to had done anything to convince Washington of the usefulness of a European Security Charter within the OSCE framework which would not be limited to better co-ordination between organizations active in the security field. It is noteworthy that the Deputy Secretary of State, Strobe Talbott - unlike, for instance, his German colleague, Klaus Kinkel<sup>36</sup> - did not seem to think the project for a European Security Charter worth mentioning in his own remarks.<sup>37</sup> This American reserve,<sup>38</sup> which in its wake is shared by the Eastern and Central European NATO candidates and those interested in joining,<sup>39</sup> was also present at Copenhagen.

Of first importance amongst the issues which Washington, and other states as well, see as not being open to compromise is the strict rejection of any hierarchy of security-relevant organizations. In the words of the German Foreign Minister, this means that "synergy, not hierarchy" is the order of the day.<sup>40</sup> This position, shared by the United States and its allies in the Atlantic Alliance, has by now become unchallenged. The fact that NATO in practical fact enjoys a dominant position is another matter. Despite this development, the term "division of labour" appears still to be too sensitive for inclusion in the Common Concept of the EU. On the other hand, the discussions during 1997 and at Copenhagen make clear that the project for a Charter on European Security has taken on a dynamism that has become largely independent of the origins of the model discussion. The original Russian initiative, taken in the course of the enlargement debate, has developed into a process which is of importance for the future ability of the OSCE to act and for the completion of its normative superstructure.

#### *The Document-Charter: A Menu Offered in Copenhagen*

The Document-Charter, as is often the case with OSCE decisions, is in large part a repetition of earlier agreements and a restatement of fundamental principles. It *recalls* what the OSCE is and it *recalls* earlier statements. The fact that some things are not as self-evident as they sound in the concluding declaration can, however, be heard in conversations with participants. For ex-

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36 Cf. Speech to the OSCE Ministerial Council, MC.DEL/8/97 (18 December 1997).

37 Cf. Remarks to the OSCE Ministerial, in: <http://www.usis.dk/STROBE~1.HTM>.

38 See the letter to the editor by the American Deputy Assistant Secretary of State, Ronald D. Asmus, which says: "We would be happy if we made progress that justified the term 'Charter'", in: *Frankfurter Allgemeine Zeitung* of 3 January 1998, p. 7 (own translation).

39 The "intervention" of the Latvian Foreign Minister, Valdis Birkavs, was especially forceful. MC.DEL/62/97 (19 December 1997).

40 Kinkel, cited above (Note 36).

ample, it was obviously once again a matter of lively dispute in Copenhagen whether a Document-Charter should reconfirm the possibility of a free choice of alliances.

It is in keeping with the description of the results of Copenhagen as a menu offering that there is only a general indication of what might ultimately be put on the table or appear in a European Security Charter. The real work remains to be done. The difficulties associated with it are not new, however. Among them is the obligation of the participating States to reaffirm the OSCE's role as a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations. But it remains an open question whether, in accordance with the Kinkel-Kooijmans proposal of May 1994,<sup>41</sup> this includes the right to bring a matter before the UN Security Council without the agreement of the parties to the dispute. Instead, there is the following generalization in the decision of Copenhagen: "A Document-Charter should continue to uphold consensus as the basis for OSCE decision-making." There is obviously very little latitude on the question of voting procedures.

There could be some trouble over the effort to draw substantial conclusions from the "observation", not being made for the first time, "that commitments assumed by States within the OSCE are matters of immediate and legitimate concern to all participating States". As a matter of principle, the participating States should "act in solidarity and partnership to ensure the implementation of, and respect for, OSCE principles and commitments and for decisions adopted by the OSCE". This is, in the first instance, a clear commitment to a co-operative view of security, *inter alia* with a view to a future Charter. But the participating States have also undertaken "to explore ways of increasing the effectiveness of the OSCE in addressing cases of clear, gross and continuing violations of OSCE principles and decisions" - a formulation which harks back to the consensus-minus-one decision of January 1992 which speaks of "clear, gross and uncorrected violations of relevant CSCE commitments".<sup>42</sup> This substantial similarity is presumably no coincidence. There is no desire and no possibility to do less than was accomplished by the formula of the 1992 Council Meeting in Prague. But it remains a question whether it will be possible to work out more precise language for the Charter.

Special linguistic artistry on the part of the participating States gathered in Copenhagen is evidenced by this agreement: "They will explore further ways jointly to consider actions that may have to be undertaken, in accordance

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41 Cf. Gemeinsame deutsch-niederländische Agenda zur Vorbereitung des KSZE-Gipfels in Budapest [Common German-Dutch Agenda to Prepare the CSCE Summit in Budapest], in: Presse- und Informationsamt der Bundesregierung [Press and Information Office of the German Federal Government], Bulletin 46/1994, pp. 412ff.

42 Prague Meeting of the CSCE Council, 30-31 January 1992, in: Bloed (Ed.), cited above (Note 22), pp. 821-839, here: p. 832.

with the Charter of the United Nations (...)"'. One can speculate on which "actions" the participating States, "in co-operation with other (...) organizations", might be able to agree on within the framework of a Security Charter in the event of the threat or use of force against one state. Should the OSCE, assuming that "enforcement action" (which was expressly prohibited by the participating States in Helsinki in 1992)<sup>43</sup> is not involved, be fitted out with a special mandate or be given a monitoring role? This question arises especially in view of the decision made in Copenhagen to "examine rigorously the OSCE's appropriate role in connection with peacekeeping operations". A Charter will have something to say on this matter and, here as well, will probably express the view that peacekeeping, which in 1992 was still viewed as "an important operational element of the overall capability of the CSCE", can no longer be carried out in the OSCE framework as the decade nears its end.

### *The Path Remains a Difficult One*

What was signed in Copenhagen was a declaration of intent. Nothing more! What that declaration might one day bequeath to a Security Charter continues to be a matter for tough negotiation. But some indications are already clear. A meeting of the Permanent Council at the end of March 1998, "reinforced" by representatives from the capitals, succeeded in structuring the decision of Copenhagen and distributing its catalogue of issues to the Security Model Committee and two other working groups for further treatment. That, however, was enough to exhaust the measure of existing agreement, which was not sufficient to permit a new, abbreviated description of the substance of the individual issues under negotiation. Russia was willing to assign paragraphs 1 to 4 and 5(d) of the decision of Copenhagen to the Security Model Committee. But, contrary to the draft of the Polish Chairman of the Council, agreement could not be reached to explicitly restate the fact that these numbers and letters, among other things, stood for such controversial subjects as the free choice of alliance and the conditions under which foreign troops could be stationed on the territory of a participating State.

Moscow's efforts to distance itself as far as possible from some points of agreement reached with great difficulty in Copenhagen mark only one stage of the journey begun in Budapest in 1994. But Russia's foot-dragging does provide a foretaste of what can be expected in future negotiations, and of their results.

The United States is not concerned primarily about a Security Charter. Copenhagen did not change this attitude in any way. However, Washington

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43 CSCE Helsinki Document 1992, cited above (Note 22), p. 725.

does want to develop the OSCE and make it more capable of acting in selected areas. Among these are a bigger role in connection with police tasks and an improved ability to react when states fail to meet their commitments. Moreover, the US has indicated that it would not be opposed in principle to peacekeeping operations within the OSCE framework. Thus Washington pursues a policy basically friendly to the OSCE but one which, if it were up to the United States, would not necessarily result in a Charter.

There is scarcely anything that points to rapid progress and even less that promises a result worthy of being called a "big achievement". Nor is the Polish Chairmanship calculated to introduce movement into the negotiations. In Warsaw it is only the NATO card that is a winner, at least until Poland's final entry into the Atlantic Alliance in April 1999. The Polish government will do everything necessary to ensure that this objective is not attenuated by a Charter on European Security. There is not even to be a meeting of the Foreign Ministers on Polish soil to bring Poland's Chairmanship of the Council to an end and hand the office over to Norway.

All of these difficulties notwithstanding, the OSCE participating States will finally agree on a document to which they will give the name "Charter". It will not satisfy idealistic notions or the high hopes of a number of participating States. But if the Charter succeeds in strengthening the OSCE's role and its instruments and in clarifying its place within the network of security-relevant institutions, then the effort will have been worth while.

## The Role of the OSCE in the Military Stabilization of Bosnia and Herzegovina<sup>1</sup>

### *The Dayton Mandate for the OSCE*

The General Framework Agreement of Dayton was signed under American mediation between the Republic of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia in late 1995. It consists of a framework text of eleven articles and eleven annexes. The latter concern the matters of substance. Not only the mentioned states, but in some instances the two entities of Bosnia and Herzegovina (i.e. the Federation and the Republika Srpska) have also been made Parties to the Agreement with respect to those matters. The annexes create, *inter alia*, the constitutional basis for Bosnia and Herzegovina,<sup>2</sup> but they also assign several matters and tasks to different international institutions. The Organization for Security and Co-operation in Europe (OSCE) has been mandated with the following tasks:

- organization of free, fair, and democratic elections in Bosnia and Herzegovina, in accordance with relevant documents of the OSCE,<sup>3</sup>
- negotiations on military confidence- and security-building and arms control as well as assistance in the implementation and verification of achieved agreements,<sup>4</sup>
- together with the United Nations Commission on Human Rights, the United Nations High Commissioner for Human Rights, and other inter-governmental or regional human rights missions or organizations, to monitor closely the human rights situation in Bosnia and Herzegovina.<sup>5</sup>

In accordance with these mandates, the OSCE Mission to Bosnia and Herzegovina was established in mid-December 1995,<sup>6</sup> and has been structured correspondingly.

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1 The following observations are based on the author's participation in the negotiations on Confidence- and Security-Building Measures in Bosnia and Herzegovina in January 1996 and in the OSCE Mission's Office for Regional Stabilization from January 1996 until February 1997, and the monitoring of the situation thereafter.

2 Cf. Annex 4.

3 Cf. Annex 3.

4 Cf. Annex 1-B, "Regional Stabilization"; see below.

5 Cf. Annex 6.

6 Cf. Fifth Meeting of the Council, Budapest, December 1995, Decision no. 1, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe, Basic Documents, 1993-1995*, The Hague/London/Boston 1997, pp. 215-228, here: pp. 218-221.

The OSCE's tasks in the military field are rooted in Annex 1-B of the Dayton General Framework Agreement, which is titled "Agreement on Regional Stabilization". The Parties<sup>8</sup> have committed themselves, in parts under certain deadlines, to negotiations on arms control, some of which<sup>9</sup> should take place "under the auspices of the OSCE". The same annex mandates the OSCE to support these negotiations and, in some instances, the implementation and verification of resulting agreements.

Article II of Annex 1-B provided the framework for *Negotiations on Confidence- and Security-Building Measures in Bosnia and Herzegovina*. They were opened in Vienna on 4 January 1996 under chairmanship of Ambassador Dr István Gyarmati, and successfully concluded on 26 January 1996 with the *Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina* ("Vienna/Article II Agreement").

Article IV provided the framework for *Negotiations on Sub-Regional Arms Control*, which included not only Bosnia and Herzegovina and her entities but also Croatia and the Federal Republic of Yugoslavia. These negotiations, too, were conducted in Vienna, under chairmanship of Norwegian Ambassador Vigleik Eide. The corresponding *Agreement on Sub-Regional Arms Control* was, however, signed in Florence ("Florence/Article IV Agreement") on 14 June 1996, due to politically motivated delays in adopting the text.

Finally, Article V of Annex 1-B provides that the OSCE will assist the Parties by designating a special representative to help organize and conduct negotiations under the auspices of the OSCE Forum for Security Co-operation (FSC) with the goal of establishing a regional balance in and around the former Yugoslavia. In contrast to the previous mandates for the two other negotiation fora, this provision does not contain any time-frame or deadlines for the beginning or duration of the negotiations. The pertinent decision was finally adopted at the Copenhagen Ministerial Council in December 1997.<sup>10</sup>

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7 Cf. earlier articles by Rüdiger Hartmann, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1995/1996*, Baden-Baden, 1997, pp. 253-263, and Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1997*, Baden-Baden 1998, pp. 273-280.

8 Namely "The Republic of Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia, the Federation of Bosnia and Herzegovina, and the Republika Srpska".

9 Namely the negotiations under Article II and Article IV; see below.

10 Organization for Security and Co-operation in Europe, Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, reprinted in this volume, pp. 431-438, here: Decision No. 2, pp. 442-443.

*The Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina*

The Agreement of 26 January 1996 was concluded between Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina<sup>11</sup> and the Republika Srpska and pertains to the whole territory of Bosnia and Herzegovina. It consists of a set of various measures which are based partly on the OSCE-wide Vienna Documents of 1992 and 1994 on Confidence- and Security-Building Measures, but in part are also directly mandated by provisions within Annex 1-B of the Dayton Agreement.<sup>12</sup> The verification regime, on the other hand, has been by and large derived from the 1990 Treaty on Conventional Armed Forces in Europe (CFE). The main objectives of the Agreement are openness and transparency of the armed forces and the constraining of military options, as well as the prevention of unintended escalation, and the promotion of military co-operation between the two entities and the state of Bosnia and Herzegovina. It does not, however, foresee any limitations of forces and armaments.

The Parties have committed themselves to the measures presented in Table 1, which are in part further detailed in the annexes to the Agreement.

The Agreement thus contains a multitude of different provisions which in sum offer a well-balanced regulative framework for confidence-building. The measures may be categorized as

- measures of an *obligatory* character (the majority of provisions, as for example all those on notification, information, constraining provisions, etc.), and
- measures of a *non-obligatory* character, as for example the Programme for Contacts and Co-operation.

The latter provisions, by themselves, already have a strong confidence-building character. Their non-obligatory character does not result from being held in lower esteem, but from the fact that confidence-building in the proper sense cannot be enforced, but has to grow by the good will of the Parties concerned.

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11 During the negotiations in Vienna, however, the state of Bosnia and Herzegovina and the Federation were represented by a joint delegation. This practice was continued at the meetings of the Joint Consultative Commission until July 1996; since then Bosnia and Herzegovina and the Federation have been represented by separate delegations.

12 The Agreement does not constitute an official OSCE Document and has therefore neither been registered as such, nor officially translated into the other OSCE languages. However, unofficial translations by the OSCE language service exist. It is remarkable, however, that terminology of comparable measures is identical in the English versions of the OSCE-wide Vienna Document 1994 and the Vienna Agreement 1996, while there are, for example, distinct deviations in the German version of the Vienna Agreement from the established German terminology of the Vienna Document 1994.



*Table I*  
*Confidence- and Security-Building Measures*  
*(Vienna/Article II Agreement)*

MEASURE	CONTENTS
I	Exchange of Military Information
- I(I)	Annual Exchange of Information
- I(II)	Data Relating to Major Weapons and Equipment Systems
- I(III)	Demonstration of New Types of Major Weapons or Equipment Systems
- I(IV)	Information on Plans for the Deployment of Major Weapon and Equipment Systems
- I(V)	Information on Defence-Related Matters
II	Notification of Changes in Command Structure or Equipment Holdings
III	Risk Reduction
- III(A)	Mechanism for Consultation and Co-operation as Regards Unusual Military Activities
- III(B)	Co-operation as Regards Hazardous Incidents of a Military Nature
IV	Notification and Observation of and Constraints on Military Activities
- IV(A)	Notification
- IV(B)	Observation
- IV(C)	Constraining Measures/Annual Calendars
V	Restrictions on Military Deployments
VI	Restraints on Reintroduction of Foreign Forces
VII	Withdrawal of Forces and Heavy Weapons to Cantonments/Barracks
VIII	Restrictions on Locations of Heavy Weapons
IX	Notification of Disbandment of Special Operations and Armed Civilian Groups
X	Identification and Monitoring of all Weapons Manufacturing Capabilities
XI	Military Contacts and Co-operation
- XI(I)	Military Contacts
- XI(II)	Military Co-operation (joint exercises and training)
- XI(III)	Visits to Military Bases
- XI(IV) and Annex 7	Establishment of Military Liaison Missions
XII	Principles Governing Non-Proliferation
XIII and Annex 1	Verification and Inspection
XIV and Annex 4	Communications
XV and Annex 5	Implementation Assessment, Joint Consultative Commission

Furthermore, the Agreement contains provisions on rules of procedure and a review conference on 15 February 1998.

### *The Agreement on Sub-Regional Arms Control*

The Agreement was concluded on 14 June between Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, the Republic of Croatia and the Federal Republic of Yugoslavia. In its philosophy and structure, it follows the lines of the Treaty on Conventional Armed Forces in Europe.<sup>13</sup> At its core, it contains ceilings for major weapons systems/Armaments limited by the Agreement (AIA; main battle tanks, armoured combat vehicles, artillery, combat aircraft, and attack helicopters) for all Parties. The Parties also agreed on voluntary limits on the personnel of their armed forces.

*Table II*

*Agreed Ceilings under the Agreement on Sub-Regional Arms Control (Article IV/Florence Agreement)*

PARTY	BATTLE TANKS	ARMOURED COMBAT VEHICLES	ARTIL- LERY PIECES	COMBAT AIR- CRAFT	ATTACK HELICOP- TERS
F.R.Y.	1025	850	3750	155	53
CROATIA	410	340	1500	62	21
BiH, out of which	410	340	1500	62	21
- FEDERATION	273	227	1000	41	14
- REP. SRPSKA	137	113	500	21	7

All excessive AIA are liable to reduction, whereby 25 per cent of the reduction liability may be exported. Certain numbers of combat aircraft may be converted to trainer aircraft. Basically, however, reduction has to be achieved by physical destruction of the weapons.

The Agreement foresees a staged approach to its objectives. First, the Parties by 21 June 1996 had to declare their existing holdings ("baseline"), which were subject to a distinct inspection regime ("baseline validation"). Then, within 30 days after signing the Agreement, each Party had to notify its reduction liability, defined as the difference between its actual holdings as notified, and its agreed ceilings for holdings.

13 It appears that the CFE Treaty was followed too closely, ignoring the particular situation of "mixed" participation of states and non-state-entities which has led to some problems. Some provisions which might have been unproblematic in purely international setting (as for example on customs procedures for inspection teams at the points of entry) were of high political significance, as they could have been interpreted as implicit recognition of the Republika Srpska's claim of statehood.

Actual reductions were conducted in two phases, to be completed no later than 16 months after 1 July 1996. In the first reduction phase, i.e. within six months after 1 July 1996, each Party had to eliminate 40 per cent of its total reduction liability for artillery, combat aircraft and attack helicopters, and 20 per cent of its total reduction liability for tanks and armoured combat vehicles. In the second reduction phase, that is, no later than 16 months after 1 July 1996, each Party had to have eliminated its total reduction liability in each of the categories of armaments limited by the Agreement. Physical destruction of excessive armaments was to be executed on specific reduction sites under international verification.

The Agreement further contains specific provisions on reduction procedures, on information and notifications, and on on-site verification of exchanged information as well as of the reduction process. Similar to the CFE Treaty and the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina, it establishes a consultative body, the Sub-Regional Consultative Commission.

*Table III*

*Comparison of the Article II (Vienna) and Article IV (Florence) Agreements*

	Article II (Vienna, 26.01.1996)	Article IV (Florence, 14.06.1996)
Purpose	Predictability; Openness, Transparency	Limitations on Armaments
Instruments	Notifications, Regulations for Actions, Verification	Agreed Limits, Reductions, Verification
Parties	BiH, Federation, Republika Srpska	BiH, Federation, Republika Srpska; Croatia; Federal Republic of Yugoslavia
OSCE Role	Quasi-Party; right to initiate, to assist, to verify	limited; only assistance with verification

#### *The Role of the OSCE*

Within the *Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina* the OSCE has been given an active role in observation, verification and supervision ("Quasi-Party"), which in most cases was

foreseen to last until the end of 1997.<sup>14</sup> The OSCE is represented by a "Personal Representative of the Chairman-in-Office".<sup>15</sup>

In practice, the Personal Representative has been represented in the field, vis-à-vis the Parties, by a "designated agent".<sup>16</sup> This function has been discharged by the Deputy Head of Mission for Regional Stabilization within the OSCE Mission to Bosnia and Herzegovina, who also heads the Mission's "Office for Regional Stabilization".

In addition, a Verification Co-ordinator, subordinate to the Personal Representative, has been established at the OSCE's Conflict Prevention Centre in Vienna. He is responsible for the co-ordination and planning of inspections both by the OSCE and by the Parties to the Article II Agreement.

In contrast, the Agreement on Sub-Regional Arms Control provides only for a limited role of the OSCE. It has not even been mentioned in the Agreement, in an evident contradiction to the provisions of Article IV of Annex 1-B, which explicitly refers to an active role of the OSCE. The reason for that is to be seen in Yugoslavia's approach of using her consent to an active OSCE role as a bargaining chip to achieve a lifting of her suspension, in effect since 1992, from participating in the OSCE. As this attempt had been unsuccessful, Yugoslavia has in turn refused to accept a more active role for the OSCE. Thus the Agreement just mentions the Personal Representative of the Chairman-in-Office<sup>17</sup> whose function has been, however, further limited to assisting in verification. Even there he has not been given an active function, in contrast to the Article II Agreement, but has been limited to providing assistance if requested by the Parties. In addition, he participates and - in the initial phase - also chairs the meetings of the Sub-Regional Consultative Commission.

#### *The "Office for Regional Stabilization"*

The "Office for Regional Stabilization" was established within the OSCE Mission to Bosnia and Herzegovina immediately after the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina had been concluded. It is the OSCE body which takes concrete steps to carry out

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14 The first Review Conference extended the OSCE's role; Final Document of the First Review Conference, Vienna, 20 February 1998; CIO.GAL/8/98/Add.1.

15 The former chairman of the negotiations, Ambassador Gyarmati, continued in this function until June 1996 when he was succeeded by the then Head of Hungary's OSCE Delegation, Ambassador Márton Krasznai. He was then followed in late 1997 by the former Director of the Italian Center for Higher Defense Studies, General Carlo Jean. At the same time, the function was also merged with the Personal Representative for the Agreement on Sub-Regional Arms Control; see below.

16 Cf. Agreement, Article I, Definitions, para. 18.

17 The former chairman of the negotiations, Ambassador Vigleik Eide of Norway, continued in this function until the end of the reduction period in November 1997; he was then followed by General Carlo Jean; see above.

the Organization's responsibilities in assisting the implementation and verification of the achieved agreements. In accordance with its purpose, it has been organized along the lines of a military staff organization and has been staffed with officers experienced in peacekeeping operations or in verifying arms control agreements, in particular those with a background in verification agencies of States Parties to the CFE Treaty, but also with civilian experts in military confidence- and security-building and arms control.

The main tasks of the office involve advice and support for the Parties to the Agreements and representing the Personal Representative vis-à-vis the Parties on a day-to-day basis. The concrete tasks are manifold and stretch from military diplomacy in mediating between differing interpretations of the Agreements to rather mundane issues such as for example providing the vehicles for inspection teams, etc. Main tasks are:

- acting as point of contact and representing the OSCE and the Personal Representative in all matters concerning the Agreements;
- supporting the implementation of concrete obligations, as for example by timely reminding the Parties of deadlines, and - if necessary - through concrete steps;
- monitoring implementation of agreed obligations and reporting to the Personal Representative as a basis for his decisions;
- preparing meetings of the Joint Consultative Commission under the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina<sup>18</sup> with respect to both substance and organization;
- chairing the scheduled meetings of the two entities' Military Liaison Missions which take place twice a week and serve *de facto* to prepare the meetings of the Joint Consultative Commission, but also as a way to make up for the missing of deadlines and to clarify misunderstandings and other questions which otherwise could lead to problems between the Parties;
- supporting inspections to verify compliance with the two agreements;
- initiating further steps in confidence-building, in particular with the non-obligatory measures in the area of contacts and co-operation.

#### *Verification of Compliance with the Agreements and Inspections*

Verification of compliance by on-site inspections is a crucial factor. Within both agreements, the inspection regime has been basically shaped along the lines of the CFE Treaty, but it has been adapted to the specific requirements

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18 The Office does not, however, organize the meetings of the Sub-Regional Consultative Commission as these are held at the OSCE in Vienna, due to the broader participation.

of the situation, in particular with the Agreement on Confidence- and Security-Building Measures.<sup>19</sup> Occasionally, inadequate terminology led to some misunderstandings, in particular when international inspection teams would have applied the CFE inspection regime unmodified.<sup>20</sup>

The inspection regime in the *Agreement on Confidence- and Security-Building Measures* pertains to verification of compliance, in principle, with *all* agreed measures. In practice, however, it has only been applied to verify the validity of the exchange of military information.<sup>21</sup>

During the "baseline inspection", which lasted until the end of June 1996, OSCE-led inspections were conducted practically on a weekly basis in both entities. During that time the OSCE was responsible for all inspections,<sup>22</sup> although in practice the team-leader and the majority of team-members were provided by the verification centres of a "lead-nation", i.e. a Party to the CFE Treaty. Planning and co-ordination was the responsibility of the Verification Co-ordinator.

Responsibility for inspections was subsequently transferred to the Parties to the Agreement,<sup>23</sup> which since then have been entitled to request and conduct inspections by themselves. However, co-ordination has remained with the Verification Co-ordinator. Also, the OSCE has continued to be represented by three international inspectors in each inspection team, and until the end of 1997 was still entitled to conduct 40 per cent of all possible inspections.

Verification of the *Agreement on Sub-Regional Arms Control* follows a similar procedure. It has come even closer to the CFE regime, as the purpose of the Agreement is closer to the CFE Treaty. Accordingly, the purposes of verification are more limited than in the Article II Agreement. Inspections had to verify

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19 In contrast, the Agreement on Sub-Regional Arms Control gives too little consideration to the local situation but was transferred from the CFE Treaty practically unchanged. For example, Article 2 of Chapter III of the Protocol on Inspections provides that inspectors should be "nationals" of the Parties to the Agreement. This term, however, is not applicable to the entities and is in contradiction to the terminology of the constitution of Bosnia and Herzegovina, as enshrined in the Dayton Agreement. The appropriate term would have been "citizenship", both with respect to the state and the entities; Dayton Agreement, Annex 4, Article I, para. 7.

20 For example, during the negotiations on Confidence- and Security-Building Measures, a simplified term of "Object of Inspection" was introduced which in the pertinent Protocol was defined geographically (Annex 2, Protocol on Information and Verification, Chapter III, Pt. 1 C). A less clear definition in the Protocol on Verification, and a deviating interpretation by the Verification Co-ordinator and the international inspectors finally tended to apply the term to individual military units, which consequently led to problems in the notifications and verification of such "objects".

21 In total, as of 31 December 1997, 131 Objects of Inspection were inspected; Report on Implementation; see above.

22 Cf. Protocol on Verification, Chapter I, Section II, para. 7 (A).

23 Cf. *ibid.*, para. 7 (B).

- the baseline data until 31 October 1996;
- the reduction of AIA during the following two reduction phases (1 November 1996 until 31 October 1997);
- the results of the reduction processes - i.e. reduction down to the agreed ceilings;
- the continued compliance with agreed ceilings.

A further essential difference has to be seen in the rather limited role of the OSCE under Article IV. First, the Personal Representative is not entitled by himself to request inspections. Secondly, there are no provisions whatsoever for any OSCE inspection teams in the proper sense.

### *Experiences and Evaluation*

#### *General Experiences and Evaluation of Implementation of the Agreements*

The experiences after two years of implementation of both agreements allow for some cautious optimism, but they also indicate some worrisome tendencies and trends.

The first Review Conference in February 1998 on the Agreement on Confidence- and Security-Building Measures was a good occasion for stock-taking.<sup>24</sup> In many instances it confirmed earlier observations. Initial problems had in many cases been caused by organizational, administrative, or technical shortcomings rather than the Parties' lack of political will. Frequently, there were delays and missed deadlines, and occasionally also a lack of implementation in substance. However, in most cases it was possible - not least by a certain degree of flexibility in application of the pertinent provisions - to solve emerging problems on-site, before they could grow into disputes. Thus, with respect to the measures of an obligatory character, even at an early stage a relatively positive implementation pattern emerged.

There was, however, a significant lack of willingness to apply the non-obligatory measures in the area of contacts and co-operation. Thus, the OSCE Mission in 1996 and 1997<sup>25</sup> organized seminars on confidence-building subjects for the Parties to the Article II Agreement. They were to serve two purposes: on the one hand, to establish and deepen contacts between the

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24 The following assessment has in parts been based on the author's earlier analyses for the Office for Regional Stabilization, and on the Report on Implementation of the Agreement by the Chairman of the Joint Consultative Commission of 10 December 1997, which served as a working paper for the Review Conference in February 1998.

25 When the Personal Representative, the Deputy Head of Mission for Regional Stabilization and his Adviser on Confidence- and Security-Building Measures had changed, the practice of organizing seminars was discontinued for the rest of 1997 and early 1998.

political and military elites of the Parties to the Agreement; on the other hand, to make them better acquainted with the subjects concerned. The following seminars were subsequently organized:

- a seminar on democratic control of armed forces (December 1996); the subject was intentionally selected to address pertinent deficiencies of the Parties;
- a seminar on regional arms control (February 1997); it was to make the Parties better acquainted with the role of regional arms control in the overall context of arms control and confidence-building in Europe, in particular with reference to the idea of an open-skies regime;
- a seminar on military doctrines (June 1997); in analogy to earlier CSCE/OSCE-wide seminars it was intended to lead to more openness and transparency with respect to the respective military doctrines, which indeed succeeded.

Against the background of experience gained, the following implementation assessment for the Agreement on Confidence- and Security-Building Measures might be undertaken:

- the quality of exchanged military information has consistently improved. Exchanged information until mid-1997 did not yet contain any indication on notifiable reserve, police and similar forces, but additional information was requested and finally provided. Also in mid-1997, a breakthrough was achieved in the notification of weapons manufacturing capabilities which had until then been a contentious issue due to a differing interpretation of that term by the Republika Srpska.
- Establishing of the Military Liaison Missions in both entities has finally been achieved, leading to the agreed presence - albeit not yet continuous - of the Missions as military representatives to the other entity. In addition, the regular meetings of the Missions under chairmanship of the OSCE, although in no way foreseen by the Agreement, have developed into a crucial pillar of confidence-building between the Parties.
- Inspections could be conducted successfully, after initial complications, and confirmed *grosso modo* the exchanged military information;
- Parties in the course of 1997 have undertaken first steps with respect to non-obligatory measures. For example, the Federation invited the Republika Srpska and the OSCE to visit a weapons depot for armaments provided under the "train-and-equip" programme, which formally was not yet notifiable under the terms of the Agreement. In a similar way, both sides organized visits to weapons manufacturing capabilities.



There are, however, some remaining deficiencies to be addressed:

- different standards in information exchange and in the use of agreed formats;
- inadequate information exchanges on defence planning where Parties still lack the basics;
- neglecting the necessity for information exchange and notification, whenever similar or identical information has already been exchanged under the Article IV Agreement, or notified to SFOR; the Parties tend to mix up the different regimes;
- in a similar way, neglecting concrete notification of military activities, whenever they had already been subject to notification in the Annual Calendars;
- direct communication links between the headquarters of the two entities' armed forces have not yet been established and have had to be "subsidized" by using the OSCE Mission as a kind of go-between.

In a further step, an implementation assessment by the Chairman of the Joint Consultative Commission also criticizes the fact that communication between the Parties is mainly conducted in the local languages but not in English. This criticism appears misguided, however, for several reasons. First, both the text of the Agreement and the pertinent Protocol on Communication make clear that English and the local languages are equal, and that there would be no preference. Secondly, Bosnian, Croatian and Serbian are quite close to each other, and the use of local languages would be less prone to mistakes within direct communication between the Parties, than a translation and re-translation into and from English. Thirdly, however, the criticism appears to ignore that the main purpose of the Agreement and the measures therein is to build confidence *between the Parties* which would make the demand for such an unnecessary translation even more absurd.

It had therefore been understood, both during the negotiations and in the initial phase of the OSCE's operation, that no such translation would be required. However, this kind of understanding has apparently got lost with increased dominance by native English speakers, and a simultaneous decline in the willingness to understand the local situation (including the languages).<sup>26</sup>

The *Agreement on Sub-Regional Arms Control* had a clearly defined objective in achieving reduction to the agreed limits, which it proved possible to realize after some delays, on 21 November 1997, with 6,580 items of military

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26 In contrast to most other mission members, both the author and his deputy in the Office's analysis section had extensive knowledge of the local situation, including the local languages. After both had left the Mission in February and July 1997 respectively, there was no more adequate replacement.

hardware eliminated. The residual holdings are subject to further verification, which should be completed by 1 June 1998. In the future, any further changes in holdings have to be notified, and exchanged information will be subject to further verification.

Implementation of the Agreement during its initial phase was delayed due to the broader participation and the higher complexity caused thereby. This refers in particular to the equal participation of three sovereign states and two non-state entities (but with partial subject status under the Agreement), which on the side of Bosnia and Herzegovina led to the - partly justified, but also exaggerated - fears that the Republika Srpska could claim full statehood.

Thus the Federation for some time saw reason not to establish the required "Points of Entry/Exit" for inspection teams along the inter entity boundary line, which led to delays with the scheduled inspections. It also concerned the conduct of inspections by Bosnia and Herzegovina,<sup>27</sup> as the Republika Srpska for quite some time refused to participate in mixed inspection teams of Bosnia and Herzegovina, while the Federal Republic of Yugoslavia, for its part, would not have accepted such inspections without participation of the Republika Srpska, etc.

In substance, problems similar to the implementation of the Agreement on Confidence- and Security-Building Measures could be identified:

- exchanged information tended to be incomplete. Furthermore, there was substantiated suspicion that the Republika Srpska would have taken excessive advantage of exception clauses - a problem which could be solved only by a more stringent definition of these provisions;
- the above-mentioned political questions led to delays in the baseline validation and thereby to a backlog in the beginning of the reduction process as well as in completing its first and second phases in time.

#### *Practical Experiences and Evaluation of the Inspection Regime*

Reliable verification of agreed obligations is a cornerstone for military stability. The conduct of inspections is thus a core matter where the Parties as well as the international inspection teams representing the OSCE can directly contribute to building mutual confidence, but also to objective military security. Their professionalism thus constitutes a main pillar of the Agreements' durability.

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27 For a detailed discussion of these issues, see Hartmann, OSCE Yearbook 1997, cited above (Note 7), pp. 275-276. His view, however, that Bosnia and Herzegovina should not be entitled to conduct inspections in Croatia and Yugoslavia, as she had "no armed forces of her own" is incorrect. Possession of armed forces is not a criterion under the Agreement for requesting and conducting inspections.

Practice has proven that inspection teams, both of the Parties concerned and of the OSCE, have in general lived up to expectations on the technical level, but there were also some shortcomings to be registered. It is quite natural that the Parties had difficulties, in particular in the initial phase when the first inspections under the Agreement on Confidence- and Security-Building Measures were to be conducted as early as March 1996. They were in part rooted in lack of acquaintance with the inspection procedures, but also in a continuation of enemy images from the war which had been terminated less than half a year earlier. Furthermore, during this period the then military leadership of the Republika Srpska, which was still controlled by General Mladic, frequently attempted either to be at least implicitly accepted by the OSCE as an equal partner,<sup>28</sup> or to undermine the beginning process of co-operation between the two sides and the OSCE. It was possible, however, to overcome these problems, not at least thanks to the training and increased professionalism of inspectors from both entities.

Subsequently, however, complaints by the Parties increased against the actions of international inspection teams, as they appeared to indiscriminately follow the established procedures of CFE inspections, without considering the differences under the Article II Agreement, compliance with which they were supposed to verify. The teams had, so to say, acted too professionally for their purpose.

In a similar way, teams were not always aware of the particular situation on the ground, as, for example, the *de facto* division of the Federation's armed forces into a Croat and a Muslim component.<sup>29</sup> Although in some cases one could assume that the local Parties used such complaints to deflect blame from their own mistakes towards the representatives of the international community in general, and the OSCE in particular, there still remains a hard core of ignorance on the side of international inspection teams that were put at the OSCE's disposal only for a limited period every time.

#### *Experiences and Problems in the Office's Work*

The Office's work proved to be complicated, in particular during the initial phase, mostly because of the complex pattern of subordination. On the one hand, it was part of the OSCE Mission to Bosnia and Herzegovina. On the other hand, it had been given an auxiliary function for the Personal Representatives and subordinated to them. Finally, the establishing of the Verifica-

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28 This could not be accepted by the OSCE Mission as the Dayton Agreement has excluded any person indicted by the International Tribunal on Former Yugoslavia from public offices, which would also include any leading military position; General Framework Agreement, Annex 4, Article IX, para. 1

29 The author, while accompanying an inspection in the Federation, witnessed such a mistake, which resulted in the hectic - and unsuccessful - search for a unit of the (Croatian) HVO in the information exchange on the (predominantly Muslim) "Armija".

tion Co-ordinator in Vienna and of a Verification Operation Section (VOS) within the Office complicated the situation further, as the VOS tended to perceive itself as directly subordinated to the Verification Co-ordinator, and to bypass the Mission as well as the Head of the Office.<sup>30</sup>

Further shortcomings were caused by the rather short terms of service of the VOS members, all of whom came from NATO countries. In contrast to other mission members who as a rule served at least six months and, in most cases, significantly longer, the VOS members were as a rule deployed no longer than four months. Their professional background enabled them to act professionally within their narrow technical tasks, but time was too short to develop even a minimum understanding for the local situation, or any kind of "corporate identity" with the OSCE Mission.

They remained mentally locked within their own verification agencies and frequently tended to perceive their assignment to the Mission as an unwelcome interruption of their supposedly more important tasks in verifying the CFE Treaty. This, in turn, frequently led to arrogance vis-à-vis other members of the Office, in particular those from non-NATO states, even when the latter had a comparable background in their respective verification centres. It also caused a lack of understanding vis-à-vis the representatives of the local Parties.

Unfortunately, similar tendencies were not alien to other members of the Office, even when they served longer terms, in particular when they had the same background of professional arms control inspectors and thus a similar inclination to perceive their role exclusively from that perspective. Also, some exhibited a distinct lack of "corporate identity" with the OSCE and an unwillingness to understand the Organization. For example, a leading officer refused to wear what he called the "scrappy" yellow beret of the OSCE. Another striking example is the Office's contribution to the Mission's Annual Work Programme for 1998 which in its original version<sup>31</sup> stated that the Mission would undertake "the beginning of the process towards the establishment of a Forum for Security Co-operation whose aim will be the establishment of a regional arms control regime in and around former Yugoslavia", ignoring the fact that the FSC has been an OSCE institution since 1992.

Finally, the frequent rotation of personnel has led to a situation where the local representatives of the Parties have increasingly accumulated more knowledge, due to their continuous work in the matter, and have increasingly become more competent than the OSCE's frequently rotating representatives, who have to make themselves acquainted with their new functions, in many

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30 A major reason for this tendency could be seen in the common professional background of the VOS officers and the Verification Co-ordinator, all of whom had come from the verification agencies of major NATO states.

31 CIO/FR/7/97; 24 October 1997, p. 12. The quoted wording was then eliminated in the revised version.

cases without adequate background knowledge about the area and the concrete developments since the signing of the Agreements. The Mission - at least in its military component - thus runs the risk of becoming increasingly marginalized and meaningless. This might be a natural development and should be unproblematic as long as the process of confidence-building and military co-operation between the Parties became self-sustaining. As long as this has not been achieved, however, and the OSCE's assistance on the spot is still required, these tendencies need to be resisted.

#### *Prospects for the Article V Negotiations*

The Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina constituted the first step towards military stability in that area of the war theatre in former Yugoslavia. Its implementation demonstrated that it was possible, despite understandable problems in its initial phase, to create a basis of mutual confidence between former belligerents in a relatively short time. This had been, *inter alia*, achieved by the active role of the OSCE and its Mission on the ground, which frequently had to act as catalyst, mediator, and mentor for implementation.<sup>32</sup>

At the same time, however, a basis was laid for the subsequent negotiations and agreements on arms control. Stability within Bosnia and Herzegovina and openness as well as verification of armed forces in that area paved the way for concluding the Agreement on Sub-Regional Arms Control, which - in turn - should create the conditions for further arms control efforts in South-eastern Europe

*Table IV*

MANDATE	SPACE	TIME	ROLE of the OSCE
<i>Art. II</i>	Bosnia and Herzegovina	concluded <i>short-term</i>	active in all areas
<i>Art. IV</i>	BiH, Croatia, FRY	concluded <i>mid-term</i>	limited to assistance in verification
<i>Art. V</i>	"in and around" former YU	negotiations to begin 1999	???

While in the step-by-step development from Article II to Article IV and Article V the zone of application has thus geographically widened, at the same time the active role of the OSCE appears to be diminishing. It was, apparently, a necessary condition - in particular at the initial stage when the proc-

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32 It proved a good thing that the first Deputy Head of Mission for Regional Stabilization to lead the Office for Regional Stabilization, General Per Skov-Christensen (Denmark), had a long-standing professional experience with peacekeeping.

ess of confidence-building could hardly have taken off without the active participation of an impartial third party. It was still indispensable in the subsequent development, especially in Bosnia and Herzegovina, and in particular in helping to overcome the obstacles to implementation of the agreements that had been reached. However, the Agreement on Sub-Regional Arms Control no longer foresees - despite the explicit wording of its mandate in Article IV - any active role for the OSCE, as no consensus could be reached. Even less may be expected in this respect under Article V, as its wording is even less concrete, and would leave even less room for an active OSCE role. The Copenhagen text on the future negotiations under Article V has, in general, remained rather vague. However, it gets more concrete when it demands that existing arms limitations under the CFE Treaty or the Article IV should not be affected by negotiations under Article V.<sup>33</sup>

This would refer to the majority of potential participants with exception of Albania, Austria, Macedonia and Slovenia.<sup>34</sup> Thus, there remains only little room for negotiations on limitations. On the other hand, the Copenhagen Decisions explicitly refer to a "broad security dialogue" as "a significant element in establishing regional stability", and to "the development of CSBMs and other appropriate measures (...) and information exchange and verification activities", which could indicate a shift in emphasis towards "soft arms control", at least in the first instance. A possible structure might thus be seen in a staged approach, with emphasis on establishing a CSBM regime in the first step.<sup>35</sup>

Another factor that might influence the future negotiations is the development of the Kosovo-crisis. On the one hand it could be expected that a further escalation - possibly going as far as a direct confrontation between Albania and the Federal Republic of Yugoslavia - might drastically reduce the inclination of these states to enter into negotiations with each other on confidence-building or arms control. On the other hand, the threat of possible escalation might serve as a catalyst for both sides to enter into negotiations in

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33 "In particular, Article V should not alter obligations under the CFE Treaty or under the Article II or Article IV Agreements"; Sixth Meeting of the Ministerial Council, cited above (Note 10), Decision No. 2, last paragraph, p. 443. However, reference to Article II appears redundant as the pertinent provisions of the Copenhagen Decisions explicitly exclude any role of the entities and "affirm that Bosnia and Herzegovina must be represented by a single delegation appointed by the common institutions at all Article V related negotiations"; *ibid.*, para. 5, pp. 442-443.

34 It was exactly for that reason that Austria has for a long time hesitated to join the negotiation process, with a possible change only parallel to the shift indicated by the Copenhagen Decisions.

35 An example of such a staged approach can be seen in the Madrid Follow-up Meeting's mandate for the Conference on Confidence- and Security-Building Measures and Disarmament (CDE) which provided for the first phase to negotiate and adopt "a set of mutually complementary confidence- and security-building measures" without, however, indicating what the second phase would have to aim at. On the idea of a staged approach see also Hartmann, *OSCE Yearbook 1997*, cited above (Note 7), pp. 279-280.

order to head off a confrontation none of the sides should be interested in. It would thus directly depend on the political will of both sides, as well as other interested states, to co-operate and to begin negotiations in time, in order to achieve meaningful results.

Framework and Time-Frame for Negotiations under Annex 1-B

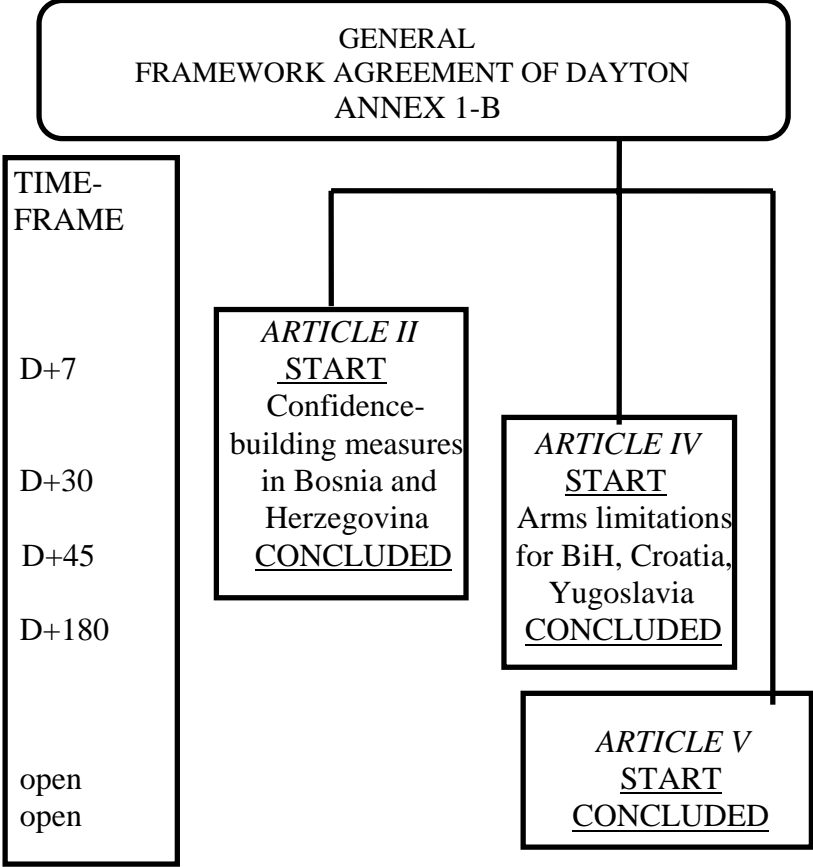




Chart II

Foreign/Diplomatic Relations

and  
Special Relations  
under the Article IV Regime

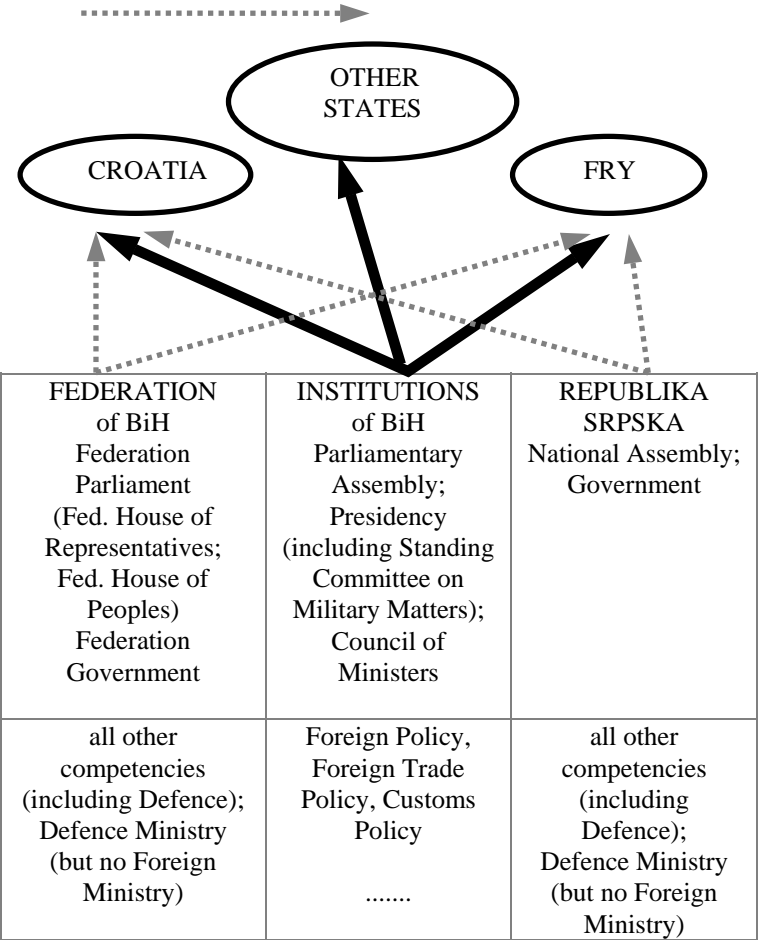
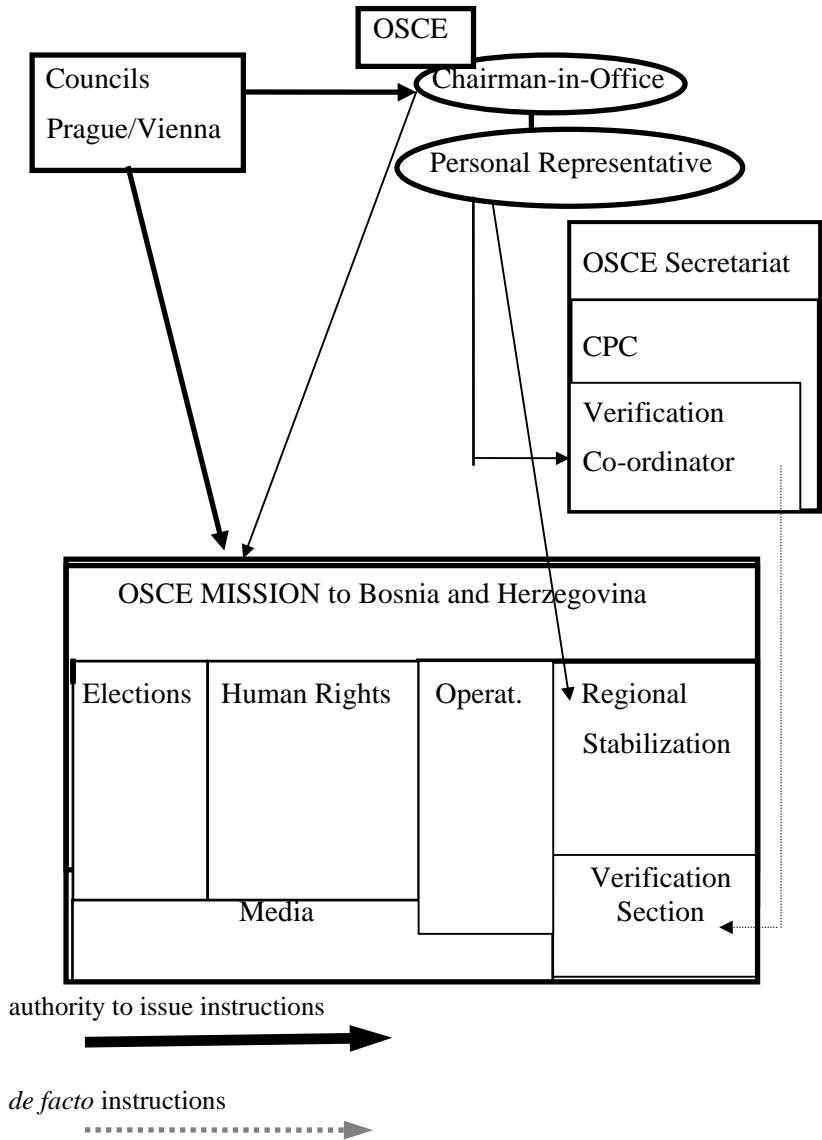


Chart III

Position of the OSCE Mission, the Office for Regional Stabilization and the Personal Representative and the Verification Co-ordinator





## Prevention and Regional Security: The Royaumont Process and the Stabilization of South-Eastern Europe<sup>1</sup>

The situation in South-eastern Europe is extremely unstable. Almost three years after the Dayton Peace Agreement, nationalism and secession still threaten to bring the Balkan powder-keg to the point of explosion. In Bosnia and Herzegovina, what narrow-minded ideologues and ice-cold power politicians both in and outside the country want to hold apart cannot grow together. The "Albanian question" is holding the Federal Republic of Yugoslavia (FRY), Macedonia, Greece and Albania in suspense. Behind it lurks the "Macedonian question", which also involves Bulgaria. Finally, Turkey is also involved in a variety of ways - through the Bosnia conflict, the Greek-Turkish conflict, the Cyprus conflict and the Kurdish conflict. The issues in all of these conflicts are minorities and/or borders. Bosnia and Herzegovina and the FRY are at the centre of events because it is there that we will see demonstrated whether the fundamental principles of European security that have been accepted since the CSCE Final Act of Helsinki - that borders may not be changed by force of arms but only through peaceful agreement, and that human rights must be observed - still prevail.

It is generally not disputed that for a long time the international community of states failed to deal effectively with the Yugoslavia conflict. The European Union (EU), in particular, was accused of having done nothing or too little. Whatever one may think of this criticism, the banal observation that armed conflicts lead to high political, economic and moral costs, even in countries that might appear not to be affected, was once again proven correct. For that reason, the EU countries wanted, after the end of the war, to become all the more deeply involved in building structures of peace in former Yugoslavia and working for the stabilization of South-eastern Europe. One way they did this was through the Royaumont initiative, which has received no public attention at all.

This initiative, whose impetus came from the Pact on Stability in Europe of 1995 which was put under the aegis of the OSCE, is intended as a preventive measure to contribute to the consolidation of peace in the area of conflict and to regional stabilization in South-eastern Europe. Thus this article will deal first with the Stability Pact. It will then go into the Royaumont initiative and

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<sup>1</sup> This article is based on a study done for the Conflict Prevention Network (CPN) of the EU's Centre for Analysis and Evaluation.

the other regional stabilization efforts related thereto. It concludes with a comparative evaluation and a number of recommendations.

### *The Pact on Stability as the Predecessor of Royaumont*

The Pact on Stability in Europe originated with a 1993 initiative of the French Prime Minister, Eduard Balladur, which in modified form was implemented by the EU Foreign Ministers as the first "Joint Action" under the Common Foreign and Security Policy (CFSP).<sup>2</sup> In view of the dramatic events in Yugoslavia, this initiative aimed at making a preventive contribution to the stabilization of Europe by strengthening the democratic process, expanding regional co-operation, settling minority issues, and guaranteeing the inviolability of frontiers. In particular, those countries which had not yet entered into any agreements on co-operation and good-neighbourly relations were to be encouraged to do so. The main addressees were the Central and Eastern European countries associated with the EU.<sup>3</sup>

The project began in early 1994 with an Inaugural Conference in Paris which, in addition to EU members, was also attended by the other OSCE States as well as representatives of NATO, the WEU, the United Nations and the Council of Europe. Two "round tables" were created at which "interested states" were to discuss regional stability problems with the help of third parties and settle them by mutual agreement. Participants at the round table for the Baltic states were the three Baltic states, the members of the Council of the Baltic Sea States, the United States, Canada, Iceland, and Belarus as well as representatives of the OSCE and the Council of Europe. Those sitting at the Central Eastern European round table were Bulgaria, the Czech Republic, Hungary, Poland, Romania, Slovakia, and, in addition, the neighbouring states - Slovenia, Ukraine, Moldova and Turkey - as well as the United States, Canada, Switzerland and representatives of the OSCE and the Council of Europe. The EU held the chair at both tables. One year later this project was to develop into the Pact on Stability in Europe which was put under the aegis of the OSCE.

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2 Here we will describe only the basic outline of the Pact on Stability - which should not be confused with the German initiative of the same name relating to the Economic and Monetary Union. For a detailed analysis see Hans-Georg Ehrhart, EU, OSZE und der Stabilitätspakt für Europa: Präventive Politik als gemeinsame Aufgabe [EU, OSCE and the Pact on Stability in Europe: Preventive Policy as a Common Task], in: *Integration* 1/1996, pp. 37-48; Pál Dunay/Wolfgang Zellner, The Pact on Stability in Europe - A Diplomatic Episode or a Lasting Success?, in: *Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1995/1996*, Baden-Baden 1997, pp. 299-312.

3 Bulgaria, Czech Republic, Hungary, Poland, Romania, Slovakia, Estonia, Latvia and Lithuania. Slovenia was added later.

The Stability Pact was adopted in March 1995. It has three parts. A declaration reaffirms the principles of good neighbourliness and European stability. The OSCE is given the task of serving as a collection point for the agreements and monitoring their implementation on a voluntary basis. The second part consists of a list of more than 120 treaties, agreements and declarations, most of which had been signed before the conference process began. The only new agreement concluded before the Concluding Conference was the treaty between Hungary and Slovakia. The third part is made up of an Annex which contains project proposals from the nine interested countries and financial assurances from the EU. These projects, which include such matters as language courses for the Russian population in the Baltic states, improvements in the transportation infrastructure and border-crossing environmental projects, are intended to promote in practical ways the objectives of the Pact. Four months later the Permanent Council of the OSCE adopted initial guidelines for the follow-up of the Stability Pact. Most of them deal with the regional round tables, which are considered to be useful for addressing regional issues and promoting the objectives of the Stability Pact. The instruments and procedures of the OSCE are available for review and implementation of the agreements. The Chairman-in-Office of the OSCE is to report regularly to the Permanent Council on the two existing ones as well as on possible new regional round tables. Participants in relevant projects are also invited to inform the Permanent Council periodically about their progress. Since that time things have become quiet with regard to the Stability Pact. Neither of the round tables met again and the OSCE limited itself to establishing a working group on the subject at the review conference on 18 November 1996. In addition, the EU Presidency presented a report on implementation of the accompanying measures which are financed by the PHARE programme. According to it, there are altogether thirty-eight measures which have been initiated or are still going through the approval process.<sup>4</sup> Finally, the OSCE put together a register of the agreements and arrangements which had been deposited as of 25 October 1996.<sup>5</sup> It would be wrong, all the same, to disparage the political effects of the Pact on Stability. After all, Romania and Hungary succeeded after a year and a half in ratifying a treaty on the fundamentals of their relations. The relationship between the Baltic states and Russia improved. Other initiatives were

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4 These measures are divided amongst the following fields of activity: "Regional Trans-border Cooperation" (15), "Questions relating to Minorities" (4), "Cultural Cooperation, including language training" (7), "Economic Cooperation in the Region" (3), "Legal Cooperation and Administrative Training" (4) and "Environmental Problems" (5). Cf. REF. PC/96, 25 June 1996.

5 Cf. OSCE, Register of Agreements/Arrangements Deposited with the OSCE Pursuant to the Pact on Stability in Europe, Status as of 25 October 1996.

proposed to promote good-neighbourly relations.<sup>6</sup> The network of linkages in Central and Eastern Europe, as well as between various international organizations, made some progress, and new structures for dialogue have been developed. NATO took over the EU rationale, which underlies the Stability Pact, that minority and border conflicts must be eliminated before a country can become a member. As a consequence, the countries mainly concerned in the Pact behaved in a co-operative manner and settled many of their problems on a bilateral basis.

### *The Royaumont Initiative*

Following adoption of the Pact on Stability in Europe and its transmission to the OSCE, EU members sought to turn their attention to the question of medium- and long-term stabilization on the territory of former Yugoslavia. This conflict had been deliberately excluded from the area of applicability of the Stability Pact because at the time this initiative was started it had already escalated into violence. The Stability Pact was, as it were, the first field trial for preventive diplomacy within the framework of the CFSP. The experience gained thereby was to be applied to the stabilization of the precarious peace following the end of fighting in Bosnia and Herzegovina.

Once again it was France that pushed this idea for the Balkans by proposing the opening of a regional round table for South-eastern Europe. Paris wanted to use the momentum provided by the adoption of the Stability Pact in March to move ahead with an initiative which was, after all, of French origin. Germany agreed in principle but, with the Dayton process under way, wanted - out of consideration for the US and for its own overburdened diplomatic resources - to avoid any parallelism that might have been perceived as European competition with the American-led peace process for former Yugoslavia. Ultimately, the Europeans were assigned a difficult responsibility at the London Implementation Conference of 8/9 December 1995 - one which was to tax their resources to the full. The EU was to support the OSCE in the democratization of Bosnia and Herzegovina and, along with the World Bank, bear the main responsibility for reconstruction of the country. Accordingly, Carl Bildt, the EU Representative for Bosnia, was also appointed as High Representative for the implementation of the civilian aspects of the Dayton

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6 See, for example, the Final Statement by the President of the Republic of Lithuania and the President of the Republic of Poland at the Vilnius Conference "Coexistence of Nations and Good Neighbourly Relations - the Guarantee of Security and Stability in Europe", PC.DEL/16/97, 10 September 1997, or Contribution of the Delegation of Malta to the Discussion of a Pact for Stability in the Mediterranean, REF.PC/290/96, 7 May 1996.

Agreement and shortly thereafter confirmed in this position by the Security Council of the United Nations.<sup>7</sup>

Following bilateral German-French consultations, the idea of a new stability pact was discussed in the EU and subsequently proposed in a larger international framework. On 13 December 1995, shortly before the formal signing of the peace plan agreed upon in Dayton, a meeting was held in Royaumont near Paris which included the Foreign Ministers of the 15 EU members, representatives of the five successor states that had emerged from the former Yugoslavia as well as of the four neighbouring states that do not belong to the EU, the United States, Russia, the Council of Europe and the OSCE - the latter represented by the Chairman-in-Office, the Secretary General and the High Commissioner on National Minorities. The EU was represented by Italy, which at that time held the Presidency.<sup>8</sup> There, on the basis of a platform presented by the EU,<sup>9</sup> the "Declaration on the Process of Stability and Good Neighbourliness", which started the so-called Royaumont Process, was adopted.

This Process belongs within the framework of the Paris peace conference. Its objective is to contribute to long-term stability and good neighbourliness in South-eastern Europe and thereby to the building of a "new Europe, a Europe of democracy, peace, unity, stability and good neighbourliness".<sup>10</sup> This approach is designed to support the peace plan and give it a long-term perspective without, however, distracting from its immediate tasks. The concern already mentioned, that the Dayton process might be damaged by the EU initiative, was dealt with by a clear statement of priorities in the Declaration of Royaumont. Accordingly, the objective is to establish a long-term process, to be jointly executed, to supplement the security and arms control provisions of Dayton by coming up with ideas for "the improvement or progressive restoration of dialogue and confidence, the prevention of tension and crises, reconciliation, regional cooperation, economic reconstruction and good neighbourliness".<sup>11</sup> Initially, the area of application is to be limited to the territory covered by the peace agreements. Every state and every organization is called upon "to contribute to the exercise in accordance with its

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7 The High Representative is Chairman of the steering board of the Peace Implementation Council. Furthermore, the steering board comprises representatives from the G-8 countries, the Organization of the Islamic Conference, the EU Presidency and the European Commission. Cf. Conclusions of the Peace Implementation Conference held at Lancaster House, London, on 8 and 9 December 1995, United Nations Security Council, S/1995/1029, pp. 5f. and 9-11 (quoted S/1995/1029).

8 The European Commission was not represented.

9 Cf. European Union, Process of stability and good neighbourliness in South-East Europe: Platform for the Development of the Process, hectographed Ms.

10 Declaration on the Process of Stability and Good Neighbourliness, Royaumont, 13 December 1995, hectographed Ms.

11 Ibid.



wishes and capacities".<sup>12</sup> As in the Pact on Stability in Europe, the prospect is held out of arrangements for the financing of transborder projects, which are to be worked out in more detail at "identification meetings". However, it is not the intention of the Royaumont initiative to provide economic reconstruction assistance or to promote infrastructure projects. Rather, it is designed as a political process which, in symbiosis with the regional approach of the EU and in co-operation with other regional initiatives,<sup>13</sup> aims at normalizing inter-state relations and supporting civil societies.

These ideas, explicitly inspired by the Pact on Stability in Europe, are to be carried forward by the OSCE as soon as it has established a "regional round table for stability and good neighbourliness in South-eastern Europe" in which all countries of the region participate on an equal basis. The idea raised in Paris of institutionalizing this new project as an "open-end-operation" within the OSCE was unable to achieve consensus. The status of the FRY, whose OSCE participation has been suspended since 1992, was in itself enough to argue against such a procedure. Cancelling the suspension was considered inadvisable because it represented the most important incentive the OSCE could offer for a more co-operative policy from Belgrade and also because refusing participation rights prevented a possible policy of obstruction on the part of the FRY. All the same, there was full agreement that the OSCE would be invited to future meetings and the EU began to give thought to how the OSCE presence could be given more emphasis - say, by providing secretariat services for the group of countries involved in the Royaumont Process.<sup>14</sup>

While implementation of the civilian portions of the Dayton Agreement proved to be extremely difficult, the Royaumont Process, begun in parallel with it, never really got going. Following adoption of the Declaration of Royaumont in December 1995, four meetings had been held by early 1997. At the first of them, on 24 April 1996 in Vienna, the participants made clear that this undertaking did not involve reconstruction programmes or security co-operation but was aimed, rather, at a comprehensive process of stabilization comprising political, civil, cultural and information-related aspects of establishing good-neighbourly relations and subregional co-operation. There was, in addition, support for regular meetings. Ultimately the EU Presidency took on the task of providing a temporary contact point for the Royaumont initiative.<sup>15</sup>

Otherwise, the results of the first four follow-up meetings under the Royaumont Process were rather meagre. Participants stressed the importance of the

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12 Cf. Platform, cited above (Note 9), p. 2.

13 See below.

14 Cf. Platform, cited above (Note 9), p. 1.

15 Cf. Process of stability and good-neighbourliness in South-East Europe, Identification Meeting, Vienna, 24 April 1996, Chairman's summary, hectographed Ms., pp. 1-2.

process, reported on other regional initiatives and activities for stabilizing the region, recalled the pioneering function of the Royaumont Process in connection with a new round table for stability in South-eastern Europe under the auspices of the OSCE, and announced the next meeting. Even so, this approach provided a forum for exchanging information on the various bi- and multilateral initiatives in the region, and for joint consideration of projects to promote stability, at which all interested actors, including the FRY, could participate on an equal basis. Initial contacts were made and information exchanged between the various regional and subregional initiatives. The fact that the value and potential of regional co-operation were being given more and more attention was a hopeful sign. At the same time, the information exchanges needed to be improved. It was still not possible to speak of co-ordination and, as a consequence, synergy effects were precluded.<sup>16</sup>

The first progress came at the fifth follow-up meeting which took place in Turkey on 27 October 1997. Worthy of first mention is the decision finally to establish the position of co-ordinator and to set up a small secretariat for the Royaumont Process. At first the EU countries were unable to agree on a person for this task. Among those considered were the Austrian Co-ordinator of the Southeast European Cooperative Initiative (SECI), Erhard Busek, who would certainly have been a good choice if only for organizational reasons, i.e. because of the "double hatting", and the Greek diplomat, Roumeliotis. Since France rejected the "double hatting" with the "American initiative", SECI, agreement was reached before the next meeting on the Greek candidate.

The tasks of the Co-ordinator were also set forth. He is to be responsible for representation and further development of the Royaumont Process, for producing an initial agenda and for implementation of decisions and guidelines. In addition he is to serve as a point of contact for all participants in the Royaumont Process, governmental and non-governmental, and as co-ordinator of co-operation with other regional and subregional initiatives. Furthermore, he is responsible for identifying, planning and organizing border-crossing projects and programmes in the fields of culture, religion, sports, information, education, science and technology; finding sources of funding; and bringing together those social forces which can contribute to building a civil society. Finally, he is not only to establish contacts between sponsors and local projects but also with the OSCE's Special Representative for regional confidence-building and disarmament under the terms of Annex I-B, Article V of the Dayton Agreement.<sup>17</sup>

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16 Cf. also: Presidency of the European Union, Stability Pact, Stability and Good Neighbourliness in South East Europe, regional and subregional cooperation, OSCE Review Meeting, Working Group 2(a), 18 November 1996.

17 Cf. Description of Tasks of Royaumont Process Coordinator, DG E, PESC IV, No. 11629/97, pp. 2f.

The possible support programmes were, for the first time, finally being presented by a representative of the European Commission. It was clear from the beginning that the Royaumont Process was primarily a political undertaking for which no special resources would be provided. Rather, any supporting measures must be taken out of the subordinate programmes under PHARE, to the extent that the conditions for granting them are met. Outside of PHARE there is only one EU budget line for the support of democratization measures in former Yugoslavia. These very limited financial resources mainly benefit Bosnia and, to a limited extent, Croatia and the FRY as well. Because the latter two countries have so far not met the political conditions set forth in the regional concept for PHARE assistance, only these modest resources are available to them.<sup>18</sup>

Further progress was made at the sixth follow-up meeting. For the first time, Royaumont's "top-down" approach was linked concretely to a "bottom-up" civil-society element. In advance of the conference there was a meeting of journalists' organizations from eighteen participating states at which a "Media Action Plan for Peace, Understanding and Tolerance in Southeast Europe" was adopted and later welcomed by the participants in the Royaumont Process. Other NGO meetings are to be tied in with the follow-up conferences in the future. For the first time the Co-ordinator of SECI and a representative of the European Parliament took part. 45 projects were presented of which 36 meet the Royaumont evaluation standards - relating in particular to regional network-building, transborder co-operation, continuity, and small and medium size of projects.<sup>19</sup> NGOs from Greece, the FRY and Macedonia have been particularly active. Greece, Luxembourg and the Netherlands have indicated that they might be prepared to finance initial projects. Finally, the situation in Kosovo was also discussed, with representatives of the FRY and Russia presenting their familiar line that it is an internal matter of the FRY, thus highlighting their isolated position. There was, therefore, agreement within the EU that an offer by Belgrade to host the next Royaumont conference is unacceptable. For this reason, it is to take place in Tirana in the second half of 1998.

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18 Cf. Intervention by the Representative of the European Commission, EU Assistance in South Eastern Europe, Istanbul, 27 October 1997.

19 Cf. Updated Description of Programs Submitted to the Royaumont Process, April 1998, hectographed Ms. These projects, mostly proposed by NGOs, are aimed at the following fields: media (6), inter-ethnic dialogue (3), dialogue between next-generation politicians (2), academic co-operation and training (7), scholarly and technical co-operation (7), co-operation between women's organizations (3), city partnership (1), co-operation between trade unions (1), youth co-operation (1), cultural co-operation (6) co-operation on issues of business and law (2), inter-parliamentary dialogue (1), co-operation in public administration (2), environmental co-operation (3).

It was thought important to fit the Royaumont Process into a comprehensive political approach to the region of conflict. The London implementation conference for the Dayton peace plan had already mentioned the objective of normalizing relations between Bosnia and its neighbours, as well as the whole region, and of gradually establishing treaty-based relations with the EU as part of a regional approach.<sup>20</sup> And so the European Commission presented a report on "prospects for the development of regional co-operation between the countries on the territory of former Yugoslavia and Community resources available to promote this co-operation" which was approved by the Council on 26 February 1996.<sup>21</sup> The regional concept applies first and foremost to those countries that have no mandate to negotiate association agreements: Bosnia and Herzegovina, Croatia, the FRY, Macedonia and Albania. The objective is "the restoration or creation of a national framework for each of the countries in question".<sup>22</sup> From a political point of view the building of governmental structures and the promotion of democracy and the rule of law have priority. Economic objectives are, first, reconstruction of the economy, renovation of the infrastructure and the transition to a market economy as necessary conditions for the revival of economic activity.

The regional concept is seen as a way of reconciling political and economic objectives with one another. What is involved is a concept of comprehensive regional co-operation as an incentive for co-operation a) between the countries in question, b) between them and their neighbours and c) between them and the EU. As was already the case in the Platform of 13 December 1995, express assurances are given that the goal is not to "force these countries into new borders or into a new kind of Balkan Pact".<sup>23</sup> The Council also points out that the central issues in the conflict, minorities and borders, are not part of this process.<sup>24</sup>

There are two levers that are meant to make the regional approach work: the conditional offer to establish and intensify relations with the EU, and financial and technical support. The core requirement is observance of the obligations entered into in Dayton. In addition, the response to these countries' desire for close bilateral co-operation with the EU will, in every field, depend on their making parallel progress in relations with the neighbouring countries. Thus the extent of co-operation with the EU is to be decided by their willingness to engage in regional co-operation.

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20 Cf. S/1995/1029, cited above (Note 7), p. 2.

21 SEK(96) 252 endg., Brussels, 14 February 1996. All quotations from German sources are own translations.

22 Ibid., p. 2.

23 Ibid., p. 3.

24 Cf. Conclusions of the Council of 26 February 1996, 5379/96, Annex 3, p. 12.

In the summer of 1996 the President of the Commission, Jacques Santer, and the Italian Foreign Minister and then acting Council President, Lamberto Dini, visited these countries to explain the Union's concept to them. Thereafter, the Commission presented the Council with a report on "Common Principles for Future Contractual Relations with certain Countries of South-eastern Europe" which was adopted on 28 October 1996.<sup>25</sup> It clarifies once again the basic idea underlying the regional concept - that co-operation between the affected countries is an indispensable condition for the establishment of closer relations with the European Union. Long-term development is to depend more on regional co-operation than on external support.

With regard to the applicable geographic area, the Union distinguishes between two groups: Albania and Macedonia, on the one hand, and the three countries directly involved in the conflict - Bosnia and Herzegovina, Croatia, and the FRY - on the other. The first two have not been parties to the war, nor are they Parties to the Peace Agreement of Dayton/Paris. Moreover, they already have quite close relations with the EU. Finally, other institutional mechanisms and a different negotiating schedule are foreseen for the bilateral agreements envisaged with the EU "because they are not burdened by the same interdependencies or the same political conditions that apply to the other three countries".<sup>26</sup> The next agreements with Albania, with which a non-preferential trade agreement was already concluded in 1992, are to contain provisions on regional co-operation similar to those in the Treaty of Trade and Co-operation with Macedonia, which was initialled on 20 June 1996 and entered into force in January 1998.<sup>27</sup>

Because of the circumstances already mentioned it has not yet been possible to negotiate similar agreements with the other three countries; there is a prospect of them, however, with special requirements attached. These include, in particular, respect for human and minority rights, the opportunity for refugees to return, the establishment of democratic institutions, economic reforms, willingness to have co-operative relationships with each other, a high level of autonomy for Kosovo and, last but not least, full observance of the terms of the peace treaty. The future agreements will make economic and financial co-operation dependent on "these countries being prepared to co-operate with their neighbours and to develop border-crossing projects in all of the fields covered by the agreements".<sup>28</sup> It is above all the instruments of the PHARE programme that are to be used for this purpose and the plan is to

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25 KOM(96)476 endg., Brussels, 2 October 1996.

26 Ibid., p. 3.

27 Article 45 of the Co-operation Agreement states, *inter alia*, that "the willingness of the former Yugoslav Republic of Macedonia to co-operate with other countries of the region and to establish good neighbourly relations with these countries is an important factor in the development of relations and co-operation between the Community and the former Yugoslav Republic of Macedonia". Ibid., p. 11.

28 Ibid., p. 6.

extend the framework of subregional co-operation to the other countries of the region as well. Trade concessions by the EU are tied to the requirement that these countries first grant similar benefits to each other. The same applies to other fields such as services and capital movements.

The other main instrument of the EU is political dialogue. It should take place, as far as possible, at the subregional level and should bring the countries concerned together for direct conversations with each other. The first objective is a joint declaration in which all of them state their willingness to support the Royaumont initiative and acknowledge political dialogue as an instrument in this process. Beyond that, a "developmental clause" is foreseen in which the most important requirements for the further development of relations with the EU are clearly set forth. It would be supplemented by a "suspense clause" which would make it possible to discontinue the agreements and financial co-operation if the requirements were violated. The obligations would be reviewed by regular reporting and an institutionalized monitoring system. In addition to a co-operation committee, which would normally oversee the carrying out of the agreements, the establishment of a Joint Programming and Monitoring Commission (JPMC) has been proposed for regional projects in which Albania and Macedonia and other interested countries of the region would participate.

On 29 April 1997 the Council developed a strategy paper derived from the regional concept. Its centre-piece is the application of conditionality to the development of relations with the five Balkan countries with which there is as yet no association agreement. A fairly detailed scheme has been set up to prescribe what conditions must be fulfilled to attain a given level of relations and co-operation. This graduated concept distinguishes between the granting of autonomous trade preferences, the making available of PHARE resources and the development of contractual relations, as well as between general conditions that apply to all and specific ones that in various forms would be applied to the three former parties to the conflict.<sup>29</sup>

Croatia, for example, is called upon to open its border to the Republika Srpska and to demonstrate credibly that pressure is being applied to the Bosnian Croats to stop blocking the joint institutions of the Federation. Bosnia and Herzegovina must create functional institutions, establish a policy on foreign trade and customs matters, liberalize traffic in goods and capital, and demonstrate a greater willingness to co-operate in Brcko and Mostar as well as in the administration of the Federation. The FRY, for its part, must put pressure on the Bosnian Serbs to co-operate in the building of

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29 Cf. Schlußfolgerungen des Rates zur Anwendung der Konditionalität bei der Entwicklung der Beziehungen zwischen der Europäischen Union und bestimmten Ländern Süd-osteuropas [Conclusions of the Council on the Application of Conditionality to the Development of Relations between the EU and Certain Countries of South-eastern Europe], in: EU Bulletin 4/1997, 2.2.1 (quoted as: Strategy Paper).

institutions and in carrying out the terms of the agreement; it must also start a "genuine dialogue" with the Albanians in Kosovo "on a status for Kosovo within the borders of the Federal Republic of Yugoslavia" which guarantees a high level of autonomy.<sup>30</sup>

The strategy paper provides the most detailed elaboration so far of the EU's regional concept as it applies to the five affected countries of former Yugoslavia. It should be regarded as a complementary element of the political stabilization process, based on EC instruments, which, along with other regional initiatives, is meant to move that process forward. These regional initiatives will now be briefly discussed as they play a role in the Royaumont Process.

#### *The Southeast European Cooperative Initiative (SECI)*

The US began the Southeast European Cooperative Initiative in 1996. It is directed at eleven countries: the five successor states to former Yugoslavia, their neighbours (those not members of the EU), Moldova, Turkey and (as the only EU member) Greece. Croatia, however, did not sign the Statement of Purpose as it regards itself as part of Western Europe. Owing to the prevailing political circumstances, the invitation to the FRY has for the time being been withdrawn. The revocation of the FRY's suspension which was announced by the US at the beginning of 1998 has been reconsidered following the deterioration of the situation in Kosovo. SECI does not work with the entities of Bosnia and Herzegovina but only with the Federation.

In contrast to the Royaumont Process, SECI has from the beginning had a clear structure consisting of a Co-ordinator nominated by the Chairman-in-Office of the OSCE, an Agenda Committee, *ad hoc* expert meetings and related project groups, a Business Advisory Council which is responsible for contacts with private industry and technical support from the United Nations Economic Commission for Europe (ECE).<sup>31</sup> Although a small secretariat is housed in the Vienna Hofburg, where it receives technical support, SECI is not a part of the OSCE structure. It is SECI's express intention not to compete with other initiatives but to supplement them. All the same, the US initiative at first caused some astonishment in Brussels but it has in the meantime given way to a co-operative relationship. As a consequence there have been a number of co-ordination meetings that have led to an initial distribution of responsibilities and the establishment of communication arrangements. SECI seeks co-operation with other regional initiatives. Thus it proposed a meeting of the co-ordinators of SECI, the Central European

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30 Cf. Ibid.

31 Cf. Statement of Purpose. The Southeast European Initiative, [http://www.unece.org/seci\\_sop.htm](http://www.unece.org/seci_sop.htm).

Initiative (CEI) and the Black Sea Economic Cooperation (BSEC) in December 1997 and invites representatives of these initiatives to meetings of the Agenda Committee and the project groups.

SECI seeks to promote regional ties with the aim of building co-operative structures in the fields of economics and the environment. It wants to attract European and American private investment to the region and so to contribute to making it possible for the countries, by co-operating, to use their resources more efficiently. Access to international financial institutions such as the World Bank, the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD) is to be made easier, specific projects<sup>32</sup> are to be used to attract private investors and other states are to be recruited as so-called "supporting states" for individual projects.<sup>33</sup> The main objectives are conflict prevention over the long term by establishing linkages through concrete economic and environmental projects and by bringing this region closer to Euro-Atlantic structures.<sup>34</sup>

### *Other Regional Initiatives*

The oldest of these is the economic co-operation of states bordering on the Black Sea which started in February 1992. Three neighbours of former Yugoslavia - Bulgaria, Greece and Romania - are involved in it, along with two important actors in the implementation of the Dayton Peace Agreement - Russia and Turkey. At the same time, all of these countries are participants in the Royaumont Process. At a summit meeting in October 1996 the ten countries that participate in the Black Sea Economic Cooperation decided to pursue a joint policy of intensifying co-operation with the EU. The EU Commission, for its part, wants to see an intensification of regional co-operation between states bordering on the Black Sea because that will foster stability in a region which "has growing strategic importance for the European Union that will increase even more as expansion proceeds".<sup>35</sup> The Presidency of the EU,

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32 Seven projects have been proposed so far: infrastructure measures in border areas, increasing energy efficiency, promoting small and medium-sized businesses, identifying bottle-necks in the region's main transport routes, expanding natural gas pipeline systems, water treatment programmes for the Danube, regional linkages between power stations. Cf. Regional Economic Cooperation: A Bosnia and Herzegovina Perspective, Statement by Eberhard Busek, SECI Coordinator, September 1997, in: Helsinki Monitor 1/1998, pp. 54-58.

33 As of March 1997 the United States, Switzerland and Italy had declared their willingness to become supporting states. Cf. Shifter on Southeast European Initiative, in: US Information and Texts, 2 April 1997, pp. 31-33. Austria and Germany later joined this group. Cf. SECI Activity Report 1997, Vienna 1998, p. 3.

34 Cf. [http://www.unece.org/seci/seci\\_1.htm#Goals](http://www.unece.org/seci/seci_1.htm#Goals).

35 Cf. Mitteilung der Kommission an den Rat [Communication of the Commission to the Council], Regionale Zusammenarbeit am Schwarzen Meer: Aktueller Stand und mögliche Schritte der EU zur Förderung des weiteren Ausbaus dieser Zusammenarbeit [Regional Co-operation in the Black Sea Region: Current Status and Steps the EU Might Take to



along with representatives of the EBRD, the CEI and the ECE, attended the meeting of the Black Sea Economic Cooperation.<sup>36</sup>

The Central European Initiative was founded in July 1992 by five former members of the hexagonal group that collapsed as a result of the Yugoslavia conflict - Poland, Hungary, Czechoslovakia, Austria and Italy - and by the former Yugoslav republics which had just become independent - Slovenia, Croatia and Bosnia and Herzegovina.<sup>37</sup> It now comprises sixteen states, viz. (with the exception of the FRY) all of the countries of Central and South-eastern Europe, among them twelve participants in the Royaumont Process. The CEI concerns itself mainly with economic co-operation, regional political dialogue and establishing closer relations with the EU. It has a Presidency, a permanent secretariat in Trieste, and a project secretariat in the European Bank for Reconstruction and Development. In 1996 the EU members and the European Commission, which own a 51 per cent share in the EBRD, officially recognized the CEI's contribution to regional stability and since that time have been seeking closer co-operation.<sup>38</sup>

The project for a Balkan Conference on Stability, Security and Cooperation in South-Eastern Europe goes back to a Bulgarian initiative. On 6 and 7 July 1996 in Sofia the Foreign Ministers of Albania, Bosnia and Herzegovina, Bulgaria, Greece, Romania, the FRY and Turkey agreed on close co-operation in economic and security policy. In so doing, they declared their readiness to contribute to the rebuilding of Bosnia. Russia, the United States and Macedonia were not present; the EU Presidency was represented with observer status, as were Croatia and Slovenia. Just a year later the Foreign Ministers' conference of the seven states - this time participants included Macedonia instead of Bosnia and Herzegovina and observers from seventeen countries, including the members of the Bosnia Contact Group - issued the "Declaration of Thessaloniki". In it the participants announced their determination to promote good-neighbourly relations, stability and regional co-operation.<sup>39</sup>

Parallel to but independently of the conference of the Foreign Ministers in Thessaloniki, the Defence Ministers of Albania, Bulgaria, Greece, Macedo-

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Promote the Further Expansion of this Co-operation], Brussels, 14 November 1997, KOM(97)597 endg.

36 Cf. MFA-Black Sea Economic Cooperation, <http://www.access.ch/tuerkei/GRUPF/bsec5.htm>.

37 On the development of CEI, cf. <http://www.digit.it/ceinet/ceibroch/history.htm>.

38 Cf. Bericht der Kommission an den Rat über die Zusammenarbeit der Europäischen Union mit der Zentraleuropäischen Initiative [Report of the Commission to the Council on Co-operation between the EU and the Central European Initiative], KOM(96) 601 endg. of 4 December 1996, pp. 292f., and Europäische Kommission [European Commission], Gesamtbericht über die Tätigkeit der Europäischen Union 1996 [General Report on the Activity of the European Union 1996], Brussels, Luxembourg 1997, pp. 292f.

39 Cf. <http://greekembassy.org/press/bulletin/jun9/.html#1>, p. 1.

nia, Romania, Slovenia, Turkey and the United States met at American initiative in Sofia to discuss security co-operation and confidence-building measures. In the final statement NATO was described as the main force in setting up a European security architecture.<sup>40</sup> Russia was not invited, nor were representatives of Western Europe. In early 1998 the seven South-eastern European states decided to establish a multilateral peace force at brigade strength.<sup>41</sup>

Finally, at the beginning of November 1997, a summit conference of Heads of State and Government of eight South-eastern European countries was held at Greek initiative. It included the FRY, Macedonia, Albania and Bosnia and Herzegovina - the latter only with observer status and represented at the level of Deputy Foreign Minister. The participants issued a declaration in which they announced their determination to co-operate and named some of the fields on which future co-operation might focus - travel, energy supply, the fight against organized crime, drug trafficking and weapons dealing, terrorism and illegal immigration. This conference process is to be continued in 1998 with a meeting in Turkey, at which a decision will be made on setting up a secretariat.<sup>42</sup>

Of the regional initiatives listed above SECI is the most active and also the most attractive in the eyes of actors on the scene owing to the support of the United States and hoped-for investments. The other initiatives have yet to be consolidated. Either they have just got started or they have so far existed mainly on paper. The large number of recent South-eastern Europe initiatives points both to diplomatic competition and to a lack of co-ordination. Nevertheless, all of these efforts have one thing in common: they stabilize the region through the building of co-operative structures at the most various levels. To that extent they support, at least potentially, the Royaumont Process.

#### *On the Road to a Pact on Stability and Development in South-Eastern Europe?*

The Royaumont initiative is a good idea, but one which, as of the end of 1997, had not really got going. It could pick up some momentum in 1998, however, if the most recent positive indications continue and the international community shows the necessary interest. There are various reasons for the lack of success to date:

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40 Cf. Internationale Politik 11/1997, pp. 143f.

41 This US initiative, which is, so to speak, the military counterpart of SECI, has so far led to 27 follow-up initiatives. The American regionalization efforts are supplemented by bilateral supporting measures and pulled together in an action plan for South-eastern Europe. Cf. Fact Sheet on Southeast Europe Action Plan, 10 February 1998, hectographed Ms.

42 Cf. Frankfurter Allgemeine Zeitung of 3, 4 and 5 November 1997.

- Worth mentioning first is the absolute priority enjoyed by the Dayton Agreement and the extreme difficulty of making progress in the implementation of its civil aspects. Start-up difficulties, bureaucratic cumbersome and lack of co-ordination on the part of the donor countries and international organizations are partially responsible for these delays in implementation.
- However, the fact that the parties immediately affected are not meeting their responsibilities weighs much more heavily. The political leaderships of the "patronage states", Croatia and the FRY, are only reluctantly meeting the obligations with regard to civil aspects that they undertook in Dayton. The traumatized population of Bosnia and Herzegovina is slow to play its part and the political leadership of Bosnia, burdened by the legacy of war, lacks the will to co-operate within the joint institutions. The election of the moderate, Milorad Dodik, as Head of Government in the Serbian Republika Srpska in January 1998 offers an important ray of hope. Moreover, international pressure has grown since the Peace Implementation Conference of 9-10 December 1997 because the Conference strengthened the authority of the High Representative and expanded his competences.<sup>43</sup> Nevertheless, it remains to be seen whether the political and administrative conditions needed for the building of a civil society can be created in this way.
- For a long time the Royaumont Process lacked the necessary support from Western capitals where, in view of the difficult situation in Bosnia, other international events and a shortage of personnel in the foreign ministries, other priorities were being set. Moreover, it took two years before a co-ordinator dedicated exclusively to this task was appointed.
- Because the initiative has no financial resources of its own, there were no direct financial incentives. The weak financing of Royaumont projects - so far only three countries have announced that they will provide money for the initial projects - and the EU's complicated allocation system reduce the attractiveness and effectiveness of the Process.
- The conditions set forth in the EU's regional concept for participating in the PHARE programme have so far resulted in the exclusion of Croatia and the FRY. This means that one important source of financing for Royaumont projects is not available to these countries.

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43 Cf. Auswärtiges Amt [(Federal German) Foreign Office] (Publ.), Schlußdokument der Konferenz des Friedensimplementierungsrates für Bosnien und Herzegowina [Final Document of the Conference of the Peace Implementation Council for Bosnia and Herzegovina], Communication No. 1172/97 of 10 December 1997.

Preventive diplomacy is a thankless business. If it succeeds, scarcely anybody notices it. If it fails or does not take place, a conflict can escalate. The Pact on Stability in Europe of 1995 was, all in all, a successful contribution to long-term conflict prevention because it made it possible to deal multilaterally with potential sources of conflict, resolutely and at an early point.<sup>44</sup> It did not aim directly at suppression of acute tensions in Central and Eastern Europe but at improving so-called "civic security" by strengthening democracy and improving minority and human rights as well as the economic and social situation. In addition, it undertook concrete measures to promote co-operation between the affected states and the international organizations involved. The Royaumont initiative is pursuing similar goals but it has to operate in a completely different environment. After a cruel war in former Yugoslavia the first priority was the containment of the conflict and, thereafter, the consolidation of peace in Bosnia and Herzegovina.

There are other differences between the Stability Pact and the Royaumont initiative. The subjects of the Stability Pact were already associated with the EU at the time it was initiated; they have a solid prospect of attaining membership, based on their political and economic capacities, and the determination to use this option. The main countries targeted by the Royaumont initiative, on the other hand, have great difficulty in meeting the minimum political requirements for constructive relations with the EU, or are not yet prepared to do so. The Stability Pact was pursued with great diplomatic commitment; the overlapping interests of the main protagonists, France and Germany, played a role in this as did also the pressure to succeed created by a short time-frame of ten months. By contrast, the Royaumont project has so far lacked determined diplomatic initiatives. Finally, it proved possible to transfer the Pact to the OSCE without any difficulty; but a round table for South-eastern Europe within the OSCE framework will not be possible until the FRY has created the conditions under which its suspension can be cancelled. Given these differences, it is not surprising that the Royaumont initiative is slow getting out of the starting gate. The experience of the Stability Pact has shown that at least five conditions must be met for successful prevention:

1. The initiative must be supported by a core group. The EU has a special responsibility here and Germany, France, Austria, Italy and Greece, owing to their special interests, ought to provide the dynamic motive force. Close collaboration with the United States, Russia and Turkey would also be necessary.

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44 For definitions of long-term and short-term prevention and of "early" and "late prevention", see Max van der Stoep, Key-Note Speech to the Seminar on Early Warning and Preventive Diplomacy, in: CSCE/ODIHR, Bulletin 2/1994, pp. 7-13, and Gareth Evans, *Cooperating for Peace*, St. Leonards 1993, pp. 65-70.

2. Adequate instruments and financial resources must be available. They should, above all, be devoted to the building of civil societies. The "top-down" approach aimed at treaties between neighbours must be better undergirded by a "bottom-up" approach with the objective of softening "from below" the lines of division between ethnic groups and territories/states. Because the old elites do not easily abandon their traditional enemy images, more must be done to promote the development of alternative social forces. For this purpose, allocation and monitoring procedures must be decentralized and simplified. Moreover, the political conditions for granting PHARE resources should be relaxed so that social groups and NGOs from Croatia and the FRY can participate in border-crossing civil society projects. Finally, more should be done to find private sources of project financing.
3. It is indispensable that *all* actors be prepared to co-operate. This is a requirement for regional linkages and also for co-ordination of the various regional initiatives. Such co-ordination requires, in turn, a better flow of information, greater transparency and more understanding for the potential value of division of labour. If effective synergy effects are to be obtained, the participating countries, international organizations, regional initiatives, NGOs and other social actors must work more closely with one another. Owing to the complementarity of their projects, the Royaumont initiative and SECI should co-ordinate their activities particularly closely. The OSCE Secretariat could take on a co-ordinating role but would need more personnel for the purpose.
4. The principle of perseverance must be taken to heart in dealing with the parties to a conflict and also in the building of civil societies. A consistent political line needs to be followed in order to promote the willingness to co-operate on the part of the parties to a conflict. This applies to the question of positive and negative incentives as it does also to the issue of handing indicted war criminals over to the Tribunal in The Hague. If the gap between words and deeds is too great, credibility - and therewith a central element in prevention - will be undermined. The building of civil societies calls for much patience, as well. Now that the first Royaumont projects have been started it is important to push for new projects in the region and also to ensure that adequate resources are set aside for them.
5. Preventive diplomacy must be tied into a comprehensive strategy for solving conflicts and consolidating peace. As various meetings of representatives of South-eastern European countries have recently shown, the political willingness to engage in regional co-operation is increasing. New structures for dialogue are appearing which must be

consolidated and brought together. Stabilization of the surrounding region along these lines would not only put pressure on the former parties to the conflict to finally carry out the civil requirements of the Dayton Agreement, but also particularly on the FRY, which is in serious economic trouble, to be more co-operative in settling the terribly delicate Kosovo issue. Viewed in this light, the focus on the three parties to the conflict (Dayton approach) is by now falling just as short as the limitation to five Balkan countries (the EU's regional concept). Rather, stabilization efforts should more and more be directed at the entire surrounding region. The Royaumont Process provides the right framework for this. It comprises the whole area of South-eastern Europe and includes the EU, Turkey, Russia and the United States. It has hitherto had the propaedeutic function of giving the FRY a forum outside of the OSCE in which it can discuss the possibilities and advantages of regional co-operation. Belgrade has started to participate in the conferences of Foreign Ministers of the Balkan countries as well as in the regional meetings of Heads of State and Government. It has not, so far, become involved in the other initiatives. Both the CEI and SECI are open to the other countries of former Yugoslavia. For geographic and political reasons, the BSEC and the conference processes are not suitable for all. The composition of the initiatives varies and their priorities and objectives also differ. For that reason it would be advisable to tie them together in an overall political framework along the following lines:

- A first step would be to call a summit conference of all states and international organizations participating in the Royaumont Process. The goal of this regional conference would be to establish a permanent and flexible multilateral structure for dialogue in the form of a round table for South-eastern Europe. The Heads of State and Government could first pass a joint declaration on regional stability and development, and draft an agenda for a concrete work programme aimed at co-operation across borders and economic development. This programme would have to be evaluated and further developed at follow-up conferences.
- On the basis of this declaration, the various regional initiatives should be pulled together under the auspices of the OSCE into a political platform. It would be desirable to establish a connection to the talks on regional arms control because, while these will not be held within the OSCE's Forum for Security Co-operation, they will be under its "auspices".

- This process would have to lead to a Pact on Stability and Development in South-eastern Europe, also to be transferred to the OSCE as soon as the FRY meets the necessary conditions.

## The OSCE and Subregional<sup>2</sup> Co-operation in Europe

### *Introduction*

In 1997, in Copenhagen, the OSCE participating States agreed that "they will further strengthen non-hierarchical co-operation between the OSCE and other organizations within a Platform for Co-operative Security to be elaborated as an essential element of the Document-Charter (...) Based on the provisions set out in the Common Concept, they will offer the OSCE as a potential forum for interaction of regional and subregional groupings in the OSCE area, with the aim of facilitating exchanges of information and of developing a pragmatic approach to addressing challenges, including those in the field of post-conflict rehabilitation".<sup>3</sup>

Subregional co-operation has been an integral component of Western European co-operation and integration since 1945. The Benelux and the arrangements between the Nordic countries provide excellent examples of such co-operation. The post-Cold War years saw a further development of existing subregional groupings, and the emergence of several new ones, voluntarily entered into by OSCE participating States in Central and Eastern Europe, the Baltics, and in South-eastern Europe. These co-operation frameworks offer the countries of these subregions the possibility to develop and expand their mutual relations and relations with Western European partners, and to gain

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2 To define the concepts of "region" and "subregion" in the context of the OSCE poses some problems. The 1997 OSCE Copenhagen Document refers to both regional and subregional groupings without specifying the difference between those. One should note also that the OSCE is itself a regional arrangement under Chapter VIII of the United Nations Charter, and that therefore any geographically defined groups of states within the OSCE space can be understood as subregions. For the purpose of this chapter, a subregion is understood to refer to a geographically (and often also historically) coherent area within the OSCE space as a whole. However, in some contexts, particularly arms control and CSBMs, and regional round tables, the accepted usage is to refer to groups of states as regions rather than subregions and to speak, for example, of regional CSBMs. For the purpose of this chapter, where common usage is to speak of "region" and "regional" rather than, as defined above, of "subregion" and "subregional", for reasons of clarity this common usage will be maintained, but marked in italics.

3 Organization for Security and Co-operation in Europe, Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, reprinted in the present volume, pp. 431-457, Decision No. 5, Guidelines on an OSCE Document-Charter on European Security, pp. 444-452, here: pp. 446-447.



relevant experience in a number of areas, in a process often viewed as a warm-up for European integration processes.<sup>4</sup>

This development has not gone unnoticed in the OSCE and other international organizations and institutions, which realize that subregional frameworks can play a valuable role in European security (keeping in mind their limitations), and that subregional co-operation in Central, Eastern, and South-eastern Europe can fulfil its potential only if supported by international organizations and institutions. These organizations (particularly the OSCE and the United Nations, but also the Council of Europe and the European Union) already provide the principles on which these groupings and frameworks are based.

This paper focuses on the issue of OSCE's co-operation with formalized, and occasionally institutionalized, subregional frameworks, that is intergovernmental frameworks established by subregional groups of states within the OSCE area such as the Council of the Baltic Sea States (CBSS), the Central European Initiative (CEI), the Black Sea Economic Cooperation (BSEC), the Royaumont Process, and the Southeast European Cooperative Initiative (SECI). However, it also briefly considers two other dimensions of subregional co-operation relevant to the Organization: informal intergovernmental co-ordination of positions by groups of states within the OSCE on various political issues; and aspects of the OSCE's work which have a subregional dimension, one example of which is the implementation of subregional agreements concluded elsewhere (the Pact on Stability in Europe, and the Annex 1-B of the Dayton/Paris Agreement). These two dimensions highlight the opportunities for, and limitations of, co-operation between subregional frameworks and the OSCE.

*Informal Co-ordination of Positions by Groups of States within the OSCE, and Subregional Aspects of the OSCE's Work*

*Informal Co-ordination of Positions by Groups of States within the OSCE*

The circle of participants of the OSCE and the comprehensive nature of its mandate suggest the usefulness of co-ordination and co-operation on a subregional basis: states with similar subregional interests tend to join together on an *ad hoc* basis.

In the decision-making process, several groups of states co-ordinate their positions within the OSCE - on a regular basis the largest (and formalized) cau-

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4 Cf. Alyson J.K. Bailes/Andrew Cottey, Multi-layered Integration. The Sub-Regional Dimension. An Interim Report with Recommendations addressed to the Chairman-in-Office of the OSCE and OSCE Participating States, Warsaw 1996, p. 2.

cus of the European Union states and the ten associated states (which reflects their commitment to a Common Foreign and Security Policy), and - on a case-by-case basis - the North Atlantic Treaty Organisation; in addition, there are smaller and more flexible subregional groups of states which co-ordinate their positions on an *ad hoc* basis. The so called GUAM group (Georgia, Ukraine, Azerbaijan and Moldova), the three Baltic states, four Central European states (Poland, Hungary, the Czech Republic and Slovakia), and occasionally some or all of the five Central Asian states co-ordinate depending on the relevance of issues.

The co-ordination of positions among OSCE participating States based on common interests reflecting geographic proximity makes clear that in a consensus-based organization, the process is as important as the result, meaning that consensus-building on a subregional basis is considered overall a positive phenomenon. At the same time, some countries may approve of flexible, *ad hoc* subregional caucuses, but may feel left out, or confronted with the emergence of "power blocs" in the OSCE, if faced by inflexible, dogmatic subregional groups. In this context, formalized links between the OSCE and subregional frameworks may be considered difficult by some OSCE participating States.

Significantly, multilateral co-ordination of positions among subregional groups of states in the OSCE context has so far not led to creation of more formalized subregional frameworks, or to the involvement of existing frameworks in the co-ordination of positions in the OSCE.

#### *Subregional Aspects of the OSCE's Work*

In the field, no OSCE mission has a mandate providing for a clear subregional dimension. Because OSCE missions are intended to offer cost-effective, timely and flexible responses to a broad range of issues, and are in all cases deployed with the approval of the host country, the OSCE participating States place emphasis on developing "tailor-made" and therefore different mandates. However, pragmatic and goal-oriented co-operation on specific issues of subregional concern (such as refugees) takes place between some missions, often with contributions from other international organizations.

The subregional dimension is also subject to debate in the OSCE's arms control fora, but here the usual terminology refers to regional aspects. For reasons of clarity, this common usage is maintained in the context of this chapter. As a 1995 OSCE seminar concluded, "the present OSCE and arms control agreements (sic) constitute an important tool and a sound basis for ensuring security and stability. However, they do not always meet specific re-

gional concerns."<sup>5</sup> To take these *regional* concerns into account, the OSCE's Forum for Security Co-operation (FSC) has on its regular agenda a discussion of participating States' experience in the area of bilateral and *regional* issues. The result is a regularly updated informal listing of voluntary agreements that deepen existing common commitments, prepared by the OSCE Secretariat.

The issue of *regional* arms control commitments also found its way onto the agenda of the *ad hoc* working group for the review of the Vienna Document 1994 (third edition) on the Negotiations on Confidence- and Security-Building Measures and Disarmament in Europe. However, even though there is some support for *regional* approaches to arms control, a number of countries find the concept difficult. Arms control is indivisible, it is argued, and countries oppose special *regional* arrangements, particularly when they are suggested by third states.

An example of a specific *regional* issue on the agenda of the FSC are proposals regarding confidence- and security-building measures (CSBMs) for the Baltic region. If accepted, *regional* proposals such as these could theoretically be incorporated in the form of a chapter in a planned revision of the Vienna Document. According to, for example, Wolfgang Ischinger, Political Director of the German Foreign Ministry, specific CSBM commitments codified in the Vienna Document could be complemented and strengthened through specific *regional* measures decided in the context of a *regional* table, with the participation of both Russia and the United States.<sup>6</sup>

The OSCE also has experience in implementing subregional agreements concluded elsewhere. The OSCE's contribution to the Stability Pact and the involvement in the implementation of Annex 1-B of the Paris/Dayton Agreement are two recent and important cases. In the case of the Stability Pact, the common usage is to refer to *regional* round tables. The situation under Annex 1-B is more complicated, as the Annex refers overall to an "Agreement on Regional Stabilization", Article IV to "Measures for Sub-Regional Arms Control" (for the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, the Republic of Croatia, and the Federal Republic of Yugoslavia) and Article V to a "Regional Arms Control Agreement" ("in and around former Yugoslavia"). The difference between "regional" and "subregional", in this case, is pragmatically defined and distinguishes a group of states from that same group plus surrounding countries.

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5 Forum for Security Co-operation, Seminar on Regional Arms Control in the OSCE Area: Chairman's Summary, 18 July 1995.

6 Wolfgang Ischinger, Nicht gegen Rußland. Sicherheit und Zusammenarbeit im Ostsee-Raum [Not against Russia. Security and Co-operation in the Baltic Sea Region], in: Internationale Politik 2/1998 p. 39.

Under the Stability Pact, *regional* round tables (for the Baltic region and Central and Eastern Europe) were convened to focus on particular *regional* challenges and to identify concrete projects and relationship-building activities that might contribute to *regional* stability. The Pact on Stability in Europe was adopted and signed in Paris on 20-21 March 1995. Monitoring of compliance with and implementation of the specific agreements outlined in the Pact was entrusted to the OSCE. The OSCE offered to provide "involvement with regard to the observance of OSCE principles and commitments in the implementation of the (...) agreements or arrangements" of the Stability Pact, and described the experience of the *regional* tables as useful for dealing with *regional* issues.<sup>7</sup> The experience of *regional* round tables has since been reflected in debates on subregional initiatives in the OSCE context, but neither the possibility of requesting OSCE assistance with the implementation of projects and activities decided upon in the Stability Pact nor the possibility of using *regional* round tables in the OSCE context has so far been used.

Another of the Organization's current experiences is the negotiation and implementation of the progressive measures for arms control and regional stability provided for in Articles II, IV and V of the Annex 1-B of the Dayton/Paris Agreement. Article II on "Confidence- and Security-Building Measures in Bosnia and Herzegovina" was signed in Vienna on 26 January 1996; Article IV on "Measures for Sub-Regional Arms Control", aimed at establishing a stable military balance at the lowest levels of armaments, was signed in Florence, Italy, on 14 June 1996. Both of these Articles are considered a success for the OSCE. The next step for the OSCE is the negotiation of Article V (Agreement on Regional Stabilization), which deals with *regional* arms control agreements and has as its goal the establishment of a *regional* balance in and around the former Yugoslavia.<sup>8</sup> The processes are considered to be complementary to the work undertaken by subregional groupings in South-eastern Europe, such as the Royaumont Process or the South-east European Cooperative Initiative (SECI).

As for the OSCE's activities undertaken on a subregional rather than on a comprehensive basis, these are accompanied by debate and, occasionally, controversy. While the subregional approach lends itself to many of the OSCE's goals and principles, the concept of comprehensive security, which is at the base of the OSCE's work, makes pursuing subregional activities complex and for some participating States troublesome. As in the case of coordination of positions on a subregional basis, flexibility, transparency and access may prevent these kinds of problems. Significantly, the experience of

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7 Decision no. 63, 31 Plenary Meeting of the OSCE Permanent Council, 25 July 1995.

8 The Special Representative of the Chairman-in-Office for Article V Negotiations was appointed in Copenhagen in December 1997.

subregional aspects of the OSCE's work has not so far led to either the creation of more formalized subregional frameworks, or to involvement of existing frameworks in this dimension of the OSCE.

#### *The OSCE's Co-operation with Formalized Subregional Groupings*

Prior to the decisions of Copenhagen, references had been made to subregional co-operation in OSCE documents. It was in 1996 in Lisbon that a direct link was established between the OSCE and subregional frameworks. The Lisbon Summit Declaration states that "the OSCE could contribute to using fully the potential of the various regional co-operative efforts in a mutually supportive and reinforcing way".<sup>9</sup>

The 1997 Copenhagen Document refers to the Platform for Co-operative Security, which is one of the proposed elements of the Document-Charter on European Security, aimed at developing a concept for synergies between the OSCE and other organizations, including subregional groupings, in a non-hierarchical manner. To date, a focused debate on the subregional dimension of the Document-Charter has not yet taken place, although a number of unofficial papers on that subject have been introduced in the working group of the Security Model Committee dealing with the Platform.

On the part of the subregional groupings, the documents and declarations express willingness to implement OSCE's principles, pursue close general links with the Organization, and co-operate in a number of specific areas. The member states of the various subregional groupings have repeatedly reaffirmed their commitment to the implementation of the relevant documents of the OSCE. In a recent example, the Council of the Baltic Sea States (CBSS), at its seventh Ministerial Session in Nyborg on 22-23 June 1998, reiterated that "co-operation and security are in particular based on common principles and adherence to the OSCE as well as on commitments of the states to the UN Charter".<sup>10</sup> Similar declarations have been made by other subregional groupings.

Not all of these groups have decided to take on a security role. Rather, a number of them, particularly those with a more diverse membership, such as the Black Sea Economic Cooperation (BSEC), which has identified economic co-operation "as a contribution to the CSCE process",<sup>11</sup> have chosen either not to pursue security initiatives, or to pursue them on an informal ba-

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9 Organization for Security and Co-operation in Europe, Lisbon Document 1996, Lisbon, 3 December 1996, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1997, Baden-Baden 1997, pp. 419-441, here: p. 424.

10 Communiqué of the Seventh Ministerial Session of the CBSS, Nyborg, 22-23 June 1998.

11 Summit Declaration on Black Sea Economic Cooperation, 25 June 1992.

sis, and focus on other areas. Others however, without taking on a "hard" security role, have acknowledged the role of contacts with the OSCE in this sphere. For example, the Central European Initiative (CEI) Foreign Ministers' meeting, held in Sarajevo in June 1997, stressed the need to intensify co-operation in the sphere of security, stability and confidence-building measures through regular contacts with the OSCE and other relevant organizations in Europe.

Some specific areas for co-operation have been identified by subregional groupings. The CBSS, for example, "welcomed the intention of the CBSS Commissioner to give priority to and co-ordinate his efforts in the media field with the EU, the High Commissioner on National Minorities and the OSCE Representative on Freedom of the Media".<sup>12</sup> The OSCE and the Council of Europe co-operated with the CEI working group on national minorities in drafting the CEI Instrument for the Protection of Minority Rights.<sup>13</sup> CEI experts participated in monitoring the national elections in Albania in June 1997, which were held under the auspices of the OSCE.

Another specific case are the two most recent subregional initiatives aimed at South-eastern Europe, the Royaumont Process and the Southeast European Cooperative Initiative (SECI), which, in their conceptual stages, were intended by their "architects" to be, or to become in time, integral parts of the OSCE. The "Process of Stability and Good Neighbourliness in South-East Europe", called the Royaumont Process, an EU initiative that emerged from the Stability Pact, began in late 1995 and was signed together with the Dayton/Paris Peace Agreement. It deals with problems of stability and good-neighbourliness in South-eastern Europe. In the initial declaration of the process, the South-eastern European states participating in it emphasized that they "consider that this reflection should take place in the framework of the OSCE, repository of the Pact on Stability. To this end, we propose to give it, in due time, the form of a 'regional table for strengthening stability, good neighbourliness and cooperation in south-east Europe', where all States of the region will be represented on an equal footing, consistent with the relevant OSCE decisions".<sup>14</sup> This principle of equal footing, which gives the Federal Republic of Yugoslavia (which does not participate in the OSCE) access to the forum, has not allowed the OSCE to co-ordinate the process as originally intended. A temporary solution was found in having the EU Presidency serve

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12 Communiqué of the Seventh Ministerial Session of the CBSS, cited above (Note 10).

13 In 1990, CEI countries agreed it was essential that democracy, the rule of law, human rights, including the rights of persons belonging to national minorities, should be respected, promoted and guaranteed. The CEI Working Group on Minorities carried out discussions on this topic. By November 1994, the Foreign Ministers of the CEI had approved the CEI Instrument for the Protection of Minority Rights, a political declaration. [<http://www.digit.it/ceinet/ceibroch/polit.htm>]

14 Declaration on the Process of Stability and Good Neighbourliness, Royaumont, 13 December 1995.

on a provisional basis as a point of contact and co-ordinator of the initiative, with the OSCE attending meetings. The issue of Yugoslavia's participation in the OSCE has so far not been resolved. In the concept paper for the SECI (but not in its subsequent documents), the OSCE is seen as the framework within which SECI will function. In neither case has this been possible, since any such move requires the consensus of the OSCE participating States, but practical arrangements for co-operation with the SECI have been developed (the SECI Co-ordinator has been designated by the OSCE Chairman-in-Office; the OSCE has begun to provide technical support; and SECI representatives participate in seminars and conferences organized by the OSCE).

*Assessment of Factors Promoting and Hindering the Development of the OSCE's Co-operation with Subregional Frameworks*

The fact that 54 states participate in the Organization implies that all European states members of subregional groupings are also represented in the OSCE. This implies opportunities for co-operation between the OSCE and these groupings. Furthermore, both the OSCE and subregional co-operation frameworks can facilitate co-operation between states that are members of treaty-based organizations, such as NATO, and those who are not, or not yet, members of such organizations. They can thus help overcome dividing lines, in accordance with the OSCE concept of indivisible security.<sup>15</sup>

There are, however, participating States that are hesitant to create or to participate in special arrangements on a subregional basis and/or formalized subregional groupings, either because they see them as imposed by others or because they are apprehensive either of arrangements that do not ensure equal possibilities and rights to all their members or of being marginalized by or within these frameworks. But the most important consideration, and one that has to be addressed adequately, is the fear on the part of a number of states that the OSCE, this unique pan-European framework, might be fragmented.

The OSCE is a consensus-based organization, reflecting the principle of co-operative security. It implements this principle by encouraging the growth of mutual understanding and promoting the mutual accommodation of other states' interests - goals also pursued by subregional groupings.<sup>16</sup> The consensus-rule also creates certain limitations. For example, it is not always easy or even possible to reach consensus on formalizing links with other international institutions and organizations, and that may also apply to subregional groupings. It is often easier to work within the OSCE in a low-visibility,

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<sup>15</sup> Bailes/Cottey, cited above (Note 4), p. 2.

<sup>16</sup> Cf. *ibid.*, p. 3.

pragmatic and flexible manner, and to base co-operation on an implicit understanding.

The OSCE is an organization based on a comprehensive understanding of security. Its philosophy reflects an approach focusing on traditional security aspects as well as on the human dimension, democracy-building, the economic dimension, the environment and humanitarian dimensions. But subregional groupings as well have the potential to deal with a wide range of non-military security issues and respond sensitively to their members' actual "soft" security needs, thus also reflecting the concept of comprehensive security. In this sphere, there may be room for co-operation between the OSCE and subregional groupings. The OSCE, however, cannot provide financial and project-oriented support, and cannot be used as a forum for, for example, infrastructure programmes - a prominent aspect of subregional groupings' work. Here, other organizations and institutions, particularly the European Union, are of importance.

#### *Conclusion: Possible Future Developments*

The declaratory policies of both the OSCE and of subregional frameworks on co-operation are often quite ambitious. This is a reflection of the fact that the principles and commitments of the OSCE are also goals of subregional groupings. On the one hand, the OSCE can assist subregional groupings by addressing concrete problems on the ground as they arise by carrying out its tasks of crisis prevention, crisis management and post-conflict rehabilitation - monitoring, mediating and sending missions - which no subregional grouping is able to carry out by itself. On the other hand, subregional processes and frameworks help to promote and implement OSCE principles and objectives, including a co-operative approach towards security. However, the implementation of political declarations leaves much to be desired. Especially the more ambitious plans - e.g. actually embedding subregional frameworks in the OSCE - have not been implemented as they require consensus among participating States. Potential for increased co-operation between the OSCE and subregional frameworks exists in a number of areas. They include the discussion of CSBMs, the economic and environmental dimension, human rights, issues pertaining to freedom of the media, election monitoring and support for civil society, including NGOs. In the economic dimension, the Lisbon Summit Declaration already commits the Organization to further enhancing its ties to mutually reinforcing international economic and financial institutions. In the same paragraph, the Organization commits itself also to enhancing its "(i)nteraction with regional, subregional and transborder co-operative initiatives in the economic and environmental field" because of



their contribution to the promotion of good-neighbourly relations and security.<sup>17</sup> It is an area in which subregional groupings are interested - for example, the incoming Danish Presidency of the CBSS also made environmental and nuclear safety a priority area. The appointment of the Co-ordinator of OSCE Economic and Environmental Activities can be expected to improve interaction with subregional groupings. Also, the recently established institution of the OSCE Representative on Freedom of the Media may be of interest to subregional frameworks. The Representative intends to pursue close links to these groupings.

More far-reaching, OSCE's activities with a subregional character and also to some degree the possibility to co-ordinate positions on a subregional basis on various issues within the OSCE decision-making process may be considered as ready-made opportunities ("plug-ins") for the involvement of more formalized subregional frameworks.

The Document-Charter for European Security, now being negotiated, in particular the Platform for Co-operative Security, may further redefine the OSCE's relations with subregional frameworks. Communication and interaction between subregional groups and international organizations and institutions can provide a useful tool in shaping the European security environment. It can help in developing shared agendas and joint projects and prevent competition between subregional groups, particularly for EU support. The OSCE could then provide a conceptual framework for co-operation and a forum for an inter-institutional exchange of views, a function which could be used to support subregional co-operation - and one for which the OSCE, because of its geographic reach, is probably best suited among European institutions and organizations. Clearly, the developing contacts with subregional groupings must be well integrated into the OSCE framework in order to avoid the danger of fragmenting European security. It is not yet certain how the issue of subregional co-operation will be brought into the Document-Charter. The initiatives to develop the Platform as part of the Document-Charter and to apply it adequately should come from OSCE participating States that are also members of subregional frameworks.

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17 Lisbon Document 1996, cited above (Note 9), p. 422.

## Economic Transformation and Limitation of New Risks



## The OSCE's Economic Dimension on the Eve of the 21st Century

As we stand at the threshold of the twenty-first century, it is indisputable that economic and environmental developments in particular will play a decisive role in shaping world events in our common future. It is equally clear that - for the maintenance of security and stability throughout the OSCE region - national economic growth and prosperity in each of our countries must be shared and seen to be shared in a reasonably equitable manner among all citizens. The global challenge for OSCE States preparing for the twenty-first century is, therefore, to adopt economic and environmental policies which are predictable, fairly applied, and sustainable - and which therefore contribute to the augmentation of international security and stability.

For almost three decades, the OSCE has served as a forum in which participating States conduct constructive dialogue with one another on these very subjects. It has also served as a forum in which participating States pledge to undertake progressive economic and environmental initiatives. In recent years, and particularly following the OSCE's transition from *Conference* to *Organization* in 1995, participating States have sought to enlarge the role played by the OSCE in these areas. They have sought increasingly proactive work from the Organization, and have continued to strengthen its capacities. It is therefore appropriate to look to the OSCE as a facilitator of economic and environmental developments which are both equitable and sustainable. As we approach the twenty-first century, the OSCE emerges as a formative force in the shaping of policies which can help foster these developments.

Recognizing the economic and environmental challenges now facing the international community, and recognizing the OSCE's evolving role in meeting these challenges and contributing to greater security and stability, we are left to question what *specific* role the OSCE can expect to play internationally in the years to come. The OSCE is not an economic organization in the sense of the many specialized organizations that collect and analyze data (such as the UNECE, OECD or IEA), nor is it an economic organization like the many international organizations, multilateral institutions, and bilateral donors (such as the IMF, World Bank, EBRD, *et al.*) which have provided much-needed assistance to states in the process of restructuring their economies. What does that then leave as an appropriate role for the OSCE in its work as facilitator of economic and environmental policies which promote security?

It is the purpose of this article to provide a response to this question, first by defining the OSCE's understanding of international security, then by exam-

ining briefly how the OSCE approaches security operationally. Answering the above question must begin from this point, since the OSCE's understanding of and approach to security *defines* the nature of its economic and environmental work. After examining this point, we can then turn to the specifics of OSCE economic and environmental work. Finally, we make the argument that the appropriate role for the OSCE in its work as facilitator of economic and environmental initiatives is embodied in the mandate for the Co-ordinator of OSCE Economic and Environmental Activities, as decided by the Permanent Council in November 1997. We believe that this mandate is emblematic of the OSCE's attempts to continue to re-invent itself in order to meet the challenges of the twenty-first century, and of the role the participating States foresee for the OSCE in the economic and environmental dimension.

### *The OSCE's Understanding of Security and the Resulting Approach*

What is the OSCE's understanding of security? In addressing the question of the OSCE's appropriate role in economic and environmental initiatives, it is critical to begin any response by asking this question. It is clear that even during the initial negotiations leading to the signing of the Helsinki Final Act in 1975, the "founding fathers" of what was then the CSCE understood security to be a *multifaceted* phenomenon. The comprehensive concept of security which they postulated in the course of negotiating the Final Act during the late sixties and early seventies was quite revolutionary at the time. Although it has since become more widely accepted, there are still, unfortunately, conflict-prone regions of the world where security is defined largely in terms of military arsenals and the degree to which a given regime possesses a capacity for repression. Since many of these regions abut the OSCE area, it is important to recall that the insightful concept of security on which the OSCE is based is not yet universally shared; even as we act to strengthen it within the OSCE, we may wish to act in ways which promote it elsewhere. As the Helsinki Document stated in 1992: "Our approach is based on our comprehensive concept of security (...) This concept relates the maintenance of peace to the respect for human rights and fundamental freedoms. It links economic and environmental solidarity and co-operation with peaceful inter-State relations."<sup>1</sup> The OSCE, therefore, does not understand security to be simply balances of military hardware or economic might; instead, it understands security to relate to many additional facets of national life: human

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1 CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 701-777, here: para. 21, p. 706.

rights, fundamental freedoms and satisfactory environmental conditions, to name just a few. In this understanding of security, internal political, social, and environmental realities of participating States are linked to external relations and regional stability. Stated differently, what goes on *inside* a state in all areas of life is of importance to the conduct of international relations *outside* a state. For security to be maintained, these multiple and varied areas of national life (e.g. economic, social, environmental, and political) must then be considered and acted upon internationally and co-operatively.

This was an impressive and forward-looking understanding of security for the CSCE to adopt amid Cold War orientations and the accompanying nuclear/military preoccupations, and required participating States to address creatively and co-operatively a whole range of questions outside the domain of what was then regarded as *realpolitik*. Accordingly, the Helsinki Final Act of 1975 incorporated declarations on issues as diverse as cultural exchanges, educational development, water pollution, military exchanges, human rights, international law and tourism. These wide-ranging declarations were further testimony to the OSCE's understanding of security as a multifaceted phenomenon.

What, then, is the OSCE's operational approach to security? Understanding security to be a multifaceted phenomenon, the participating States at Helsinki in 1975 divided the OSCE's areas of activity into three dimensions (or "baskets"). The first dimension is the military and territorial security dimension, dealing with issues from territorial integrity to disarmament in their relation to international security. The second dimension is the economic and environmental dimension, dealing with issues such as economic development, science, technology, and environmental protection in their relation to international security. The third and final dimension is the human dimension, dealing with issues from inter-country travel to cultural tolerance and their relationship to international security.

Having divided the Organization's work into these three dimensions, the question remains of how the OSCE then acts upon these dimensions. This question must be answered in historical context, for the scope of the OSCE's activities in the three dimensions has evolved over the course of nearly three decades. A major factor in that evolution was the economic and political orientation of Europe at the time of the signing of the Helsinki Final Act in 1975. Although the Act embodied a spirit of co-operation and dialogue, the participating States were deeply divided at that time - politically, economically and socially. These divisions are no doubt well known to the reader, and need not be recalled here; but appreciating the implications of these divisions for the CSCE's early operations is necessary. A sharply divided Europe curtailed the abilities of participating States to live up completely to the ideals of the Final Act and to work together fully towards accomplishing these

objectives. As a result, the work of the CSCE during its first 15 years was extremely limited in comparison to the wide range of objectives articulated in the Final Act.

It should also be emphasized here, without belabouring the obvious, that the OSCE was for nearly two decades only a *Conference*, and that the Helsinki Final Act was more of a statement of intent than a charter forming a working structure in support of the Act's contents. The OSCE was in those years something quite different from an autonomous body with the mandate and resources to work full-time in pursuit of a given set of objectives. In short, the OSCE's abilities to work within the three dimensions was limited in its first decades both by historical considerations *and* by the fact that the *Conference* (the CSCE) was not institutionalized. It was only after the unprecedented developments in Europe in the late eighties - developments to which the CSCE made an important contribution - that the Conference's work within the three dimensions changed significantly. Only after massive shifts in the political, social, and economic orientations of the participating States created greater common ground among them could institutionalization begin and a significant change in the CSCE's work take place.

This significant transition entailed, as the Helsinki Document of 1992 noted, the OSCE shifting its work from "promoting changes" and "mitigating confrontation" to the task of "managing change".<sup>2</sup> The operational approach of the OSCE to security, therefore, underwent a significant change following the dramatic developments in Europe at the end of the last decade: the OSCE moved from its earlier work of promoting understanding and acceptance of the Final Act's objectives in the three dimensions to active facilitation of the realization of these objectives in all three dimensions. The Bonn Document of 1990, to date the only major document of the CSCE/OSCE to focus exclusively on the "second basket", is a good example of this transition. This assumption of a more proactive role, and OSCE developments within a rapidly changing Europe in the early nineties, laid the foundation for fuller institutionalization.

This process of institutionalization was, of course, formalized only at the Budapest Summit in 1994, when Heads of State or Government elected to change the OSCE's name from CSCE to OSCE.

In adopting these changes to the OSCE's operational approach to security, participating States were seeking a role in international security and co-operation for the OSCE above and beyond its earlier work. The Organization would play a central role in constructing the new Europe, and participating States would equip it with the resources to do so. Particular emphasis would be put on developing the OSCE's abilities to predict, prevent, and manage conflict; therefore its tools for these purposes would need to be strengthened.

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2 Ibid., paras. 18 and 21, pp. 705, 706.

As the Ministerial Council observed in Prague during January of 1992, " (...) the CSCE has a vital role to play in the building and consolidation of a new Europe (...) the CSCE also has a prominent role to play in the evolving European architecture (...)"<sup>3</sup> The objectives of the OSCE, the Council declared, are "to prevent conflict and consolidate peace through eliminating the root causes of tensions",<sup>4</sup> which can be achieved "by building democratic institutions and by fostering economic and social progress".<sup>5</sup> "In this era of transition, the CSCE is crucial to our efforts to forestall aggression and violence by addressing the root causes of problems and to prevent, manage and settle conflicts peacefully by appropriate means", the Heads of State or Government observed at the 1992 Helsinki Summit. "To this end, we have further developed structures to ensure political management of crises and created new instruments of conflict prevention and crisis management."<sup>6</sup> As will be noted shortly, this process of structural development still continues within the OSCE. Therefore, it is accurate to observe that the Organization's approach to security (and by implication all three dimensions) is still evolving, still a work-in-progress, but all the while remaining faithful to the comprehensive concept of security first articulated in the 1975 Helsinki Final Act.

#### *The OSCE's Economic and Environmental Dimension: Tenets of Understanding*

Having examined the OSCE's understanding of security, as well as its operational approach to the three dimensions of security identified in the Final Act, it is now appropriate to ask: how does the OSCE understand economic and environmental issues? It was noted above that the OSCE regards economic and environmental work as one of three dimensions in the pursuit of building greater international security and co-operation. In seeking to explore the appropriate role for the OSCE in its work in this area, we should now examine the economic and environmental dimension further. Reviewing the Organization's understanding of economic and environmental issues will help illuminate the role which participating States have foreseen for the OSCE in this dimension.

The fundamental tenets of the OSCE's understanding of economic and environmental issues were declared in the Helsinki Final Act of 1975. These tenets are found throughout OSCE documentation and activity from 1975 on-

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3 Prague Meeting of the CSCE Council, 30-31 January 1992, Summary of Conclusions, in: Bloed (Ed.), cited above (Note 1), pp. 821-839, here: p. 824.

4 Ibid., p. 822.

5 Ibid.

6 CSCE Helsinki Document 1992, cited above (Note 1), paras. 19, 20, p. 705.



wards, and very few changes to the foundations laid down by the "founding fathers" have been necessary in subsequent years. The fundamental tenets of understanding of economic and environmental issues growing out of the Helsinki Final Act are as follows:

1. As stated explicitly in the Charter of Paris, "[e]conomic liberty, social justice, and environmental responsibility are indispensable for prosperity (...) The success of the transition to market economy (...) is important and in the interest of us all."<sup>7</sup>
2. There is no magic formula for states engaged in economic development and transition. Therefore it is necessary to take into account the prevailing political and economic conditions in each state and to recognize its individual needs.
3. A wide range of international economic and environmental organizations have an important, and in some cases unique, role to play in assisting co-operation, development and stability among participating States. Their abilities should be fully utilized rather than duplicated, and working in collaboration with these organizations is almost always desirable.
4. In addition to global and regional organizations, sub-regional organizations and associations which exist in the OSCE area (such as, *inter alia*, the Council of the Baltic Sea States, the Black Sea Economic Cooperation, the Barents Euro-Arctic Council and many others) are of particular interest; these groupings are, in some cases, still in the process of developing their own capacities, and the OSCE should strive to develop increasingly fruitful co-operation with them.
5. Environmental issues are of central importance to the well-being of citizens and to the economic development of states.
6. The environmental activities or developments in one state have direct consequences for other states and by implication for international security.
7. Public education and awareness are of central importance to successful environmental initiatives and conservation.
8. The best approach to environmental protection is a preventive approach that makes economic development compatible with environmentally prudent practices.
9. Common, long-term co-operation is highly desirable among all participating States in order to hasten economic development, help solve problems faced by all states, and promote security. Indeed, many problems cannot be solved without this co-operation. It should extend to all fields of economic and environmental importance.

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7 Charter of Paris for a New Europe, Paris, 21 November 1990, in: Bloed (Ed.), cited above (Note 1), pp. 537-566, here: p. 539.

This final point merits additional emphasis, since it is at the heart of the OSCE's understanding of the economic and environmental dimension. Indeed, co-operation has an intrinsic value and is of utmost necessity for the participating States; otherwise, their security and all other tenets of understanding here cannot be fully acted upon or completely realized.

If there has been a significant addition to these tenets of basic understanding since the Helsinki Final Act, it regards the role of non-governmental organizations (NGOs) in the economic and environmental dimension. Beginning in the late eighties, the important contribution NGOs can make to economic and environmental initiatives received wider recognition with the OSCE, gaining specific mention in the Charter of Paris for a New Europe adopted in 1990 by OSCE Heads of State or Government.<sup>8</sup> Subsequent documents such as the 1992 Helsinki Document called on the OSCE to improve relations with NGOs (in addition to international organizations) and work in constant co-operation and consultation with them.<sup>9</sup> The Aarhus Convention, signed in June 1998, enshrines some of these principles in a legally binding document to which all states - both in and outside of the OSCE region - can accede. It remains to be seen to what extent OSCE participating States will ratify this convention and then implement its provisions, but there is no doubt that the OSCE should encourage participating States to go as far as they possibly can in this regard.

Having examined the OSCE's tenets of understanding with regard to the economic and environmental dimension, the question of the Organization's operational approach to the dimension arises. What is to be made by participating States of the understanding summarized above? Based on our earlier examination of the OSCE's evolution, it can be assumed that co-operation on economic and environmental issues should also progress from being merely "promoted" to being facilitated by the OSCE. In addition, we can postulate that the OSCE seeks - or should seek - to create new instruments of conflict prevention and crisis management within the economic and environmental dimension. Is this the case, and does it illuminate the appropriate role for the OSCE in its work as a facilitator of economic and environmental conflict prevention in the twenty-first century?

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8 See the specific paragraph under "Guidelines for the Future" on non-governmental organizations in the OSCE, in: *ibid.*, p. 548.

9 In fact, this Document devoted a sizeable portion of its final contents to this subject. See CSCE Helsinki Document 1992, cited above (Note 1), here: Chapter IV, pp. 730-733.

Turning to recent developments in the OSCE, one discovers that the above assumptions are indeed the basis of the OSCE's current activities in this area. Not only do the participating States seek to progress from a "promotional" stage vis-à-vis economic and environmental co-operation to something closer to a managerial stage; they also seek to strengthen the Organization's ability to predict and prevent conflict arising from economic and environmental factors. The OSCE's operational approach to the economic and environmental dimension is therefore at least twofold: on the one hand, the OSCE has charged itself with the responsibility of monitoring economic and environmental developments among participating States, with the intention of alerting the OSCE to any threat of conflict; on the other hand, the OSCE seeks to increase its role in facilitating the formulation of economic and environmental policies and initiatives among participating States, particularly those involved in the process of transition, which promote international security.

From another perspective, at the most recent meeting of the Parliamentary Assembly in Copenhagen (July 1998), parliamentarians from participating States suggested that the operational approach within the economic and environmental dimension was at least threefold:

1. taking into account economic factors in connection with early identification of threats to security with the aim of prevention and resolution of conflict;
2. sharing with the responsible international organizations at appropriate senior levels information about risks to security stemming from economic and environmental problems;
3. creating political support for the development of economic policies for the OSCE participating States based on common principles and bringing the economic dimension of the OSCE, which embraces the economic aspects of comprehensive security, into the international debate on economic and security issues.<sup>10</sup>

These points confirm that our parliamentarians, who - in democratic systems - directly represent the voice of the citizens we serve, share the assumptions described above, including our emphasis on OSCE co-operation with other international organizations concerned more specifically with economic issues.

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<sup>10</sup> Cf. OSCE Copenhagen Declaration of the Parliamentary Assembly of the Organization for Security and Co-operation in Europe, 1998, p. 22.

Examining the operational tasks of the OSCE economic and environmental dimension is useful in formulating a response to the central question of this paper, "What is the appropriate role for the OSCE in its work as facilitator and co-ordinator of economic and environmental initiatives?" A concise answer can already be found in a close reading of the recently defined mandate for the Co-ordinator of OSCE Economic and Environmental Activities (CEEAA). It is this newly created position which indicates the precise role the OSCE participating States consider appropriate for the Organization in the economic and environmental dimension.

The earliest impetus for the creation of the CEEAA position began in the early nineties, at which time the OSCE placed new emphasis on the importance of economic issues, and questioned its own effectiveness in dealing with them. At the Fourth Ministerial Council Meeting in December 1993 (Rome), the Ministers declared their conviction that the OSCE should play a more active role in the economic and environmental dimension. As a result, the Council went on to instruct the Permanent Council to "integrate more fully the economic dimension into its consideration of tasks facing the CSCE"<sup>11</sup> and to "identify practical means of deepening dialogue and expanding co-operative projects with (international and non-governmental) organizations".<sup>12</sup>

The theme of strengthening the economic and environmental dimension was continued, as was the foreshadowing of the CEEAA position, at the 1994 Budapest Summit. Here, our Heads of State or Government formally instructed the Chairman-in-Office "to explore ways to integrate economic dimension issues into the tasks faced by the CSCE",<sup>13</sup> and the Secretary General to "establish an international organizations contact point which would assist in the exchange of information between representatives of the CSCE and these organizations on activities relating to the economic dimension".<sup>14</sup> The latter request led to the hiring of an Economic Adviser for the OSCE, the first officer in the Secretariat dedicated exclusively to the economic and environmental dimension.

Two years later, the OSCE Heads of State or Government mandated the creation of a senior position for the economic and environmental dimension, above the Economic Adviser, as a response to the long series of requests for the strengthening of this dimension of the OSCE. At the Lisbon Summit in December 1996, Heads of State or Government reiterated the need for OSCE to fine-tune its focus on the risks to security posed by economic, social and environmental problems, and the Organization's responsibility for bringing

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11 CSCE Fourth Meeting of the Council, Rome, 30 November - 1 December 1993, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe, Basic Documents, 1993-1995*, The Hague/London/Boston 1997, pp. 192-214, here: p. 205.

12 Ibid.

13 Budapest Document 1994, Budapest, 6 December 1994, in: Bloed (Ed.), cited above (Note 11), pp. 145-189, here: Budapest Summit Declaration, p. 148.

14 Ibid., p. 184.

such risks to the attention of relevant international organizations. In order to empower the OSCE to fulfil this need, they decided to create the CEEA position. The mandate, which was to be submitted no later than the 1997 Ministerial Council, eventually included the following key elements:

1. enhancing OSCE interaction with relevant international organizations;
2. strengthening the economic, environmental, and social components of the work of OSCE missions and field offices;
3. deepening interaction with the OSCE Parliamentary Assembly;
4. broadening OSCE contacts with NGOs and the private sector; and
5. developing a work programme for appropriate activities in, and related to, the OSCE's economic dimension.

In December 1997, the Ministerial Council formally welcomed the mandate for the Co-ordinator of OSCE Economic and Environmental Activities, and the author of this article arrived in Vienna to take up his duties in accordance with this mandate in March 1998. It is much too soon to predict exactly how his activities will evolve as he attempts to implement the important and far-reaching mandate assigned to him by the participating States, but several indications have already emerged:

1. Many of the international organizations which specialize in economic and environmental work have demonstrated an enthusiastic welcome for the notion of a closer operational partnership with the OSCE. They see pragmatic co-operation as a win/win proposition, in that their expertise in the fields of data collection and analysis, drafting international agreements, and crafting assistance packages finds a natural partner in the OSCE's experience in conflict prevention, standard-setting, and security-building;
2. OSCE participating States have welcomed a more coherent approach - and one which is more clearly tied to conflict prevention - to the activities they have traditionally undertaken in the economic/environmental dimension: the Economic Forum, seminars, conferences, workshops, and the like; the governments and parliamentarians of our participating States have clearly endorsed an approach to the security model exercise which takes due note of the growing importance of economic and environmental factors to national and international security; and
3. Finally, citizens of the OSCE States, both through their parliamentary representatives and through voluntary associations (NGOs), have applauded a more inclusive, consultative approach to formulating policies on matters which affect the air they breathe, the food they eat, the housing in which they dwell, and the natural environment in which they live; greater receptiveness to their concerns and priorities will help to build

democracy and increase security both within and among the OSCE's participating States.

### III.

#### Organizational Aspects







## OSCE Institutions and Structures

## The Decisions of the Sixth Ministerial Council Meeting of the OSCE

Since the Ministerial Council is the central decision-making and governing body of the OSCE, its gatherings normally represent significant steps in the Organization's life and development. The regular meeting which was held in Copenhagen on 18-19 December 1997, the sixth of its kind, was no exception to the rule. In addition, its importance was enhanced by the fact that the Council had not been convened in 1996 and that the 1997 meeting was the first Ministerial Council to take place since the new lease on life enjoyed by the OSCE after its substantial and spectacular involvement in Bosnia.<sup>1</sup> Besides a standard Chairman's Statement, the Copenhagen Ministerial Council adopted a set of eight formal decisions.<sup>2</sup> The most salient one concerned the acceleration of the Security Model exercise. As to the others, they dealt with the further development of the human dimension and the adoption of quick-fixes to improve the OSCE's structures.<sup>3</sup>

### *The Acceleration of the Security Model Exercise*

The Copenhagen Ministerial represented a landmark on the protracted way towards a Security Model - an exercise initiated in order to mitigate the constant rejection of the major proposals formally tabled by Russia on the strengthening of the OSCE, but actually aimed at delaying and confusing NATO's eastward enlargement.<sup>4</sup>

Undertaken on the basis of a mandate adopted at the 1994 Budapest Summit, the Security Model exercise formally started in March 1995 in the framework of the first meeting of the Senior Council. From the outset, lack of consensus

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1 Although the Ministerial Council is supposed to meet once a year, no such meeting was held in 1994 and 1996. The last Ministerial meeting took place in Budapest on 7-8 December 1995.

2 For the final version of texts see MC.DOC/1/97, 16 March 1998. See also: Organization for Security and Co-operation in Europe, Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, reprinted in the present volume, pp. 431-457.

3 The Council was also seized with four reports - two from the Chairman-in-Office (on the strengthening of the OSCE and on the situation in Moldova), one from the Chairman of the Permanent Council (on the Security Model), one from the Co-chairmen of the Minsk process (on Nagorno-Karabakh) - as well as a letter from the Chairman of the Forum for Security Co-operation and a letter from the Chairman of the Joint Consultative Group of the States Parties to the CFE Treaty. All texts are included in MC.DOC/1/97.

4 For more details, see Victor-Yves Ghebali, L'OSCE et la négociation d'un document-charte sur la sécurité européenne, in: Défense nationale (Paris), July 1998, pp. 106-119.

among the participating States on key issues ruled out three options: the introduction of legally-binding commitments in the security dimension of the OSCE, the revision of the Helsinki Decalogue (either through its overhaul or just a redefinition of the relationship between Principle IV on the territorial integrity of states and Principle VIII on the self-determination of peoples) and the elaboration of rules or guidelines establishing a clear-cut - if not a hierarchical - division of labour among the security organizations of the OSCE region. The only result achieved in 1995, under the Hungarian chairmanship, was the establishment of a systematic list of risks and challenges affecting the OSCE region.<sup>5</sup> However, the whole exercise stalled, mainly due to the American resistance and also diminishing Russian interest. Thus, the Lisbon Summit (2-3 December 1996) could not go beyond announcing the intention of participating States to "*consider developing a Charter on European Security*" and to outline its *possible* ingredients.<sup>6</sup>

It is against this rather unpromising background that the importance of the Copenhagen Ministerial Council has to be evaluated. Indeed, the participating States *decided* to develop a "*comprehensive and substantive OSCE Document-Charter on European Security*".<sup>7</sup> Furthermore, they specified that such a text will be politically binding (in line with OSCE tradition) and adopted at Summit level.<sup>8</sup> Concerning substance, they came to the negative conclusion that the Document-Charter would not abolish consensus as the basis for OSCE decision-making and would not formulate new normative commitments (but rather reaffirm existing OSCE principles). From a positive angle, they envisaged enhancing the OSCE's effectiveness in two main ways: on the one hand, by possible joint co-operative actions in response to cases of clear, gross and continuing violation of OSCE principles and decisions; on the other hand, through the strengthening of a non-hierarchical co-operation between the OSCE and other security organizations undertaken on the basis of a Platform for Co-operative Security to be included in the Document-Charter.<sup>9</sup> At the present stage, it is hard to prejudge the final contents of the potential Document-Charter. However, if it comes to life with even a limited number of

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5 Cf. REF.PC/418/95, 24 August 1995 (and Rev.1 as well as Rev.2). This list was updated under the Swiss chairmanship; cf. REF.PC/637/96, 9 October 1996.

6 Lisbon Document 1996, Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-First Century, paragraph 11, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1997, Baden-Baden 1998, pp. 426-430, here: p. 429 (author's italics).

7 Paragraph 3 of MC(6).DEC/5; and: Guidelines on an OSCE Document-Charter on European Security (Decision No. 5 of the Sixth Meeting of the Ministerial Council), paragraph 3, in: Sixth Meeting of the Ministerial Council, cited above (Note 2), pp. 444-452, p. 445 (author's italics).

8 Cf. *ibid.*, paragraphs 4 and 7, pp. 445 and 448.

9 Cf. *ibid.*, paragraphs 5 (b) and (e), pp. 446-447. As a basis for the Platform, the Annex 1 of Decision No. 5 of the Sixth OSCE Ministerial Council offers a "Common Concept for the Development of Co-operation between Mutually-Reinforcing Institutions" (*ibid.*, pp. 449-551).

substantive provisions, it would represent the first meaningful post-Cold War instrument of pan-European co-operative security - the Charter of Paris having been rapidly overtaken by events and the subsequent OSCE final texts (with the exception of the Code of Conduct) being mainly circumstantial documents, adopted at review conferences and Summit Meetings.

#### *The Further Development of the Human Dimension*

The Council made two decisions here - one concerning the central element which promotes compliance with OSCE commitments (implementation meetings on human dimension issues) and the other concerning a specific and crucial field of the human dimension (freedom of the media).

#### *Implementation Meetings on Human Dimension Issues*

The Council tasked the Permanent Council to elaborate, in close co-operation with the ODIHR and not later than the 1998 summer recess, a new set of modalities aimed at improving the efficiency of OSCE's biennial implementation meetings on human dimension issues<sup>10</sup> which have at times been accused, in particular by the American Commission on Security and Cooperation in Europe and a number of participating States, of being insufficiently focused or of being unable to provide real in-depth debates.

The Permanent Council finished the job in July 1998. Amending and complementing the Helsinki Document 1992 (Paragraph 9 of Chapter VI), the decision introduced three innovations drawing on the experience inaugurated in 1993. First, it reduced the duration of the biennial meetings from three weeks to ten working days, so that the first eight days could be devoted to debates in *working groups*. Second, the Permanent Council recommended that participating States be represented (in particular at the closing plenary sessions) by high level persons: not only experts, but those responsible for shaping national policies on human dimension issues. Third, it provided for short (one-day) "supplementary human dimension meetings" (three per year as a rule) within the framework of the Permanent Council itself; the aim of such meetings is to discuss major concerns raised at the previous OSCE human dimension implementation meeting or review conference and to ensure follow-up for them as well as for the human dimension seminars.<sup>11</sup>

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10 Cf. MC(6).DEC/4; and: Decision No. 4 of the Sixth Meeting of the Ministerial Council, in: Sixth Meeting of the Ministerial Council, cited above (Note 2), p. 444.

11 Cf. PC.DEC/241, 9 July 1998.

## *Freedom of the Media*

In accordance with the mandate contained in a recent decision of the Permanent Council, the Ministerial Council appointed Mr. Freimut Duve (Germany) as OSCE Representative on Freedom of the Media.<sup>12</sup> The new Representative, whose office is located in Vienna and funded from the regular budget, has a mandate obviously patterned (*mutatis mutandis*) on that of the High Commissioner on National Minorities. As in the case of the latter, he is supposed to be an eminent international personality; his office remains independent from the Vienna Secretariat (the Representative is expressly bound to work under the aegis of the Permanent Council and in co-ordination with the Chairman-in-Office); more significantly, he is supposed to perform *early warning and early action functions* in a sector occupying a strategic place in the ambit of the human dimension: free, independent and pluralistic media are indeed crucial to any free and accountable system of government.

The idea of a Representative was tabled as a pet German proposal in 1996. It did not easily materialize. Long months of negotiations proved necessary in order to overcome two major objections raised by a number of participating States. The first was a fear of undue duplication with existing intergovernmental institutions (namely the United Nations and its relevant specialized agencies as well as the Council of Europe). The second was the relationship with ODIHR: many delegations wanted to preserve the efficiency of the ODIHR, in particular in the framework of electoral monitoring processes. Mr. Freimut Duve took office on 1 January 1998 and has, since then, undertaken useful activities in the Balkans, Central Europe and the Caucasus.<sup>13</sup>

## *Quick-Fixes for Improving OSCE Structures*

The issue of structures is not unimportant for an institution such as the OSCE which is, structurally speaking, still in the making. In this field, the Council addressed three specific topics: the OSCE Secretariat, financial resources and Summits.

### *The OSCE Secretariat*

On the basis of a special report by the Chairman-in-Office, the Council mandated the Permanent Council to set up an informal, open-ended group of experts "to study possible ways of further enhancing the Secretariat's opera-

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12 Cf. MC(6).DEC/1; and: Decision No. 1 of the Sixth Meeting of the Ministerial Council, in: Sixth Meeting of the Ministerial Council, cited above (Note 2), p. 442; for the Permanent Council decision see: PC.DEC/193, 5 November 1997.

13 Cf. FOM.GAL/1 to 8 (1998).

tional capacities", with the objective of taking an appropriate set of decisions no later than September 1998.<sup>14</sup> This decision reflected the widespread awareness which has been developing among the participating States, especially since the designation of Secretary General Giancarlo Aragona, about the growing burden assumed by a small-sized Secretariat in its support of the Chairman-in-Office's manifold political activities. However, there is no consensus about allowing the Secretariat to perform other than as an administrative and supportive antenna. All delegations still think that the Chairman-in-Office and the Troika should keep full pre-eminence in OSCE affairs. In any event, redefining the role of the Secretary General would unavoidably raise a number of thorny issues (empowerment, legal status and increasing the financial resources of the OSCE) which the participating States are not willing or even ready to address. Within the OSCE, *status quo* generally represents the smallest common denominator among participating States. As such, it permits them to avoid endless debates and bickering.

Given the circumstances, the exercise initiated under the aegis of Ambassador Lars Vissing could only aim at rationalization and cost effectiveness, not at solving the problems created by a lack of political will on the part of governments to have a strong Secretariat as well as by the pure organic growth of the latter. The basic idea is to divide all the Secretariat's tasks into two categories: one encompassing mission monitoring, security issues and working relations with other organizations and the other regrouping administration and support tasks - each under the responsibility of a specific department.<sup>15</sup> A positive outcome of such quick-fix arrangements is not yet assured: it will largely depend on whether the Permanent Council just provides a general outline (leaving the Secretary General work out details) or takes pains to go into details - in such a case actually imposing extra constraints on the Secretariat. In any event, as admitted by Ambassador Vissing himself, it should not be expected "that structural changes can create optimal working relations by themselves".<sup>16</sup>

#### *Financial contributions*

Although it is the least expensive of all international security institutions, the OSCE suffers from standard problems of non-fulfilment of financial obligations (delayed payments, accumulated arrears) and, above all, reluctance of governments to finance activities that they themselves approved by consen-

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14 MC(6).DEC/3; and: Decision No. 3 of the Sixth Meeting of the Ministerial Council, in: Sixth Meeting of the Ministerial Council, cited above (Note 2), p. 443; for the Report of the Chairman-in-Office see: MC.DEL/13/97, 17 December 1997.

15 Cf. PC.DEL/246/98, 9 June 1998 (and Add.1 of 22 June 1998, Rev.1 of 29 June 1998 and Rev.2 of 6 July 1998).

16 PC.DEL/246/98, paragraph 1(i).

sus. Thus, one of the main goals set up by the Danish chairmanship in 1997 was to help the OSCE to acquire financial resources commensurate with its declared policy - that is to say, in line with political decisions and with the increased volume and scope of tasks entrusted to the Organization. The first obvious step in this direction required some reviewing of the scale and criteria for financing OSCE activities. Here, the Danish chairmanship met insuperable obstacles: most of the participating States refused the readjustment of the OSCE scale of distribution established by the Helsinki Document 1992.<sup>17</sup> However, as a compromise measure, a new scale only applicable to "large OSCE missions and projects" (with an approved budget of ATS 185 million or more<sup>18</sup>), was finally adopted for a period running from 1 January 1998 up to 31 December 2000 - pending a general review of the scale and criteria for financing OSCE activities to be undertaken and reported to the next Summit, with a view to making arrangements that would be applicable from 2001.<sup>19</sup> It was also agreed to maintain, in parallel, for those missions and projects, a system of voluntary funding from participating States, OSCE partners for co-operation and other possible sources. The new scale, which has been applied for the Mission established in Croatia, could also be applied for a possible (but today still improbable) operation in Nagorno-Karabakh. Although this limited consensus on budgetary issues is certainly positive and welcome, it reflects once again the preference of governments for quick-fixes rather than for substantive and lasting solutions.

#### *The Summits' Issue*

The Council recommended that "the frequency of subsequent OSCE Summits be decided at the next Summit".<sup>20</sup> This recommendation, which announces a return to old practices of the Helsinki process, is certainly wise. As solemn and costly events, Summits are supposed to reach meaningful decisions. The two-years frequency period, fixed by the Charter of Paris in 1990, was certainly too short. A biennial frequency risks banalizing the Summits, with damaging effects on the OSCE's political credibility. In 1994, at the Budapest Review Conference, the participating States tasked the 1996 Lisbon Summit to make a decision on the frequency of subsequent meetings. Although common sense argues that a Summit is not an end in itself, but should

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17 It should be recalled that this scale, which actually updated the 1973 scale on which the Helsinki process functioned, does not allow the United Nations' criteria: some countries are obviously billed too low (USA: nine per cent) and some other too high (Italy as much as the USA, Spain higher than Switzerland, etc.).

18 100 ATS are the equivalent of 14,21 DM or 7,90 US-Dollars (as for 20 August 1998).

19 CF. MC(6).DEC/8; and: Scale for Large OSCE Missions and Projects, in: Sixth Meeting of the Ministerial Council, cited above (Note 2), pp. 453-457.

20 MC(6).DEC/6; and: Decision No. 6 of the Sixth Meeting of the Ministerial Council, in: Sixth Meeting of the Ministerial Council, cited above (Note 2), p. 452.



reflect a real need for significant decisions and not be of a routine character, no consensus was reached in Lisbon on the matter. Today, the issue remains controversial: some states, such as Russia, prefer the present frequency, others (the United Kingdom) could live with no Summits and a number of governments seem to be in favour of a lesser frequency (every three or four years).

It is significant that, in 1997, delegations in Copenhagen were not even able to reach a decision about either the *date* or the *venue* of the next OSCE Summit Meeting. On the first issue they could only agree, as wished by the USA, to link the date to the progress made within the Security Model exercise, namely the drafting of a Document-Charter on European Security; as a compromise, it was agreed that the date in question "will be determined at a reinforced meeting of the Permanent Council no later than the end of March 1998, following a review of progress on the development of a Document-Charter on European Security".<sup>21</sup> Since then, no clear-cut decision has been reached other than deciding to hold the next Summit "in summer-autumn 1999"; the next Ministerial Council scheduled in Oslo in December 1998 should determine the precise date of the next Summit.<sup>22</sup>

On the second issue, the Council briefly recalled "the continuing invitation by Turkey to host the next Summit".<sup>23</sup> This was an oblique but nevertheless clear indication of the difficulties raised for some delegations by Ankara's invitation. In March 1998, the Permanent Council agreed that governments will make the "final decision" on the venue of the next Summit as well as its more precise timing by mid-May 1998.<sup>24</sup> Mainly due to Armenia's opposition, the problem has remained unresolved. At present, Russia seems to be in favour of postponing the Summit until 2000, so that the Document-Charter could be solemnly adopted in Moscow. In any event, the present deadlock comforts those countries which are reluctant or unenthusiastic about a Document-Charter.

### *Conclusion*

Apart from the above-mentioned decisions, the Copenhagen Ministerial also agreed on the need to stimulate the process of "regional stabilization" foreseen under Article V of Annex 1-B of the Dayton Agreement. Accordingly, it recommended to the Special Representative of the Chairman-in-Office (Ambassador Jacolin) to start consultations on a precise mandate and initiate a process of negotiations with a view to achieving results "by summer 1998". It

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21 Ibid.

22 Cf. PC.DEC.222 of 31 March 1998.

23 Decision No. 6 of the Sixth Ministerial Council, cited above (Note 20).

24 Cf. PC.DEC.222 of 31 March 1998 (Annex: Chairman's statement).

also specified that Bosnia and Herzegovina must be represented by a single delegation and that steps towards regional stabilization in the Balkans should not alter either obligations under previous regional agreements or the CFE Treaty.<sup>25</sup> Ambassador Jacolin took office only at the end of February 1998 and the process is just beginning.<sup>26</sup>

In sum, without being a major historical gathering, the Copenhagen Ministerial Council bore witness to the continuing vitality and slow expansion of the OSCE.

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25 Cf. MC(6).DEC/2; and: Decision No. 2 of the Sixth Meeting of the Ministerial Council, in: Ministerial Council, cited above (Note), pp. 442-443, here: p. 443.

26 For a brief progress report, see PC.DEL/225/98 and CIO.GAL/23/98 of 28 May 1998.

## The Office for Democratic Institutions and Human Rights

The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE has developed into the Organization's Jack-of-all-trades. Since its conception in 1990, the ODIHR has taken up a multitude of tasks, which have brought the Office a long way from where its founding fathers had intended it to be. In Spring 1989 the first Conference on Human Dimension took place in Paris, marking the change in the geopolitical situation in Europe and stressing the universal applicability of the norms and values in the OSCE's (then CSCE's) human dimension. A second such Conference followed in Copenhagen in June 1990 and the third Conference was held in Moscow in the autumn of 1991. These Conferences can be seen as the codification of the human dimension of the OSCE in its post-Cold War form. Since then, the main focus has been on putting into practice what was achieved on these occasions.

### *Human Dimension: From Codification to Direct Action*

Notwithstanding the numerous crises that have faced the international community since the beginning of this decade, the OSCE community stuck to its commitment to foster and further develop its obligations under the human dimension, as it realized that this human dimension remains the corner-stone of lasting peace and security in Europe. It has become increasingly clear in recent years that the time has come for immediate action, in order to apply in practice all previously codified norms and in order to create the necessary preconditions for the further development of these norms. The OSCE has developed from a meeting place for all countries involved in Europe's security and a forum for norm-setting with regard to the relationship between states and the relationship within states between the authorities and citizens, to an operational entity, responsible not only for the further elaboration of norms but, first and foremost, for the implementation of what has been agreed upon by all participating States. This has certainly not always been a smooth or successful process. Broad experience has been gained by trial and error, but temporary setbacks have not led to a stagnation of the process. This has been true not only because the basic will to achieve progress remained present, but also because Europe went from crisis to crisis, not seldom looking at the OSCE as an instrument for crisis management and conflict resolution. In this connection, one could describe the OSCE in recent years as primarily crisis-driven.

It goes without saying that this situation has had its impact on the role and functioning of the ODIHR. As the primary OSCE institution in the field of the human dimension, the ODIHR was the focal point of participating States' attention whenever action was required. On numerous occasions the ODIHR was asked to respond at a moment's notice to emerging problems in the field of human rights and democracy. These calls never went unanswered, but answering them sometimes occurred at the ODIHR's own expense. To use a metaphor: if a house is on fire, one sends in the fire brigade to put out the fire before starting a discussion about the best procedures for preventing fires from starting in the first place. If one fire after the other erupts, the fire brigade chases after each and every one of them, without being able to think about fire prevention or even about a better way to organize fire fighting. In recent times, this has been very much the case with the OSCE in general and the ODIHR in particular. The Permanent Council (PC) diligently used the ODIHR, its primary instrument in the human dimension, to face one crisis after the other, thus creating a new *modus operandi* which had never been envisaged when the ODIHR was put into place.

The Paris Summit of 1990 established the ODIHR as one of three administrative structures of the OSCE. The Office for Free Elections (OFE) was initially tasked with facilitating contacts and the exchange of information on elections within the States participating in the Conference on Security and Co-operation in Europe. Later the Office, now named ODIHR, received additional responsibilities for a number of activities in the human dimension. It was to serve as an institutional framework for information exchange on available technical assistance, expertise and national and international programmes. Furthermore, it was mandated to organize human dimension seminars and implementation meetings among all participating States on subjects related to the building and revitalization of democratic institutions. Also, it was tasked to be a clearing-house for information on states of public emergency and to maintain relations with other institutions active in the field of democracy-building and human rights, in particular with the Council of Europe. To these priorities were later added: special attention to recently admitted participating States in the programme of co-ordinated support, to the Roma and Sinti, as well as to the problem of aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism.

The basis for all these activities in the field of the human dimension are the mechanisms elaborated in the previously mentioned Conferences on the Human Dimension. However, the OSCE has not dwelled long on this codification, but has rather taken a more pragmatic approach to tackling issues that presented themselves to the Organization.

### *The ODIHR Priorities*

The situation described above pointed in one direction: there was a clear need for the ODIHR to focus on its operational activities. In April 1997 the idea of restructuring the Office was suggested, with a clear list of priorities for its operations in mind.

Three major areas of ODIHR's attention were set: promotion of free and fair elections; democracy-building through the promotion of civil society and democratic institutions; and practical involvement in the monitoring of implementation of OSCE human dimension commitments. Obviously, there were organizational and operational consequences of these priorities. A new organizational structure of the ODIHR, which will be discussed below, was approved by the PC and has since then to a large degree been implemented.

### *Elections - Observation and Technical Assistance*

The importance of free and fair elections cannot be overstressed. Events in recent years have shown that if elections are tampered with, the legitimacy of governments is put into question, and this can be the starting point of serious political turmoil. Doubts about elections can be the first step in an escalation which could eventually lead to armed conflict. This was illustrated quite clearly by events in Albania after the elections in 1996, which could not be considered free and fair, as was reported by ODIHR at the time.

It is quite logical that public attention is focused particularly on the election date itself and the role played by international observers at that time, close to the ballot boxes, where people are casting their votes. Certainly, international observation is an essential element in the holding of free and fair elections, but it should be kept in mind that the holding of the elections is only possible with adequate preparation.

In addition, assistance to a country in holding free and fair elections goes way beyond the mere monitoring of the voters' access to the ballot box on the actual date of the election. The development of ODIHR activities in this field since the early nineties shows a trend towards intensified co-operation with the authorities, offering assistance on matters related also to the preparation and implementation of election results. Moreover, in the aftermath of elections it can be extremely important to develop technical assistance programmes targeted at creating or solidifying the constitutional and administrative framework for future elections. Issues to be tackled include the establishment of a comprehensive voter register and the development of consistent election legislation. For these reasons, the new ODIHR policy is to undertake more projects of technical assistance in the election field. In 1998 these included: assistance in the creation of a civic and voter registration in Albania; providing advice on

election systems, media regulations and voter registration issues in the Federal Republic of Yugoslavia, Republic of Montenegro; review of a draft election law in Armenia.

In addition, in 1998 the ODIHR Election Section launched a big programme of assistance in Central Asia, long ahead of the scheduled elections (1999-2001). During the Central Asia Election Assistance Strategy Meeting organized in February 1998 in Warsaw, the ODIHR was proposed as the regional focal point to centralize and circulate information concerning the programmes of other international organizations in the election field. This meeting was followed by a workshop for senior election administrators of Central Asian states (held in Stockholm in March) organized jointly by the OSCE/ODIHR and the International Institute for Democracy and Electoral Assistance. Among the participants were the chairpersons of the Central Election Commissions of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan - countries which will hold their second presidential and parliamentary elections in 1999-2001. Among the topics discussed were: the role and structure of an election administration; electoral systems; conducting effective and cost efficient elections; voter, candidate and party registration; elections and the international community; and the role of the media.

In this context, it should be pointed out that election monitoring should not be seen as stigmatizing the country concerned as not being up to scratch with its democracy. Election assistance is first and foremost a sign of solidarity and co-operation by the OSCE community with the countries concerned, which are of course part of this community.

Of course the ODIHR continued its election observation activities throughout 1998. The long-term approach adopted by the ODIHR and its standardized methodology gained broad acceptance among the participating States. Progress was achieved also in co-operation and co-ordination between representatives of various international organizations involved in election observation. This was a subject of considerable concern, since in the absence of good co-ordination, the various international organizations ran the risk of contradicting each other when presenting a report on the outcome of elections. This would open the door to the possibility of one being played off against the other. More and more often, the organizations are beginning to issue joint statements after the elections, and elections in Slovakia and Azerbaijan were good examples of such co-operation.

### *Democracy-Building*

The work of the ODIHR in the field of democracy-building has become more focused and concentrates on practical results. Both virtues are reflected in a number of initiatives during 1997 and 1998.

In October 1997, the ODIHR and the government of Uzbekistan signed a Memorandum of Understanding (MOU) in which the parties agreed on a package consisting of several programmes in the field of democratization and human rights and in the field of election preparation. The projects envisaged in this context ranged from support for the National Centre for Human Rights of the Republic of Uzbekistan to co-operation with the Ombudsman of that country. Also, human rights training programmes were foreseen for constitutional court officials, law enforcement agencies and border officials. Furthermore, a series of meetings were planned to help develop co-operation between national human rights institutions, media and NGOs.

The guiding principle of these projects was to implement in a very concrete way the ODIHR's responsibility for assisting countries in transition. The conclusion of the MOU demonstrated clearly that there is a lively interest, not only on the part of the ODIHR but certainly also on the part of the government of Uzbekistan to take concrete steps towards implementing all commitments undertaken in the framework of the OSCE. Thus the ODIHR became more active at the grass root level and was able to make a direct contribution to the building of civil society. This is of particular importance for countries where there is so-far little experience with elements of civil society and a latent tendency, as part of history's heritage, to equate "non-governmental" with "anti-governmental".

A Memorandum of Understanding, such as the one with Uzbekistan, is a clear example of focused approach used in ODIHR's work. Similar MOUs were recently signed with Kazakhstan and Kyrgyzstan, as well as Georgia, Armenia and Azerbaijan. Such Memoranda of Understanding allow the ODIHR to implement projects addressing the needs of individual states, as well as regional ones that could have an impact on the development of the whole region. Thankfully, several OSCE participating States have given generous financial contributions to the ODIHR that will allow for the implementation of a wide variety of projects that could not be carried out otherwise.

The ODIHR is getting more and more involved in Armenia, Azerbaijan and Georgia, taking into account the very specific issues in the field of democracy-building these countries have to face. A delegation led by the ODIHR Director visited Azerbaijan, Georgia and Armenia on 14-28 March 1998. It consisted of representatives of the EU Commission, the UN High Commissioner for Refugees, the Council of Europe, and the OSCE/ODIHR. The aim of the mission was to assess the needs for assistance to the three countries in the human dimension field and to take stock of assistance programmes already provided by the international community, in order to avoid duplication of efforts and to improve co-operation between the international organizations.

In each of the three countries the joint delegation met with top officials in the executive, legislative and judiciary branches of power and had discussions with non-governmental organizations. All members of the delegation de-

scribed as a success this first-ever joint assessment mission by international organizations active in the Caucasus. A joint mission gives the different organizations at an early stage the opportunity to discuss the scope of action to be taken on the spot, and to work out a division of labour based on the availability of each organization's own resources - thereby minimizing the risk of duplication of efforts. A joint mission also sends the message to countries in need of assistance that the international community has mutually reinforcing standards and common goals in the fields of human rights and democratization, which creates a strong deterrent against forum shopping. On the other hand, a joint assessment of this kind increases expectations for concrete and immediate follow-up on behalf of the visited countries as the international community is presenting itself and its capacities jointly.

In conclusion, it is important to note that the ODIHR has been developing tailor-made packages for countries and regions. Such packages of democratization projects involving all or many of the elements described above have been agreed upon in Central Asian and Caucasian states in the form of MOUs. In addition, the ODIHR stands ready to assist the OSCE missions and other OSCE groups in the field.

#### *Monitoring the Implementation of Human Dimension Commitments*

A corner-stone of the implementation of human dimension commitments is the biennial implementation meeting on human dimension issues. This meeting, organized by the ODIHR in Warsaw, takes stock of the state of play in the human dimension in the participating States. Open to representatives of NGOs, the implementation meeting takes a close look at the issues in the field of human rights and fundamental freedoms, including the rights of persons belonging to national minorities, the rule of law and democracy.

After the implementation meeting in November 1997, the ODIHR came up with the suggestion to change the format of the implementation reviews to make them more result-oriented. As a result of a decision taken by the Ministerial Council of Copenhagen in December 1997, an informal discussion on the new format of those meetings has been initiated in the Permanent Council. A decision was reached in July 1998. The new modalities, which included increased activities in Vienna and increased NGO participation, were implemented for the first time during the autumn 1998's Human Dimension Implementation Meeting.



### *Co-operation with Other OSCE Institutions and Missions*

It would not be possible for the ODIHR to perform the above-mentioned functions in isolation from the other organs of the OSCE. On the contrary, close co-operation and joint efforts with all departments of the OSCE Secretariat, the High Commissioner on National Minorities (HCNM), the OSCE Representative on Freedom of the Media and the missions in the field are essential. Projects in the field are often only possible when the ODIHR works closely with the mission in the region.

Joint needs assessment missions have been undertaken by the Chairman-in-Office, the Secretary General, the ODIHR and the OSCE Secretariat, on occasion with the participation of the Office of the HCNM. The ODIHR also attaches great importance to improving the training of OSCE mission members. New ideas are currently being developed within the OSCE Secretariat in Vienna.

### *Co-operation with Other International Organizations*

It goes without saying that the ODIHR does not operate in isolation. It co-operates closely with other international organizations active in the field of the human dimension. As a rule, election observation operations are organized and conducted by a number of international actors, either jointly or in parallel. In this field, ODIHR has gained broad experience in co-operating closely with the OSCE Parliamentary Assembly, the Council of Europe and a number of other organizations. In the future, this co-operation will be continued and, where need be, intensified, in order to assure a maximum of efficiency and effectiveness in election observation. It is of particular importance that the international community, in the field of elections, speaks with one voice and thus sends the same message.

Already today, there is an intensive exchange of information with organizations active in the field of democratization, human rights and institution-building, in order to avoid duplication or the risk of forum shopping. A structural form of co-operation has been established with the Council of Europe and it can be said that both organizations are now working in an interlocking and mutual reinforcing manner.

As far as the development of projects is concerned, the co-operation with other international organizations will be enhanced, so as to achieve synergy and the pooling of (scarce) resources. In this context, the working-level contacts with the European Commission, the Council of Europe, the United Nations and the International Committee of the Red Cross (ICRC) will be intensified. Joint projects are already in the making in Albania, Central Asia, Armenia, Georgia and Azerbaijan.

### *Organizational Implications of the Changes in the ODIHR*

As pointed out earlier, the ODIHR has undertaken the necessary steps to adapt its own structure to the present needs in the field of election monitoring. An enlarged Election Section was created and is headed by a senior and experienced person. It consists of two units, one for election observation and one for training and assistance. The Section has many similarities with a fire brigade: it is ready at a moment's notice to organize election observation or assistance when the need arises. The snap elections in Armenia in spring 1998 testify to the fact that elections cannot always be planned long in advance, so the ODIHR should be able to have structures in place that can respond to such challenges. At the same time, experience can be built up to have programmes for training and assistance on the shelf, so that these can be activated when need be.

Although a number of issues await solution, it is fair to say that the ODIHR today is capable of responding at very short notice to the requirements of an election observation operation. The ODIHR has to rely mostly on seconded personnel to take on monitoring missions, however, continuity and professionalism can be provided in-house.

In an effort to streamline the activities in the human dimension, a distinct section has been created. This allows for better integrated and more coherent project management in the field.

### *Concluding Remarks*

The biggest challenge for the ODIHR in the coming years will be the practical carrying out of its tasks in election assistance and the promotion of the human dimension. The more project-oriented approach this calls for will require a new attitude on the part of both the ODIHR and its officials and also the OSCE community at large. The goal is to turn the ODIHR into a flexible human dimension tool, always at the disposal of the OSCE and its participating States, thus helping the consolidation and reinforcement of the OSCE's human dimension in all its aspects.

If ODIHR is to succeed in this endeavour, it will need the full and constant support of the OSCE community, not only as represented by the governments of the participating States, but certainly also as represented by non-governmental organizations, the media and the public at large.

Starting from this premise, a number of priorities can be identified for ODIHR action in the near future. In the sphere of promoting free and fair elections, the ODIHR will enhance its role in monitoring before, during and after elections, and will endeavour to improve co-ordination between the various organizations active in election monitoring. Instruments to achieve this include the coherent

implementation of the ODIHR observation methodology, enhanced technical assistance, follow-up of recommendations and the training of officials.

In the field of the human dimension and democracy-building, the ODIHR will pay increased attention to target-oriented projects. These will be worked out in close consultation with participating States and other international organizations active in this field. Also, the co-operation with other OSCE institutions and the OSCE missions will be enhanced, both in the identification and the implementation of possible projects. Whenever possible, the ODIHR will enter into more formal agreements with the government of the country concerned - for instance through a Memorandum of Understanding - allowing for the implementation of packages of mutually reinforcing projects.

The implementation of human dimension commitments will continue to receive the ODIHR's full attention. The Office will strengthen its capacities as a centre for information and expertise, at the disposal of the OSCE community at large.



## Financing of the OSCE

In December 1994 the Heads of State or Government of the participating States in the Conference on Security and Co-operation in Europe (CSCE), in the course of their meeting in Budapest, decided to rename the CSCE, effective 1 January 1995, as the Organization for Security and Co-operation in Europe (OSCE). This indicator of a new phase was meant to take account of the growth in activities during the preceding years as well as meet the desire of the participating States for a central role for the OSCE in creating a secure and stable OSCE community. It was also the expression of a fundamental change in the CSCE and of a general strengthening of its role in building their common security space.

Parallel to this kind of repositioning of the Organization there came about, with time - *inter alia* - the development of a new administration, especially the finance. More activities meant and mean a need for more resources, along with growing complexity in the efficient and economic administration of these resources.

This article will therefore deal with the relationship between the OSCE's growing political commitments and the attendant consequences for the Organization as a whole as well as for the individual participating States. Which arrangements and activities need to be financed, how great are the financial requirements and how great is the willingness of the participating States to make their contribution? A summary of the developments during the last few years is followed by a look into the future, along with proposals and ideas for increasing the OSCE's financial strength.

### *1994 - The Year of Organizational Change*

The year was characterized by significant organizational change. Effective on 1 January, a new Secretariat was established consisting of the Office of the Secretary General, the Conflict Prevention Centre, the Executive Secretariat and the CSCE Secretariat in Prague, which until then had been independent. Already in existence and in operation at this time were: the Office for Democratic Institutions and Human Rights (ODIHR) with headquarters

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<sup>1</sup> The author was Chief of Budget in the Department for Administration and Budget in the Secretariat in Vienna until September 1998. He has written this article from his personal vantage point, i.e. the views expressed in it are his own and do not necessarily correspond to those of the OSCE. He would like here to thank the OSCE's Treasurer, Mr. Stuart Baldwin, for his thoughts and suggestions with regard to financing mechanisms.

in Warsaw; the High Commissioner on National Minorities, headquartered in The Hague; the Minsk Conference/Minsk Group, which concerns itself with the conflict over Nagorno-Karabakh; the CSCE Missions and the Sanctions Assistance Missions with the Sanctions Co-ordinator.

In addition to the structural changes, new missions were also established in 1994 - e.g. in Sarajevo, Tajikistan and Ukraine - so that the budget plan finally approved for 1994 at a level of ATS 288.9 million (Austrian Schillings)<sup>2</sup> was ATS 122 million higher than the one for 1993. Actual expenses for 1994 amounted to ATS 228.3 million.

In addition to this regular budget, voluntary contributions - mainly by participating States - were made to the CSCE in the amount of ATS 4.8 million for a variety of projects. Here the actual expenditures came to ATS 2.3 million.

#### *1995 - The CSCE Turns into the OSCE and Keeps on Growing*

As mentioned above, the Conference on Security and Co-operation in Europe was renamed as the Organization for Security and Co-operation in Europe (OSCE) effective on 1 January 1995. Apart from the formal changes that this entailed it had no direct effect on the budget plan. What did make itself strongly felt in the budget plan, however, was the fact that political developments in the OSCE area required the Organization to become more heavily involved. In 1995 the OSCE sent an Assistance Group to Chechnya and a Liaison Office was set up in Tashkent to provide an important link between the Organization and the five Central Asian participating States. Towards the end of the year, moreover, the situation in Bosnia and Herzegovina began to cast its shadow when it became clear that the Dayton Agreement and the responsibilities it was to create for the Organization would require a substantial enlargement of the Mission to Sarajevo and, consequently, of the Secretariat. Taken together with the increased activities of the Office for Democratic Institutions and Human Rights and of the High Commissioner on National Minorities, this led to an increase over 1994 of ATS 36.6 million in the budget plan to a total of ATS 325.4 million. The actual expenses for 1995 came to ATS 259.8 million.

Again in 1995 voluntary contributions were put at the OSCE's disposal for diverse projects. They amounted to ATS 9.5 million, of which ATS 4.5 million were spent.

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2 100 ATS are equivalent to 14.21 German Marks or 7.90 US Dollars (as of 20 August 1998).

1996 was marked by three major events or developments, two of which had consequences for the following years and continue to do so today.

*First:* the involvement in Bosnia and Herzegovina. In accordance with the Dayton Peace Agreement of December 1995 the OSCE established in Bosnia and Herzegovina a large mission which was entrusted with preparation, conducting and monitoring of the general elections and also with responsibilities relating to human rights and democracy issues. In addition, the Personal Representatives of the Chairman-in-Office, operating out of Vienna, carried out certain tasks in connection with the implementation of Articles II and IV of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina. Understandably, this also required a temporary enlargement of the Secretariat and of the Office for Democratic Institutions and Human Rights. The result was an overall budget for the work in Bosnia and Herzegovina in the sum of ATS 253.9 million, a very substantial figure compared with the ATS 10.2 million in 1995 - and this figure does not include the direct costs for preparation, conducting and monitoring of the elections. For this purpose voluntary contributions, mainly from participating States, in the sum of ATS 511 million were made available; of this, ATS 314.3 million were spent.

*Second:* the need for an intensified presence in Croatia which began with the establishment of a mission in the country that in 1997 had to be enlarged several fold.

*Third:* the removal of UN sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) and the consequent reduction of activities of the Sanctions Assistance Missions until the expiration of their mandate on 30 September.

This resulted, *summa summarum*, in a 1996 budget plan of ATS 531.9 million of which ATS 480.2 million were actually spent.

As already indicated, the voluntary contributions must be divided into two categories: on the one hand, the ATS 511 million designated for work in connection with the elections in Bosnia and Herzegovina (with actual expenditures of ATS 314.3 million) and, on the other hand, voluntary contributions for special projects in the sum of ATS 5.2 million (with actual expenditures of ATS 5.4 million). Thus one can see that the involvement in Bosnia and Herzegovina led almost to a doubling of the regular budget - and the succeeding years were to see further increases.

The development begun in the previous years continued in 1997. From Albania to Bosnia, from the Baltic states to Croatia, the OSCE was more and more frequently called upon to demonstrate its ability to function as one of the main instruments in Europe for early warning, conflict prevention, crisis management and post-conflict rehabilitation. But let's take them in order. What were the main theatres of action in this year?

*Bosnia and Herzegovina:* As during the previous year, elections were central to the activities of the Mission to Bosnia and Herzegovina. The OSCE was entrusted with preparation, conducting and monitoring of the municipal elections and also of the elections to the parliament of the Republika Srpska; added to that were the long-term activities of the Mission such as democratization and promotion of human rights, the rule of law and development of the media. The Personal Representatives of the Chairman-in-Office also went on with their activities in connection with the implementation of Articles II and IV of Annex 1-B of the General Framework Agreement on Peace in Bosnia and Herzegovina. Temporary enlargement of the Secretariat and of the ODIHR was again necessary in 1997 so that the total budget for the tasks in Bosnia and Herzegovina, at ATS 248.9 million, was only slightly less than it had been the previous year. Actual expenditures for 1997 came to ATS 239 million.

As in 1996 the direct costs for preparation, conducting and monitoring of the elections were financed by voluntary contributions. In addition to the unused monies from 1996, ATS 382.7 million were made available in 1997, making it possible to cover most of the total costs of ATS 563.2 million.

*Croatia:* Expiration of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) made it necessary to strengthen the Mission to Croatia substantially. The budget for this Mission grew from ATS 10.5 million in 1996 to ATS 79.5 million in 1997, and continued to increase many times over in the following year. But more on that later.

*Albania:* The decision to establish an OSCE Presence in Albania led in the course of the year to the approval of an additional budget item in the sum of ATS 24.2 million.

*Office for Democratic Institutions and Human Rights:* 1997 saw the establishment of a new concept which, among other things, provided for the creation of new structures requiring a substantial increase in personnel and also more activities on the local scene - e.g. the support and monitoring of parliamentary elections in Albania. This meant that supplementary budget items of ATS 17.2 million had to be approved in the course of the year as a result



of which the ODIHR budget ultimately reached ATS 50.6 million, in contrast to the modest sum of ATS 33.4 million in 1996.

All of these things, along with increased activity in several other areas, led to an overall OSCE budget of ATS 649.5 million in 1997 - i.e. the 1996 figure of ATS 531.9 million was exceeded by ATS 117.6 million or 22.1 per cent. Actual expenses came to ATS 595.8 million.

Once again in 1997 there were voluntary contributions for special projects, over and above the ATS 382.7 million already mentioned that were earmarked for work especially in connection with the elections in Bosnia and Herzegovina. Altogether, participating States, other countries and international institutions made available ATS 75.3 million of which about ATS 40 million were designated for the elections in Albania and Chechnya. Of this sum ATS 49.6 were actually expended.

*In sum:* The OSCE's involvement is increasing - and that of course has its price.

#### *1998 - The One Billion Mark is Passed*

At the present time, i.e. on 15 May 1998, the total budget approved for 1998 comes to ATS 1,443.8 million. How did this almost incredible leap of ATS 794.3 million, or 122.3 per cent, over 1997 come about? The answer is: new activities (as in the previous years), expansion of already existing activities, and a changed method of financing certain of these activities.

*New activities:* Examples that can be mentioned here are the creation of the office of the OSCE Representative on Freedom of the Media, the new Coordinator of OSCE Economic and Environmental Activities and, in the area of the missions, the Advisory and Monitoring Group in Belarus.

*Expansion of Existing Activities:* 1998 is witnessing an increase in such activities as public relations, economic and environmental issues, seminars and conferences, and work related to the reorganization of the Secretariat already begun in 1997. With regard to the missions, the budget for the Mission to Croatia is rising from ATS 79.5 million in 1997 to ATS 268 million, an increase of ATS 188.5 million or 237 per cent.

*Changed method of financing:* This affects the Mission to Bosnia and Herzegovina and all of its activities and responsibilities. The community of states had already made clear in 1997 that it would not be possible to go on with the previous financing practices. In 1996 and again in 1997, a large portion of the activities carried out by this Mission - especially in connection with the organization, conducting and monitoring of various elections - was financed by voluntary contributions. Only the basic structure of the Mission and the activities related to its core responsibilities were financed out of the

regular budget - meaning that these costs were borne by all participating States in accordance with the prevailing scale of distribution.

This practice came to an end in 1998 when it became clear that voluntary contributions would no longer be available at the accustomed level. Thus all of the activities that had previously been financed in this way now reverted to the regular budget.

The consequence was that, as a first step, a so-called normal budget for the Mission amounting to ATS 322.8 million was adopted (in 1997 it had been only ATS 248.9 million). Then, in a second step, a supplemental budget was adopted at the end of April providing ATS 488.9 million for the organization, conducting and monitoring of the general elections of 1998, thus raising the overall 1998 budget for the Mission to Bosnia and Herzegovina to ATS 811.7 million.

It should be mentioned here that a changed scale of distribution has been applied to the budget of this Mission and also to the one to Croatia. But this does not alter in any fundamental way the fact that, as things now stand, the OSCE will have to finance an overall budget of almost ATS 1.5 billion for 1998.

How are the activities of the OSCE financed now? Who contributes how much?

*Assessed Contributions - Scale of Distribution in Accordance with the Helsinki Document of 1992*

Chapter XII, Paragraphs 3 and 4 of the Helsinki Document 1992 establishes a scale of distribution for determining the contributions of all participating States to the adopted budget, including any adjustments. Changes in this scale of distribution require approval by the Permanent Council and have already been necessary a number of times owing to the admission of new participating States. According to this scale, contribution percentages range from 0.125 per cent for such countries as Andorra, Liechtenstein, Malta and San Marino to nine per cent for Germany, France, Italy, the Russian Federation, the United States and the United Kingdom (see Annex 2). Contributions for the current budget year are determined after the budget has been approved by the Permanent Council, with a first bill for fifty per cent of the contribution payable on January 20 and a second bill for the remaining fifty per cent due by 1 April of the year for which the budget has been approved. If the Permanent Council, owing to additional activities that create supplemental funding requirements, makes an adjustment in the budget, the appropriate sums are billed separately to the participating States or, if the timing makes it possible, are included in the second bill. It is also possible that to-

wards the end of the year a final bill may be sent whose purpose is usually to account for all of the budgetary adjustments throughout the year and any portions of the regular budget not already covered by earlier bills. Naturally this process also works "in the opposite direction", i.e. for any budget reductions that may have been approved.

#### *Assessed Contributions - Scale for Large Missions and Projects*

On 19 December 1997 at the meeting of Foreign Ministers in Copenhagen the Ministerial Council, with its Decision No. 8, approved a supplemental financing mechanism which is to be applied only to OSCE missions and/or extraordinary projects/activities above a certain financial magnitude (budgetary requirements of at least ATS 185 million) and which is also based on a scale of distribution that differs slightly from the one just described. What led to this decision?

In the course of the OSCE's involvement in organizing, conducting and monitoring the various elections in Bosnia and Herzegovina it proved to be ever more difficult and, in the end, almost impossible to get voluntary contributions for the financing of these activities. While the general elections of 1996 and the municipal elections of 1997 were still completely financed by voluntary contributions, there were problems with this kind of financing in the autumn of 1997 in connection with the elections in Republika Srpska - i.e. it could be seen in advance that the voluntary contributions might no longer be sufficient. The Permanent Council dealt with this problem through its Decision No. 192 of 30 October 1997 which specified that those portions of the budget for organization, conducting and monitoring of the elections in Republika Srpska which could not be covered by voluntary contributions would be billed to the participating States.

The changed scale (see Annex 2, last column) was, moreover, a consequence of the dissatisfaction of a number of participating States with the existing scale of distribution based on the Helsinki Document of 1992, as that scale obviously did not (any longer) adequately reflect the economic strength and ability to pay of all participating States. The new scale deals with this problem in the sense that it is calculated mainly on the basis of the gross domestic product of the individual participating States. The following points are worth mentioning in this connection:

- The Permanent Council must decide on a case-by-case basis whether this new - supplementary - financing mechanism will be used or whether contributions will be billed to the participating States in accordance with the scale of distribution based on Helsinki 1992.

- When a decision has been made in favour of the new mechanism and the budget for the project or mission in question has been adopted, the participating States will be billed, initially, only up to two thirds of the approved budget. The remaining third is to be financed by voluntary contributions. As soon as it becomes clear how much the community of states is prepared to do through voluntary contributions, the portion of the final third which cannot be financed in this way will be billed to the participating States on the basis of the new scale. That means that in the worst case the entire budget and, in the best case, only two thirds of it must be raised in this way.
- This new financing mechanism will be applied until 31 December 2000. At the same time, the Decision provides that both the old and the new scale will be reviewed under the auspices of the Permanent Council.

### *Voluntary Contributions*

Apart from financing through assessed contributions, various OSCE activities and projects are financed by voluntary contributions from participating States, other countries, organizations and private parties. Examples are the elections in Bosnia and Herzegovina already mentioned, activities related to the elections in Chechnya and Albania, the fund to promote the integration of recently admitted participating States, the fund for activities related to economic aspects of security, voluntary contributions for various seminars and workshops, and for other special projects.

There are precise OSCE rules that lay down the procedures to be followed, e.g. the decision in principle to accept such contributions, the supervision of their proper use, and reporting to the donors in accordance with their requirements and desires. Without the system of voluntary contributions, a number of activities and projects - often small ones that at first sight seem "insignificant" - could not be carried out.

### *The Financing of Activities - Actual*

Following the issue just discussed - methods and techniques through which the participating States are "invited to the cashier's desk" - this section deals with the willingness and/or ability of participating States to pay. We have come to the subject of arrears - an irksome but important matter for all international and national organizations.

As of 23 April 1998 the total of arrears came to ATS 560.3 million, divided by year as follows:

–	1993 and previous	2.3	million ATS
–	1994	3.7	million ATS
–	1995	6,7	million ATS
–	1996	14,3	million ATS
–	1997	95,2	million ATS
–	1998	438,1	million ATS <sup>3</sup>

What does this mean in concrete terms? Does the OSCE have *liquidity problems*? In principle, the answer is simple: not yet. The figures given here should not (and should not be allowed to) give the impression that the OSCE shares the fate of other international organizations in terms of financial resources. Despite current arrears amounting to ATS 560.3 million there is as yet no danger of liquidity bottle-necks and/or payments difficulties (and, with the exception of short-term problems, this was always the case in the past). The still unpaid contributions for 1998 must be viewed in the correct light. While the sum of ATS 438.1 million seems at first to be shockingly high, it does not necessarily reflect greater unwillingness or inability to pay on the part of all or some participating States but, rather, the fact that the due date for the second billing for this year was 1 April and many participating States do not observe the due date very meticulously.

All the same, I wish to emphasize here the necessity of payments discipline on the part of the participating States. It is of the greatest importance, especially for a rapidly growing organization such as the OSCE that is steadily being given new and additional responsibilities, that the participating States pay their bills on time and in full - with equal importance attaching to the *timeliness*.

*Excursus:* The Permanent Council took account of the problem that may arise from the thirty-days period, foreseen in the Financial Regulations, between billing and payment of assessed contributions by its Decision No. 133 of 27 June 1996. This Decision provides for the creation of a Revolving Fund of ATS 37.3 million that can be used if liquidity bottle-necks should arise during this period of time.

In addition, the Permanent Council, through Decision No. 182 of 17 July 1997, approved the establishment of a Contingency Fund in the amount of ATS 30 million. This Fund is to be used when the Permanent Council has adopted a basic decision on an additional activity of the Organization and there is a need to act immediately but the relevant budget has not yet been adopted and hence not yet been billed to the participating States.

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3 As of the above date only ATS 753.7 million or 52.3 per cent of the approved budget had been billed for the year 1998.

These two measures, however, are only designed to bridge short-term financing bottle-necks resulting from "technical circumstances". They offer no real assistance in the event of payments difficulties or unwillingness to pay on a larger scale.

### *Is the OSCE Fit for the Next Millennium?*

When I pose - and try to answer - the question whether the OSCE is fit for the next millennium, my attention is drawn (in the spirit of this article and in view of my function in this Organization) quite naturally to the financial aspects. Whether the activities of the OSCE in coming years increase, stay at the present level or are reduced will of course depend on political developments within the common security space and the relevant decisions of the decision-makers.

All the same, I do not yet perceive any real impairment of the Organization's financial fitness. It is able to react quickly and unbureaucratically to new events and responsibilities and, despite the enormous growth of its consolidated budget in recent years, it has not yet taken on the dimensions (and related problems) of other international organizations.

Nonetheless, I can see (and, judging from the relevant decisions of the Permanent Council, I am not the only one) a future need to do something in two fields - *adaptation of the scale of distribution* and *measures to take in the event of arrears* - so that, over the long term, the financial mobility and health of the Organization will not be impaired or put at risk.

### *Adaptation of the Scale of Distribution*

As already explained, the billing of assessed contributions to the approved budget is based on the scale of distribution in the Helsinki Document of 1992. This scale was slightly changed for large missions and projects and the Decision No. 8 of the Ministerial Council, through which this was done, called in Point 5 for a review of the old ("normal") scale and for a report to the next Summit Meeting of the Heads of State or Government. Point 5 also states that this report is also to be taken into consideration when establishing the scale for large missions and projects for the period after 31 December 2000.

What does this mean? It means, quite simply, that the highest decision-makers of the OSCE are convinced that the scale of distribution established in 1992 has not kept pace with developments in recent years and no longer accurately reflects the real economic circumstances.

Will a change have any influence on the payments ethics of all or some participating States? I am inclined to say "yes" to this question even though it is not easy to demonstrate a relationship between the scale of distribution and the level of unpaid contributions, and failure to pay contributions on time can have, and will have, other reasons than the ones just mentioned. But it seems plausible and understandable that dissatisfaction with a percentage share can have an effect on willingness to pay the assessed contribution on time.

#### *Measures in the Event of Arrears*

Regulation 4.09 of the current Financial Regulations of the OSCE describes in detail the steps to be taken in the event of arrears. If a participating State, by 1 April of the current financial year, has not yet paid all its assessed contributions for the preceding financial year, the Secretary General will request the offending state to pay its arrears within 60 days. If this is not done, the Secretary General asks the state in question for the reasons occasioning the payments delay. If the amount of arrears equals or exceeds the sum of the contributions due for the preceding two full years, the Chairman-in-Office will refer the case to the Permanent Council which will then take measures to obtain rapid payment of the outstanding contribution from the participating State in arrears.

#### *What Needs to Be Changed? And Why?*

As for the *why*, one hardly needs to waste words if one bears in mind that a participating State can be 17 months behind in the payment of its contributions before the Secretary General becomes, or can become, involved - and this involvement consists in asking the country in question for an explanation of the delay.

The *what*, however, is a fit subject for discussion. The main objective must be to retain or strengthen the Organization's financial ability to function or, to put it another way, to avoid situations in which necessary and agreed activities and projects, owing to the absence of financial resources, cannot be carried out or cannot be done on time. I am thinking of shortening the currently valid time limits, and I am thinking of the (possibly not very popular) imposition of concrete sanctions in the event of arrears - a practice, by the way, which exists in various forms in other international organizations. Sanctions provide no guarantee that arrears will be minimized or eliminated but they can substantially increase the willingness to pay on time.

That is what is important in the long run. We cannot permit all the work and effort on the political and thus substantive side of the OSCE to be impeded (or even founder) owing to financial and administrative problems. All par-

ticipating States need to be aware that the words "activities" and "payments" should be spoken in the same breath. Or, as they say in Vienna: "No money, no music!"



## Annex 1: The Development of the Consolidated CSCE/OSCE Budget Proposal

Fund	94 Budget	95 Budget	96 Budget	97 Budget	98 Budget	Difference	
	ATS	ATS	ATS	ATS	as of 15.5.98 ATS	Bud. 98/94 ATS	%
General Fund	119.854.793	126.382.929	124.441.465	131.719.927	149.948.573	30.093.780	25,1
ODHIR	22.345.000	39.662.645	33 359.902	50.563.104	49.181.250	26.836.250	120,1
HCNM	5.832.288	9.406.451	11.713.000	12.727.500	14.660.407	8.828.119	151,4
Representative on Freedom of the Media	-	-	-	-	4.910.471	4.910.471	-
Minsk Conference	31.814.350	24.294.544	23.846.154	28.527.675	30.950.172	(864.178)	(2,7)
OSCE Missions	64.929.680	82.611.396	331.980.817	431.012.797	1.199.155.535	1.134.225.855	1.746,9
SAMs	44.081.008	43.066.588	10.556.540	-	-	(44.081.008)	100,0)
Sub-total	288.857.119	325.424.553	535.897.878	654.551.003	1.448.806.408	1.159.949.289	401,6
Income	-	-	4.000.000	5.000.000	5.000.000	5.000.000	-
Grand Total	288.857.119	325.424.553	531.897.878	649.551.003	1.443.806.408	1.154.949.289	399,8

## Annex 2: Applied Scales of Distribution

Participating States	1994	1995	Jan. - May 1996	June - Dec. 1996	1997	1998	1998 Larger Missions & Projects (%)
France	9,00	9,00	9,00	9,00	9,00	9,00	10,34
Germany	9,00	9,00	9,00	9,00	9,00	9,00	10,34
Italy	9,00	9,00	9,00	9,00	9,00	9,00	10,34
Russian Federation	9,00	9,00	9,00	9,00	9,00	9,00	5,50
United Kingdom	9,00	9,00	9,00	9,00	9,00	9,00	10,34
United States of America	9,00	9,00	9,00	9,00	9,00	9,00	12,40
Canada	5,45	5,45	5,45	5,45	5,45	5,45	5,45
Spain	3,65	3,65	3,65	3,65	3,65	3,65	4,20
Belgium	3,55	3,55	3,55	3,55	3,55	3,55	4,07
Netherlands	3,55	3,55	3,55	3,55	3,55	3,55	4,07
Sweden	3,55	3,55	3,55	3,55	3,55	3,55	4,07
Switzerland	2,30	2,30	2,30	2,30	2,30	2,30	2,65
Austria	2,05	2,05	2,05	2,05	2,05	2,05	2,36
Denmark	2,05	2,05	2,05	2,05	2,05	2,05	2,36
Finland	2,05	2,05	2,05	2,05	2,05	2,05	2,36
Norway	2,05	2,05	2,05	2,05	2,05	2,05	2,36
Ukraine	1,75	1,75	1,75	1,75	1,75	1,75	0,18
Poland	1,40	1,40	1,40	1,40	1,40	1,40	1,05
Turkey	1,00	1,00	1,00	1,00	1,00	1,00	0,75
Belarus	0,70	0,70	0,70	0,70	0,70	0,70	0,07
Greece	0,70	0,70	0,70	0,70	0,70	0,70	0,53
Hungary	0,70	0,70	0,70	0,70	0,70	0,70	0,53
Romania	0,70	0,70	0,70	0,70	0,70	0,70	0,07
Czech Republic	0,67	0,67	0,67	0,67	0,67	0,67	0,50
Bulgaria	0,55	0,55	0,55	0,55	0,55	0,55	0,06
Ireland	0,55	0,55	0,55	0,55	0,55	0,55	0,63
Kasakstan	0,55	0,55	0,55	0,55	0,55	0,55	0,06

Luxembourg	0,55	0,55	0,55	0,55	0,55	0,55	0,63
Portugal	0,55	0,55	0,55	0,55	0,55	0,55	0,41
Uzbekistan	0,55	0,55	0,55	0,55	0,55	0,55	0,06
Yugoslavia (membership suspended)	0,55	0,55	0,55	0,55	0,55	0,55	0,00
Slovakia	0,33	0,33	0,33	0,33	0,33	0,33	0,25
Albania	0,20	0,20	0,19	0,19	0,19	0,19	0,02
Bosnia and Herzegovina	0,20	0,20	0,19	0,19	0,19	0,19	0,02
Croatia	0,20	0,20	0,19	0,19	0,19	0,19	0,14
Cyprus	0,20	0,20	0,19	0,19	0,19	0,19	0,14
Estonia	0,20	0,20	0,19	0,19	0,19	0,19	0,02
Iceland	0,20	0,20	0,19	0,19	0,19	0,19	0,21
Latvia	0,20	0,20	0,19	0,19	0,19	0,19	0,02
the former Yugo- slav Republic of Macedonia	0,00	0,00	0,19	0,19	0,19	0,19	0,02
Lithuania	0,20	0,20	0,19	0,19	0,19	0,19	0,02
Moldova	0,20	0,20	0,19	0,19	0,19	0,19	0,02
Slovenia	0,20	0,20	0,19	0,19	0,19	0,19	0,14
Armenia	0,20	0,20	0,185	0,185	0,185	0,185	0,02
Azerbaijan	0,20	0,20	0,185	0,185	0,185	0,185	0,02
Georgia	0,20	0,20	0,185	0,185	0,185	0,185	0,02
Kyrgyzstan	0,20	0,20	0,185	0,185	0,185	0,185	0,02
Tajikistan	0,20	0,20	0,185	0,185	0,185	0,185	0,02
Turkmenistan	0,20	0,20	0,185	0,185	0,185	0,185	0,02
Andorra	0,00	0,00	0,00	0,125	0,125	0,125	0,02
Holy See	0,15	0,15	0,15	0,125	0,125	0,125	0,02
Liechtenstein	0,15	0,15	0,15	0,125	0,125	0,125	0,02
Malta	0,15	0,15	0,15	0,125	0,125	0,125	0,02
Monaco	0,15	0,15	0,15	0,125	0,125	0,125	0,02
San Marino	0,15	0,15	0,15	0,125	0,125	0,125	0,02
GRAND TOTAL	100,00	100,00	100,00	100,00	100,00	100,00	100,00



## External Relations and Influences



## Egypt's View on Co-operation with the OSCE

### *The OSCE Perspective for Mediterranean Security and Co-operation*

Whereas the Mediterranean dimension of European security appears to us - from the south - to fall at the tail end of the European security agenda, the European dimension of Mediterranean security is to us a prime concern of high priority. The following are some points that delineate a picture of Egypt's interests and sources of concern.

1. Interdependence between European and Mediterranean security, as evident from an analysis of the relevant European literature, has originated from feelings of doubt and suspicion vis-à-vis most of what comes from the south. In Europe it has become commonly accepted that arrivals from the south are most likely illegal immigrants who circumvent entry and residency laws in their avid quest for an employment opportunity. Much of organized crime, including smuggling rings in Europe, is perceived to be the work of Mediterranean elements. When terrorism and violence strike a European city suspicion first looms around persons of Mediterranean origins. Traditional European images of the communist enemy have even disappeared, only to be readily replaced by Islam as the arch enemy. Mongers of such falsified images pretend to have forgotten that Europe has had the greatest share of responsibility for the brain-drain suffered by South and East Mediterranean states, that European nationals were caught red-handed south and east of the Mediterranean and convicted for smuggling industrial waste and foodstuffs of expired validity, even infected with germs causing fatal diseases. They forgot that terrorism has no nationality, homeland or religion and that violence is the favourite language of the desperate - be they of Arabic, Spanish, English or any other tongue. The traders of those venomous ideas ignore the significance of the image of Caliph Omar Ibn Al-Khatib's journey from Medina to Jerusalem to receive the keys of that Holy City and his tactful apology for declining the priest's invitation to perform the prayers inside the church so that this might not later embolden his followers to encroach upon its sanctity. By so doing, Caliph Omar set an example of consideration towards the feelings of Christians.

2. In September 1974 - after an Egyptian initiative - the Council of the Arab League issued a resolution supporting the idea of declaring the Middle East a nuclear-free zone. In December of the same year, Egypt and Iran cosponsored a draft resolution to this effect at the UN General Assembly. This initiative has enjoyed renewed UN support every year. In 1990, President

Mubarak launched a fresh initiative, with the support of all Arab parties, to free the Middle East of all weapons of mass destruction. Meanwhile, all Middle Eastern and Mediterranean basin states except for one have joined the Non-Proliferation Treaty (NPT). Yet when security organizations operating in the European arena deal with the issue of the proliferation of weapons of mass destruction the fingers of accusation point to Arab states. A greater portion of transparency, frankness, justice and non-selectivity, however, is a precondition for the maintenance of common security.

3. Bilateral, tripartite, quadripartite and collective military arrangements are unilaterally embarked upon by European countries in the Mediterranean basin. Despite reiterations of the strategic interdependence between Europe and the Mediterranean states, many questions still linger regarding the terms of reference of such arrangements, the conditions of their implementation and the extent to which they respect principles of international law and respond to the requirements and viewpoints of Mediterranean states.

4. Unilateral attempts to achieve absolute security - attainable only in fiction - constitutes an unfailing recipe for the outbreak of violence and hostilities. What is more realistically achievable - and herein lies the gist of the experience of security and co-operation in Europe - is reciprocal and common security. To this end we know but one path: just peace.

The OSCE, which has repeatedly underlined in its documents the importance of Mediterranean stability to European security, is called upon to consider the enhancement of its participation in efforts aimed at achieving a just and lasting peace in the Middle East.

5. Since lasting peace is indivisible, prosperity must be shared for it to last. Hence, exploring the ways and means to reduce disparities in economic and social development in the Euro-Mediterranean sphere is imperative for enhancing mutual and common security.

6. To survive and thrive, a cultural or social system should stem from the environment in which it is set up; otherwise, it is doomed. Imported formulae for social relationships cannot last. Respect for cultural specificities should urge us to exert our every effort to pin down our differences and overcome their consequences through an intensification of confidence-building measures of cultural nature.

7. Restrictions imposed on the transfer of sensitive technology under the pretext of maintaining security should not turn into insurmountable barriers in the face of Mediterranean states. These restrictions should not prevent them from gaining the facilitated access to technology that is necessary for carrying on with their economic and social development. In addition, agencies set up and arrangements concluded in the realm of the European weapons industry should not obstruct Mediterranean states from acquiring those



weapons systems needed for safeguarding their national security with due respect to the notion of military sufficiency.

8. The preservation and protection of the natural environment should not find expression in a new division of labour whereby environment polluting industries are moved from industrialized nations to their Third World counterparts in the Mediterranean and elsewhere. We welcome OSCE traditional concern with environmental protection as a source of assistance to us in introducing methods of technological innovation in harmony with the requisites of environmental protection. On the other hand, it has to be emphasized that environmental concerns should not be used as a pretext for erecting protectionist barriers by setting up excessively high environmental standards.

#### *Possibilities of Applying the OSCE Experience in the Mediterranean*

1. The Mediterranean cannot be viewed as a distinct security zone in its own right. This is particularly true when the criteria of security as propagated by the OSCE are applied: comprehensive, co-operative and indivisible. Until recently, the Mediterranean had been perceived as an extension of other security zones, namely Europe, within the context of the East-West confrontation, and the Middle East with the Arab-Israeli conflict and super powers rivalries both in mind.

From the perspective of the Security Model for the Twenty-first Century, the geostrategic significance of the Mediterranean certainly extends eastwards and southwards to include the Gulf, the Red Sea and the Horn of Africa. Even with the restricted definition of the Mediterranean as a merely geographic feature, any talk about the implications of interdependence between Europe and the Mediterranean will have to take into consideration the perceptions, viewpoints and concerns of powers in the Eastern Mediterranean and North Africa that do not figure on the list of Mediterranean partners for co-operation (MPC). Until a common and precise understanding of this elementary issue is agreed upon, question marks will remain concerning the significance, value and purpose of the relationship between the OSCE and its MPC.

2. Having repeatedly cautioned against the disregard of strategic and cultural specificities of our part of the world, I will have to dwell for a while on this topic in the hope of coming to agreed terms with the reader.

a) I beg to differ with any reference to the diversities with which the OSCE is presently teeming. For most of the time in which the CSCE process has been going on, the big partner to the east and original author of the process itself was the Soviet Union, governed from Moscow, which despite its own great history and distinctive personality shared many features with other Orthodox

Slavic cities of Europe. The Iron Curtain covered such different and distant lands and peoples as Tajikistan, Kyrgyzstan, Uzbekistan and Kazakhstan that later broke apart in the course of the dissolution of the Soviet Union. I dare claim that if there had not been the element of uniformity at that time and if the beginning of the CSCE process had been postponed until today, the same results would have been hardly achievable.

b) The CSCE process has been evolving in the shadow of certain concepts such as strategic stability, mutual deterrence and military sufficiency. Those concepts were coined and fine tuned during the sixties and seventies by powers carrying an extensive variety of nuclear weapons systems in their respective arsenals. They have no or very little relevance to us in an Eastern Mediterranean characterized by a flagrant imbalance in the distribution of military power.

c) The European theatre in the seventies was dominated by the interaction of bloc politics where a leading power bestowed its nuclear and security umbrella on its satellite bloc members and regulated their intra- and interaction, whereas in our region each individual country has its own security agenda.

d) In spite of rivalries and ideological confrontation, there was no occupation of territories by force nor any existing state of belligerency between CSCE partners. Both ailments are still plaguing us in the Middle East.

e) Strategic balances of power south and east of the Mediterranean are extremely complicated. They overlap and extend far beyond regional borders as conventionally agreed upon. To illustrate this we will have to consider answering questions like these: would the capabilities of a country like Syria be assessed in relation to those of Israel, Turkey or Iraq? What would the implications and requirements in terms of power capabilities of the history long pan-African responsibilities of a country like Egypt be? To what extent would tensions in the Indian sub-continent be reflected in power relations within the Middle East? What really is the impact on Mediterranean security of the Euro-Asian security relationships strongly emphasized in recent years after the emergence of the PfP that has brought NATO to the borders of China and the advent of a network of new pipelines transporting Central Asian oil and gas to the Mediterranean shores?

f) The region is a theatre of global competing interests owing to its geographical location, natural resources and religious holy symbols which it is rich with. This adds to the complexity of the region's security status.

g) While the two blocs of the CSCE belonged to the same Western civilization, in this part of the world, the existence of a multitude of cultural categorizations even within the same civilization has a serious bearing on very significant issues like respect for human rights and the quality of governance. The perception of human rights in some societies where fundamentalism is the code of life is at variance with its perception in a standard European soci-

ety and even in some other Mediterranean societies. The rule of law and conventional democratic practices would seem at a total loss in societies where nomadic life predominates and the chief of the tribe incarnates the law. Specificities of the Mediterranean such as these render it very difficult and extremely dangerous to attempt automatically to transplant OSCE experience to the Middle East under the prevailing conditions.

#### *Future Co-operation with the OSCE*

1. Until now it has been the norm in our relationship with the Organization for it to attempt to apply to us the whole set of concepts and lessons drawn from its experience. This approach ignores the gradual, accumulative perfection acquired through the performance of the CSCE during more than twenty years. It fully disregards the radical differences existing between the Europe of the seventies and the Mediterranean countries of the nineties. However, we see the importance of an adaptation process in which we agree together on concepts and measures that could selectively be chosen for test application by the Mediterranean partners for co-operation.
2. The centrality of the Arab-Israeli conflict in Middle East politics has never prompted us to try to involve the OSCE in the quest for its settlement. We clearly see the limits of the Organization as well as the conditions for the success of the peace process. But we want the OSCE to come close enough to Middle Eastern realities to realize the inhibitions that conflict puts on the ability of the parties to go along with certain concepts and measures familiar to the Organization.
3. Greater participation of the Mediterranean partners in the formulation of the Security Model was repeatedly called for. Egypt vehemently supports this call and requests the immediate implementation of the Budapest and Lisbon Summit resolutions to the effect of giving the MPC access to the bodies of the Organization, at least with regard to discussions relating to the Mediterranean dimension of the Security Model. Greater access has already been granted to Japan, allegedly as a prize for a generous financial contribution. Until this is a routine practice that allows the putting to use of the opportunities made possible to us by our present status any talk about reviewing or upgrading the status of the MPC will have no meaning.
4. Political and security interdependence between Europe and Mediterranean countries are being explored and debated in several fora: the Barcelona Process involving twelve Mediterranean partners with the EU, NATO and the WEU. To avoid redundancy and mistrust and proceed in line with the requirements of the Security Model for co-ordination with other security organizations, greater transparency is needed. We should jointly investigate the

value and feasibility of a meeting on the Mediterranean dimension of the European Security Model with the participation and active contribution of the representatives of the MPC.

5. Co-operation between the MPC and the Organization is bound to be a long and evolving process that requires much interaction, cross fertilization and mutual education. Involving the MPC in field activities of the OSCE will certainly be of great value. The recent experience in which Mediterranean countries took part in the monitoring of the electoral process in Bosnia and Herzegovina was extremely beneficial.

6. Accordingly, Egypt submitted a concept paper to the Organization highlighting the objectives, principles, challenges and fields of co-operation between the OSCE and the Mediterranean partners for co-operation. In it we proposed specific steps such as:

- seminars dealing with cultural confidence-building measures;
- workshops aimed at activating economic, scientific and technological co-operation;
- joint efforts to protect the environment;
- exchange of information on the promotion of tourism;
- establishing an integrated information network on the conditions of labour;
- exchange of information on combating terrorism and other interrelated phenomena such as organized crime; and
- exchange of experiences in the fields of peaceful settlement of disputes and building civil societies.

## The Council of Europe and the OSCE: How to Ensure Complementarity and Partnership?<sup>1</sup>

### *Preliminary Remarks*

This is the first time an article on the relationship between the Council of Europe and the OSCE has appeared in the OSCE Yearbook. It is a welcome novelty because it illustrates the trend towards mutually reinforcing organizations and action in Europe. This trend is based on an emerging network of co-operative relationships between organizations and institutions involving the OSCE, the EU, NATO, WEU and the Council of Europe.

This article first explains some key features of the Council of Europe highlighting the comparative advantages of the organization and indicating the scope for and nature of the relationship with the OSCE. Secondly, it gives an overview of co-operation showing what already has been accomplished in the relationship. The conclusion addresses the question of how to ensure complementarity and partnership.

### *Cornerstones*

At the second Council of Europe Summit held in October 1997 in Strasbourg, member States gave their full support to the Council of Europe with a view to intensifying its contribution to cohesion, stability and security in Europe and they welcomed the development of the Council of Europe's co-operation with other European and trans-Atlantic organizations, in particular the European Union and the OSCE.

The Council of Europe, on the basis of its Statute, and the OSCE with its human dimension, share the common principles of democracy, human rights and the rule of law. However, they differ in terms of mandates, membership and working methods. The OSCE is a pan-European, and even a trans-Atlantic security organization.

The human dimension is part of the OSCE's comprehensive concept of security. The goal of the Council of Europe is to achieve greater unity between its members. Implementing and promoting the principles of democracy, human rights and the rule of law constitute the *raison d'être* of the Council of Europe. Thus, the Council of Europe also contributes to democratic security

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1 The article reflects the personal views of the author and not the official position of the Council of Europe.

and stability in Europe by implementing the concept of democratic security. The concept of democratic security was forged at the first Council of Europe Summit in 1993 in Vienna: Europe could become a vast area of democratic security provided that all countries were committed to pluralist and parliamentary democracy, indivisibility and universality of human rights, pre-eminence of the rule of law and a common cultural patrimony enriched by its diversity.

The Council of Europe's enlargement over the last eight years has made it an all-European organization comprising 40 member States. Five more countries (Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, and Georgia) have applied for membership. The USA, Canada and Japan as well as the Holy See enjoy observer status. Thus, the Council of Europe plays a key role in promoting European unification through the geographic scope of the countries committed to the same values and principles.

Given the overlap in mandates and membership, there are ample needs and opportunities for co-operation between the Council of Europe and the OSCE. Pragmatic co-operation in a spirit of partnership helps to achieve mutual reinforcement and complementarity of action through making best use of the comparative advantages and, no less important, of the limited existing resources.

In recent years, a co-operative relationship has developed between the two organizations based on contacts and pragmatic co-operation. Of course, there is still room for further improvement in this co-operation.

#### *About the Council of Europe*

##### *Aims and Principles*

The Council of Europe's aim is "to achieve a greater unity between its members for the purpose of safeguarding and realizing the ideals and principles which are their common heritage and facilitating their economic and social progress" (Article 1 of the Statute). The statutory principles of democracy, human rights and the rule of law require close and constant attention by the Council of Europe and its member States in terms of a common understanding of their substantive content in rapidly changing circumstances, their interconnection and embodiment in legal standard-setting texts and the strengthening of the collective control of compliance with these principles.

### *Institutions*

The Council of Europe's institutional set-up comprises three pillars: the Committee of Ministers as the decision-making body, the Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe (CLRAE) as the consultative bodies, and the European Court of Human Rights as the major independent control body. The institutional pillars are closely interrelated: the operations and effectiveness of each profit from the support and response of the others.

A professional and impartial Secretariat has been established in support of these institutions under the leadership of a Secretary General who is elected by the Parliamentary Assembly.

### *Co-operation*

The Council of Europe is a co-operative framework involving representatives of institutions, administrative bodies and civil society of its member States (and states who have applied for membership).

The main features of co-operation within the Council of Europe are based on its strong legal and institutional basis. The Parliamentary Assembly and the CLRAE provide a permanent framework for political debate among members of national parliaments and representatives of local and regional democracy. Political dialogue among governments takes place in the Committee of Ministers and the Ministers' Deputies (i.e. the Permanent Representatives of the member States to the Council of Europe). The ongoing creation of instruments containing legally binding norms, coupled with formal legal procedures for the control of their implementation, contributes to the creation of a common European legal space. The intergovernmental programme of activities involves a wide network of experts from specialized ministries, universities and civil society in the fields of democratic cohesion (including pluralist democracy, human rights, media, rule of law and the security of citizens), social cohesion and quality of life, cultural cohesion and cultural pluralism.

The organization implements a comprehensive set of Activities for the Development and Consolidation of Democratic Stability. Originally, these co-operation and assistance programmes were designed to promote the integration of new member and applicant States into the Council of Europe by advancing democratic reforms, protection of human rights and the rule of law. Recently, they were opened to all member and applicant States to assist any country to meet obligations related to the Statute or to special commitments taken when joining the organization. These programmes include - in addition to seminars, training courses and study visits - expert missions, legislative expertise and meetings in the countries concerned.

The Confidence-Building Measures Programme in civil society supports projects aimed at fostering relations between different communities through activities carried out jointly with a view to diffusing potential tensions.

While the Council of Europe's main work is based in Strasbourg, the organization has also developed its presence on the ground. It has established small permanent offices in Sarajevo and Tirana to ensure liaison with the authorities and other international organizations and to support the implementation of the organization's co-operation programmes. Documentation and Information Centres on the Council of Europe are sponsored in 14 member States. The Council of Europe's programmes in the field aim at specific objectives and each activity is limited in time. They involve resources in terms of know-how and persons (experts from the intergovernmental co-operation network and officials) and frequent visits. Members of the Parliamentary Assembly and the CLRAE go on short-term field visits in their function as rapporteurs on accession for membership or on monitoring of compliance with commitments and the state of local and regional democracy. Both are also active in the observation of elections.

### *Control*

The compliance with obligations and commitments by member States is subject to control procedures set up under certain conventions as well as to political monitoring procedures.

The European Convention on Human Rights transformed the political commitments of its member States to respect human rights into legal obligations subject to the supranational judicial control mechanism of the European Court of Human Rights. Thus the protection of human rights no longer belongs to the exclusive domestic sphere of Council of Europe member States but has become a legitimate concern for all of them - individually and collectively. Among other conventions with control procedures, special mention should be made of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment under which investigations of places of detention are carried out by a committee of independent experts. The European Social Charter and the Code of Social Security as well as the Framework Convention for the Protection of National Minorities provide for the assessment of state policies by independent experts.

Political monitoring of compliance with obligations and commitments is being implemented by the Committee of Ministers through a constructive, non-discriminatory and co-operative dialogue on topics such as freedom of information, the functioning of democratic institutions and the functioning of the judicial system. The Parliamentary Assembly was the first to establish political procedures for monitoring the honouring of obligations and com-



mitments by member States. Originally covering specific commitments entered into by recently admitted member States, its procedure now concerns all members. Parliamentary debates on monitoring are held in public and they may lead to recommendations addressed to the Committee of Ministers, *inter alia*.

This short overview on aims, principles, institutions, co-operation and control highlights the Council of Europe's complex structure and its broad scope of action. Both shape its comparative advantage in relation to other organizations operating in Europe and determine its possibilities for co-operation with them.

#### *Co-operation between the Council of Europe and the OSCE*

Co-operation between the Council of Europe and the OSCE is focused on those fields of activity where the mandates and approaches of both organizations overlap. First of all, both organizations co-operate with a view to promoting democracy, human rights, including minority rights, and the rule of law. There is also potential for co-operation in early warning, conflict prevention, crisis management and post-conflict rehabilitation. The Council of Europe closely follows the work on a Common and Comprehensive Security Model for Europe for the Twenty-first Century, and in particular on the Platform for Co-operative Security.

#### *Co-operation at the Political Level*

For its part, the Council of Europe has established specific structures to enhance the co-operation with the OSCE: the Ministers' Deputies Rapporteur Group on Relations with the OSCE deals regularly with topical questions in the relations between both organizations and gives political guidance. In the Parliamentary Assembly, the *Ad Hoc* Committee of the Chairmen of Political Groups discusses OSCE matters. A number of parliamentarians are members of the parliamentary assemblies of the two organizations. The Council of Europe-OSCE Liaison Officer regularly attends meetings of the OSCE Permanent Council and of its subsidiary bodies in Vienna. She also represents the Council of Europe at OSCE political seminars and meetings and maintains close contacts with all OSCE bodies and structures. The Council of Europe-OSCE Liaison Officer is a vital link between the two organizations, contributing to better awareness and improving the flow of information between them. In the OSCE, no such structures and functions have been created yet.

Both organizations have established institutionalized structures to enhance co-operation through exchanges of information and views: yearly High-Level "2+2" Meetings bringing together the Chairmen-in-Office and the Secretaries General; biannual programming meetings between the Council of Europe Secretariat and the Office for Democratic Institutions and Human Rights (ODIHR); yearly High-Level Tripartite Meetings between the Council of Europe, the OSCE and the UN in Geneva, supplemented by target-oriented meetings at the operational level on specific regions and regular contacts between the Presidents and Secretariats of the respective Parliamentary Assemblies. All these regular meetings provide for reviewing the institutional relations, assessing ongoing co-operation and devising orientations for future co-operation with regard to specific countries or policy fields.

There have already been contacts aimed at co-ordinating planning of activities in response to crisis situations. Experience has shown that consultations on the planning of activities (to be implemented individually or in co-operation or co-ordination) were highly desirable. They should start early, in preparation of the deliberations of decision-making bodies, and should be pursued on a case-by-case basis.

Reciprocal participation in a number of meetings of the bodies of each organization provides opportunities for political dialogue and debate: invitations to Summits and Ministerial Meetings; exchanges of views between the respective Secretaries General and the OSCE Permanent Council or the Council of Europe's Committee of Ministers at Deputies' level; exchanges of views between a Representative of the OSCE Chairman-in-Office and the Council of Europe's Committee of Ministers at Deputies' level; participation of high-level OSCE personalities such as Mr Vranitzky, Mr van der Stoep and Mr Geremek in informal exchanges of views during Committee of Ministers sessions in Strasbourg; participation of the OSCE Chairmen-in-Office in debates of the Parliamentary Assembly of the Council of Europe and participation of the President of the Parliamentary Assembly of the Council of Europe in sessions of the Parliamentary Assembly of the OSCE.

In March 1997, a meeting was held in Strasbourg to compare monitoring procedures. This was a first occasion for exchanges of views between Permanent Representatives to the OSCE and the Council of Europe from Vienna and Strasbourg respectively as well as experts from capitals. A similar meeting is under consideration for 1999.

#### *Co-operation at the Operational Level*

Pragmatic and goal-oriented co-operation at the operational level on the Council of Europe's side mainly involves the Secretariat and, in the observation of elections, also the Parliamentary Assembly and CLRAE; on the

OSCE side, it involves the field missions, the High Commissioner on National Minorities (HCNM), the Representative on Freedom of the Media, the ODIHR and the Parliamentary Assembly. The variety of actors involved, topics addressed and forms of interaction illustrate the scope and depth of co-operation as well as the comprehensive approach to activities in the field related to democracy, human rights and the rule of law.

#### *OSCE Field Missions*

Co-operation with OSCE field missions concerns concrete projects, mostly in the framework of the Council of Europe's Activities for the Consolidation of Democratic Stability. In Albania, the Council of Europe strengthened its long-term presence and reinforced its action alongside and together with the OSCE Presence and other international organizations in the wake of the political crisis of Spring 1997. Concerning Bosnia and Herzegovina, the two organizations co-operate and co-ordinate their action with regard to their respective mandates under the Dayton Agreement, besides promoting the country's accession to the Council of Europe. In Croatia, both sides co-operate closely in the assessment of the country's compliance with commitments and in follow-up measures. With regard to Georgia, the two organizations are pursuing a common effort to find a solution to the South Ossetia conflict. In Belarus, the Council of Europe contributes to the implementation of the action plan of the OSCE Advisory and Monitoring Group.

The forms of co-operation in the field are very diversified. In Bosnia and Herzegovina, the Council of Europe and the OSCE Mission implement, *inter alia*, a joint training programme for elected local and municipal counsellors. The Head of the OSCE Presence in Albania, with the support of the Council of Europe, mediated in a dispute over the Law on the Organization of Justice. The provision of legislative expertise by the Council of Europe was part of the deal. Concerning Croatia, there is a common understanding that the Council of Europe will provide legislative expertise at the request of the Head of the OSCE Mission. In the case of Belarus, the Council of Europe appointed a Liaison Officer to work with the OSCE's Advisory and Monitoring Group in Minsk. In Estonia, the Council of Europe allocated funds from its Programme of Confidence-Building Measures to a project proposed by the Head of the OSCE Mission. Contacts between Council of Europe staff and members of OSCE field missions, both in the field and in Strasbourg, are informal and frequent. Such contacts, as well as the exchange of reports, are highly valued for briefings on the developments in a country, especially where the Council of Europe has no permanent presence. The same holds true for logistical support by OSCE missions to Council of Europe representatives for the organization of seminars or the monitoring of elections. Over

the years, the practice has been established that Heads of OSCE Missions in countries in which both organizations are particularly active come to Strasbourg for an exchange of views with the Committee of Ministers at Deputies' level. The Council of Europe and OSCE, together with the UN and, where appropriate, other international organizations, organize target-oriented meetings on specific regions to co-ordinate their action and to harmonize their co-operation.

For the Council of Europe, the question arises whether it might not establish in specific cases a longer-term presence in the field depending on the goals to be achieved.

#### *High Commissioner on National Minorities*

The following examples illustrate the concrete co-operation which has been achieved or is under way between the Council of Europe and the HCNM: concerning Ukraine, co-operation concentrated on common endeavours to promote the settlement of the Crimean question; in Estonia and Latvia it involved the co-ordination of action with respect to citizenship legislation and integration of foreigners. Co-operation took the form of mutual support for the promotion of dialogue between the government and the minorities in "the former Yugoslav Republic of Macedonia". In the case of Romania and Hungary, mutual support aimed at promoting the conclusion of a bilateral treaty and implementation of Council of Europe's instruments for the protection of minorities. In Slovakia, the Council of Europe and the HCNM, together with the European Commission, launched a joint endeavour on minority language legislation.

Co-operation is established and maintained through very frequent personal contacts between the Council of Europe Secretariat and the HCNM himself. It relies on the comparison of analyses, the formulation of common objectives, the showing of solidarity and political support, thus providing additional weight to the other's action - and even joint action, meaning in depth joint preparation, presentation and follow-up.

In the field of protection of national minorities, co-operation must take account of the differences in standards applicable for the Council of Europe (binding conventions and recommendations of the Parliamentary Assembly) and those applicable for the OSCE (Copenhagen Document of a political nature). Co-operation with the HCNM has shown that combining these references is possible and useful.

### *OSCE Representative on Freedom of the Media*

It was a novelty in the relationship between the Council of Europe and the OSCE that the Council was involved, alongside other organizations, in working out the mandate of the OSCE Representative on Freedom of the Media. Although his mandate does not refer to the European Convention on Human Rights, 34 parties to the Convention made an interpretative statement asking the Media Representative to work in its spirit.

At a first working visit of the Media Representative to the Council of Europe, both sides informed each other on their priorities of action and working methods. The visit prepared the ground for concrete co-operation on a case-by-case basis through mutual information and support.

### *Office for Democratic Institutions and Human Rights*

Examples of Council of Europe co-operation with the ODIHR mainly include the Council of Europe's participation in, and contribution to, OSCE Human Dimension Implementation Meetings, ODIHR seminars and ODIHR needs assessment missions to specific regions as well as co-ordination of activities in specific projects. Co-operation and co-ordination concern questions relating to ombudspersons and national human rights institutions, prevention of torture, prison reform, citizenship and residence matters, among others. The Parliamentary Assembly co-operates on the spot with ODIHR in the observation of elections.

The methods of co-operation are manifold. Biannual programming meetings between the ODIHR and the Council of Europe Secretariat serve to compare notes on the work programmes in the planning stage and in the execution phase. Council of Europe participation in, and contribution to, Human Dimension Implementation Meetings implies the preparation of background reports, the provision of written contributions and the active participation of Council of Europe delegations. In the case of seminars, the Council of Europe also provides rapporteurs and moderators. In specific projects, such as prison reform in Albania, Council of Europe and ODIHR agreed on a distribution of responsibilities, each side dealing with different aspects of the matter according to its specific competence.

Compared to the Council of Europe, the ODIHR, as an operative structure of the OSCE in the human dimension field, is limited in scope and outreach and focuses on selected countries, *inter alia* in Central Asia (where the Council of Europe has no activities).

In addition to the institutional contacts mentioned above, the Parliamentary Assemblies of the two organizations also co-operate on the spot. The Parliamentary Assembly of the Council of Europe regularly observes elections in countries which have applied for membership and, as the case may be, in countries subject to the Assembly's monitoring procedure. Against this background, the Assembly has developed *ad hoc* practical co-operation with other international election observers, in particular the OSCE Parliamentary Assembly and the ODIHR. For example, in the parliamentary elections held in June 1997 in Albania, the Assemblies of the Council of Europe and the OSCE, together with the European Parliament, formed a "Troika" which gave a joint assessment of the elections. During 1998, the same parliamentary institutions are continuing their co-operation in Albania through "tri-parliamentary visits".

*Council of Europe Input in the OSCE's Work on a Common and Comprehensive Security Model for Europe for the Twenty-first Century, and in Particular the Platform for Co-operative Security*

The Council of Europe's contribution to the Common and Comprehensive Security Model is based on its concept of democratic security. Since 1996, the Council of Europe has prepared several written contributions to the OSCE's work on the Security Model, and in particular the Platform for Co-operative Security. It participated in the meetings the OSCE organized with other international organizations on this matter. The Council of Europe papers explain the specific assets of the Council of Europe which are of relevance for achieving security and stability in Europe and contain concrete proposals for modalities of co-operation: co-operation must be between equal partners and reciprocal. Co-operation should be based on the comparative advantage of each with full respect for each side's identity and with the aim of ensuring complementarity of action as well as its mutual reinforcement. Co-operation requires an agreed general frame of communication, contacts and negotiations. Concrete co-operation in any given situation must be based on an agreement reached in each case concerning the modalities and objectives of the co-operation. The modalities for bilateral co-operation between the Council of Europe and the OSCE are already highly developed. In addition, it would be useful if specific communication lines could be established to provide mutual information and consultation in crisis situations. Furthermore, reciprocity in terms of liaison and cross-representation in relevant meetings in Vienna and Strasbourg could be established by the OSCE.

### *Outlook: How to Ensure Complementarity and Partnership?*

Co-operation between the Council of Europe and the OSCE has become a reality at the political and operational levels, involving all bodies and institutions of each organization. The option for co-operation is kept open in areas of overlapping mandates and common interest. This concerns first of all the fields relating to democracy, human rights and the rule of law but also early warning, conflict prevention, crisis management and post-conflict rehabilitation because of the Council of Europe's knowledge of possible root causes of conflicts, their nature and prospects for overcoming them.

The decision to co-operate must be taken by both sides in any given situation, on a case-by-case basis: there is no automaticity. The modalities for co-operation are wide-ranging, going from information sharing, common planning, co-ordinated parallel action, sharing of resources, distribution of responsibilities to joint action.

Over the years, a co-operative relationship has been built. Progress has been made on the road towards complementarity and mutual reinforcement of action through co-operation. However, some effort is required to achieve a real partnership.

Co-operation implies respect for the others identity: that is, in the case of the Council of Europe, in particular its statutory responsibilities for promotion of protection of human rights, democracy and the rule of law in its member States as well as in candidates for membership through assistance in the concrete implementation within these countries of legally binding standard-setting instruments, including the judicial control and political monitoring of compliance through the relevant Council of Europe bodies. Efficient co-operation avoids duplication and provides added value. It calls for building on the comparative advantage of each side: that is, in the case of the Council of Europe, its legal standards, in depth expertise, specialized know-how and comprehensive approach.





## Annex



## Sixth Meeting of the Ministerial Council

Copenhagen, 18-19 December 1997<sup>1</sup>

### *Chairman's Summary*

The OSCE participating States confirmed their solidarity in a quest for a secure and stable future.

In the evolving European security architecture, Ministers saw the OSCE as a key forum for their endeavours. Based on their work on a Common and Comprehensive Security Model for Europe for the twenty-first century, Ministers agreed to guidelines on a politically binding OSCE Document-Charter for European Security. This important document will guide the OSCE in its future role. Ministers outlined the major guidelines for work on such a Document-Charter with a view to its adoption at the level of Heads of State or Government of the OSCE participating States.

Through the OSCE, participating States in 1997 reached out and provided active support where needed for promoting democracy, the rule of law and the respect for human rights throughout the OSCE area. Building on its status as a regional arrangement of the United Nations, States confirmed the OSCE's role as a primary instrument for conflict prevention, crisis management and post-conflict rehabilitation in the OSCE area. Never before have the OSCE participating States engaged their organization so actively as their vehicle in so many issues relevant to their common security.

Ministers agreed on the need to further improve the OSCE in order to promote adherence to and implementation of common principles and commitments. They agreed to seek further co-operation between the OSCE and other organizations that share the same values.

As an expression of their will to enable the OSCE to remain able to act swiftly and flexibly, Ministers agreed on a special mechanism to finance larger OSCE projects. This decision and the establishment earlier this year of a Contingency Fund to allow for immediate action in crisis situations constitute main elements in the Chairman-in-Office's proposed financial reform. The special mechanism will remain in force until 31 December 2000.

In line with their commitment to strengthen the implementation of OSCE commitments in the field of the media, Ministers welcomed the agreement reached on a mandate for an OSCE Representative on Freedom of the Media.

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<sup>1</sup> MC(6).Jour/2, 19 December 1997, Annex 1, in: <http://www.osce.org/news/mc06ej02.htm>.

They approved the proposal of the Chairman-in-Office to appoint Mr. Freimut Duve (Germany) to this post.

The Ministerial Council expressed appreciation for the leading role played by the OSCE in the considerable progress made in the implementation of the agreements on Article II and Article IV negotiated over the past year under Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina. Ministers welcomed the appointment of Ambassador Henry Jacolin (France) as Special Representative to help organize and conduct negotiations on the Article V process. This process will advance peace and stability in South-Eastern Europe.

Recognizing the importance of the OSCE implementation meetings on Human Dimension issues as a central element in promoting compliance with OSCE commitments, Ministers decided to task the Permanent Council with elaborating a new set of modalities for these meetings in order to increase their impact.

Ministers expressed their appreciation that reform of the OSCE Secretariat had been initiated. In particular they welcomed the adoption of a mandate for a Co-ordinator of OSCE Economic and Environmental Activities, to be placed in the Secretariat and charged with the task of strengthening the ability of the Permanent Council and the OSCE institutions to address economic, social and environmental aspects of security.

The Ministerial Council welcomed the OSCE's important role in a number of crises and post-conflict situations. They paid tribute to the dedicated efforts of the OSCE Heads of Mission and their staff, the High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Secretariat.

Ministers expressed their commitment to a democratic and multi-ethnic Bosnia and Herzegovina and their continued support for the General Framework Agreement. The extension of the mandate of the OSCE Mission to Bosnia and Herzegovina to 31 December 1998 is an expression of this commitment. Appreciation was expressed for the work done by the OSCE Mission within the fields of human rights, democratization, arms control and confidence-building measures. Furthermore Ministers emphasized the impressive contribution made through the supervision of preparation and conduct of municipal elections in all of Bosnia and Herzegovina as well as National Assembly elections in Republika Srpska. Ministers underlined that implementing the election results, within the respective deadlines, is an integral part of the democratic election process. They also pointed out that with these elections, structures were now in place for further democratic development of Bosnia and Herzegovina. The responsibility for progress rested primarily with the parties themselves.

Ministers expressed their gratitude to Ms. Susanna Agnelli (Italy) for her role as Personal Representative of the Chairman-in-Office in charge of raising funds for the municipal elections.

Ministers emphasized the importance of close co-ordination with other international organizations and institutions, including in particular the High Representative, as well as with relevant non-governmental organizations.

Developments in Albania in the spring of 1997 confronted Europe with a new serious challenge to stability. Ministers acknowledged the quick response by the Chairman-in-Office to the emerging crisis through his appointment of Dr. Franz Vranitzky (Austria) as his Personal Representative. Ministers warmly commended Dr. Vranitzky for his important contribution.

Through the efforts of the Chairman-in-Office and his Personal Representative the way was paved for international involvement which succeeded in containing the crisis and opened up the way for parliamentary elections and a new start for democratic and economic reform. They expressed their gratitude to the OSCE Presence in Albania and to the ODIHR for their efforts in connection with the preparation and holding of these elections. Italy was thanked for the role played during the crisis in the context of the Multinational Protection Force.

Ministers expressed their determination to continue to provide international support for Albania, including through the OSCE as the flexible co-ordinating framework for this effort. They acknowledged the lessons learned in Albania, including those on the importance of the close co-operation between the OSCE, the United Nations, the European Union and the Multinational Protection Force as well as other relevant organizations such as the Council of Europe. They believed that this co-operation and the co-ordinating role of the OSCE could provide a useful reference for dealing with similar crises.

Ministers welcomed the strengthening of the OSCE Mission to Croatia, recognized its General tasks in the field of human rights and emphasized its particular importance for the two-way return of refugees. They acknowledged the new challenges facing the OSCE in Eastern Slavonia when the mandate of the United Nations Transitional Administration expires in January 1998 and expressed their satisfaction that beyond this date co-operation would be maintained with the United Nations in the field of police monitoring.

Ministers expressed their disappointment that remedies for the democratic shortcomings in the Federal Republic of Yugoslavia, as highlighted in the Gonzalez Report of December 1996, were not being sufficiently pursued by the Government. They appealed to all political forces to engage in a constructive dialogue on these issues. They recalled the invitation to the OSCE to monitor elections in the Federal Republic of Yugoslavia and expressed their belief that there was further scope for co-operation with the OSCE. In this respect, offers made repeatedly by the Chairman-in-Office to the Government of the Federal Republic of Yugoslavia to assist in furthering the democratic process were still in force. It was noted that no response had yet been received.

Profound concern was expressed over the rising tensions in Kosovo. The parties were urged to engage in a constructive dialogue in order to find political solutions. Ministers called on the Government of the Federal Republic of Yugoslavia to co-operate with the Personal Representative of the Chairman-in-Office for Kosovo, Mr. Max van der Stoep. It was deplored that the Government of the Federal Republic of Yugoslavia had not yet granted entry to the Personal Representative.

The importance of an early establishment of an OSCE mission to the Federal Republic of Yugoslavia was emphasized.

Ministers believed that a true commitment to democracy and dialogue would benefit not only the Federal Republic of Yugoslavia. It would also contribute positively towards the integration of the Federal Republic of Yugoslavia into the international community and to the discussion of the future role that the Federal Republic of Yugoslavia can play within the OSCE.

Ministers acknowledged the significance of regional co-operation for promoting peace and stability in South-Eastern Europe. The potential of these processes should be further developed.

The Chairman-in-Office reported on developments concerning Moldova since the Lisbon Summit. The signing on 8 May 1997 of the Memorandum on the Bases for Normalization and of the Joint Statement marked an important step ahead towards a lasting settlement based on the independence, sovereignty and territorial integrity of Moldova. However, much remains to be done. Ministers hoped that ongoing contacts between the parties and the mediators would soon result in concrete progress. They confirmed the readiness of the OSCE to assist in implementing the documents agreed upon and in searching for a final settlement, in close co-operation with the Russian and the Ukrainian mediators.

It was noted with deep concern that a bilateral agreement between Russia and Moldova of 21 October 1994 to withdraw all Russian forces from Moldova and the expectation in the Lisbon Document of early, orderly and complete withdrawal of the Russian Troops are still far from fulfilled, in particular as regards munitions. Thus, by the present date, Russian military forces still remain. Approximately 40 per cent of the personnel has been withdrawn in 1997, but substantial amounts of Russian equipment and ammunition are still stored in the area, guarded by Russian forces. Ministers expected the withdrawal of Russian military forces from Moldova to be continued and completed in the near future in accordance with the commitments undertaken at the Lisbon Summit. Elaboration of a schedule could further the process of withdrawal, and increased transparency could strengthen confidence, leading to greater stability in the region. The OSCE will continue to follow the issue closely.

The Ministerial Council praised the valuable work done by the OSCE Assistance Group to Chechnya (Russian Federation), notably during the elections in January 1997, and the subsequent efforts that have been concentrated on

monitoring human rights and supporting humanitarian organizations. Regret and much concern was expressed that the security situation in Chechnya created major obstacles for the possibilities for the Assistance Group and the humanitarian organizations to carry out their work.

In Georgia some progress has been achieved since the Lisbon Summit on the conflict regarding Tskhinvali Region/South Ossetia. Ministers agreed that the OSCE through its Mission, alongside the international community in general, should continue to encourage that political dialogue be maintained at all levels on the status question and other priority issues.

Concerning Abkhazia, Georgia, it was noted with regret that no tangible progress on key issues, such as the status question and concerning refugees, could be registered, since the Lisbon Summit had assessed the situation and reaffirmed support for the sovereignty and territorial integrity of Georgia. Ministers acknowledged the efforts made by the Russian Federation as facilitator to initiate a direct dialogue between the conflicting parties by assisting in the organization of a bilateral meeting between President Shevardnadze and Abkhaz leader Ardzinba. Ministers welcomed the fact that the Geneva process under the auspices of the United Nations was now effectively established, including the role of the "Friends of the UN Secretary-General", and that the parties had repeated their pledge to seek a solution to the conflict based on the non-use of force.

Ministers confirmed the will of the OSCE to continue to support United Nations endeavours towards a lasting comprehensive settlement of the conflict in Abkhazia, Georgia, including a prompt and safe return of refugees and displaced persons to their homes under international supervision and post-conflict rehabilitation. Also, the OSCE stands ready to consider for its part a reinforcement of the UN/OSCE Sukhumi Human Rights Office.

Ministers stressed that the peaceful settlement of conflicts in Georgia requires additional measures of transparency on military armament and equipment in the conflict areas. In this context, Ministers take note of the efforts within the Joint Consultative Group in relation to military equipment unaccounted for and uncontrolled within the CFE Treaty.

Ministers encourage the parties involved, the international community, the OSCE through its Mission, as well as the "Friends of the UN Secretary-General", to promote the intensification of negotiations between the parties on the political status of the Tskhinvali Region/South Ossetia and of Abkhazia, Georgia.

Ministers noted with satisfaction that in Tajikistan the UN-mediated inter-Tajik talks have been successfully concluded. Concern was, however, expressed over the present situation in Tajikistan, which is difficult, unstable and tense. They encouraged all political forces in the country to co-operate in order to ensure a peaceful democratic development to the benefit of the Tajik people. Ministers confirmed that the OSCE remains committed to assist in

this process, in close co-operation with the United Nations and other international organizations.

The Ministerial Council has received the report of the Co-Chairmen of the Minsk Conference on progress towards resolving the Nagorno-Karabakh conflict.

The Chairman-in-Office welcomes the efforts made by the Co-Chairmen, and fully associates himself with their report on this issue. The Chairman-in-Office requests the Co-Chairmen to continue their work and urges all the Parties to resume negotiations without delay on the basis of the Co-Chairmen's proposal.

Ministers welcomed the interest of the Central Asian participating States in having an active involvement of the OSCE in the region. This is reflected in the tabling of specific proposals on co-operation and assistance to cope with, *inter alia*, social and ecological challenges and drug trafficking.

They also noted the initiatives of Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Ukraine and Uzbekistan with a view to strengthening regional security.

It should be noted with satisfaction that the OSCE Advisory and Monitoring Group in Belarus is now ready to begin its work, according to the mandate approved in September this year. It is to be hoped that the activity of the Group will be of importance both for the democratic processes within Belarus and for Belarus' relations with the international community.

During 1997 the ability of the OSCE to provide practical assistance to OSCE participating States in their democratization efforts and in complying with other OSCE commitments within the Human Dimension was significantly strengthened.

Ministers noted that the OSCE, in accordance with the Lisbon Summit Declaration of 1996 and through ODIHR and the OSCE Central Asian Liaison Office, has sought to strengthen the support to the Central Asian participating States in the areas of democratic institutions and the rule of law, as well as with a view to maintaining stability and preventing conflicts in the region.

It was noted that, in accordance with the Lisbon Summit Declaration, the OSCE, *inter alia*, through the ODIHR, gave further impetus to the Follow-up on the Programme of Action from the Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the Commonwealth of Independent States and Relevant Neighbouring States.

Ministers acknowledged that the Office for Democratic Institutions and Human Rights was further adapted to create the basis for stronger OSCE contributions to the electoral processes.

Ministers heard a report by the President of the Parliamentary Assembly of the OSCE. They noted with appreciation the contributions from the Parliamentary Assembly to the work of the OSCE and the specific contributions by the President of the Assembly during elections in Bosnia and Herzegovina.



They welcomed the agreement with the ODIHR on procedures to enhance co-operation in election monitoring. They underlined the contributions made by the President of the Assembly and the Secretary General of the OSCE to the work of the OSCE Ministerial Troika.

Ministers noted with satisfaction that during 1997 co-operation between the OSCE and other organizations, in particular the United Nations, the Council of Europe, the European Union and NATO have been further strengthened. In the context on the work on the Security Model, contacts to subregional fora have also been developed.

The Ministers noted with satisfaction efforts to further develop co-operation with the partners for co-operation, in particular the Mediterranean partners for co-operation. In this respect they welcomed the OSCE Mediterranean Seminar on "The Security Model for the twenty-first century: Implications for the Mediterranean basin" held in Cairo, and the regular meetings of the Contact Group established to strengthen dialogue and genuine co-operation with the Mediterranean partners. Endeavours to identify issues of common interest including the Promotion of the role of the Contact Group have been undertaken and should be enhanced in the future. In order to facilitate this process, discussions on how to improve the quality of the interaction between the Mediterranean partners for co-operation and the work of our Organization have been engaged and are encouraged to be pursued.

Ministers noted with appreciation the report on the activities of the Forum for Security Co-operation submitted pursuant to a decision of the Lisbon Summit. The report confirmed that arms control, including disarmament and confidence- and security-building measures, remains an integral part of OSCE's comprehensive and co-operative concept of indivisible security. A successful follow-up conference on the Code of Conduct was held, and proposals were tabled to enhance transparency, predictability and co-operation in the politico-military field. Ministers welcomed the FSC decision to launch a review of the Vienna Document 1994 with the aim of completing this process during 1998. The recent opening for signature in Ottawa of the convention against landmines was noted with satisfaction, as was the FSC decision to exchange annual information on the issue of landmines and other initiatives on this issue. In the light of the changing political and security environment the forthcoming seminar on defence policies and military doctrines will be a unique opportunity to promote security dialogue within the FSC.

The Ministerial Council also noted with appreciation the report on the work done by the Joint Consultative Group in the process of adaptation of the CFE Treaty. Ministers acknowledged the significance of the decision on "Certain Basic Elements for Treaty Adaptation" and the announcement by several nations of illustrative figures for their future national and territorial ceilings. Ministers reaffirmed the importance of the CFE Treaty as a key element for security and stability in Europe. The Ministerial Council recognized the need for the adaptation of the Treaty - in parallel with the ongoing process of its

full implementation - with the purpose of ensuring equal security for all States Parties, irrespective of their membership of a politico-military alliance and of strengthening their security relations and building trust and mutual reassurance.

The Ministerial Council reaffirmed the significance of the entry into force of the Open Skies Treaty and called upon States which have not yet ratified it to do so without delay. Ministers welcomed the experience gathered during bilateral and multilateral trial flights, demonstrating the great potential of this Treaty for creating transparency from Vancouver to Vladivostok.

The Ministerial Council welcomed Poland as the incoming Chairman-in-Office, whose term will begin on 1 January 1998, and decided that the Chairmanship in 1999 will be held by Norway.

*Letter from the Chairman of the Forum for Security Co-operation to the Minister of Foreign Affairs of Denmark, Chairman of the Sixth Ministerial Council of the OSCE<sup>2</sup>*

Your Excellency,

In my capacity as Chairman of the Forum for Security Co-operation (FSC), I have the honour to inform you of the Forum's activities during 1997 pursuant to the Lisbon Document 1996 (Decisions III and IV).

- During the year, the Forum has given growing consideration to the implementation of the existing arms control and confidence and security building commitments undertaken within the framework of the OSCE and in particular to the implementation of the Code of Conduct on politico-military aspects of security. The successful follow-up Conference on the Code of Conduct held in September confirmed the acquis of norms and values contained in the Code and yielded a rich variety of proposals on further follow-up activities which led the participating States to adopt Decision No. 16/97 on the holding of a two-day follow-up conference on the Code of Conduct in 1999.
- Regarding the Lisbon decision to expand agreed measures and develop new ones, the Forum launched a review of the Vienna Document 1994, with the aim of completing the review during 1998. The process will be based on the existing Document and will entail consideration of new measures to enhance transparency, predictability and co-operation in the light of the agreed criteria. This is a major FSC contribution to the co-operative approach to security and stability in Europe.

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2 MC(6).Jour/2, 19 December 1997, Annex 2, in: *ibid*.

- With regard to regional arms control in the OSCE area, the Forum was kept constantly informed of the substantial achievements in the implementation of Articles II and IV of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina. The Forum was also the body where information was exchanged regularly on the progress made in separate arms control negotiations and processes, such as the Joint Consultative Group.
- With a view to promoting more transparency in matters relating to armaments, the Forum also adopted Decision No. 13/97 on an annual exchange of information about participating States' transfers of weapon and equipment systems during the previous calendar year in the categories and formats set out in the United Nations Register of Conventional Arms Transfers.
- In compliance with the Lisbon Document 1996 and in order to further the efforts undertaken by the international community in relation to anti-personnel landmines, participating States agreed to provide one another and the Conflict Prevention Centre with annual written replies to an approved questionnaire on this issue and to keep the problem under consideration.
- As a follow-up to the Lisbon Decisions, the Forum considered ways of achieving greater cohesion between the FSC and the Permanent Council. Although some practical steps have been taken in this direction and views exchanged on this topic, the participating States consider it necessary to pursue this discussion next year. Internal working methods aimed at enhancing the efficiency of the Forum were also extensively discussed.
- In accordance with its mandate, the Forum continued to develop its security dialogue. In this respect, mention should be made of the decision taken by the Forum to organize a "Seminar on Defence Policies and Military Doctrines", from 26 to 28 January 1998. Chiefs of Staff and other senior defence officials will address the seminar, with the aim of promoting discussions on the evolution of military doctrines and their relationship with changes in the armed forces of the OSCE participating States.

Your Excellency, the Forum would be grateful if you would be kind enough to include in your statement to the Ministerial Council of the OSCE, to be held in Copenhagen, a reference to the Forum's work, so that the Ministers of Foreign Affairs will be able to gain a picture of the progress achieved.

Please accept, Your Excellency, the expression of my highest consideration.

Excellency,

in my capacity as Chairman of the Joint Consultative Group (JCG), I have the honour to inform you about the results of the process initiated after the adoption of the Scope and Parameters document by the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) during the OSCE Lisbon Summit and about the operation and the implementation of the Treaty throughout 1997.

At the OSCE Lisbon Summit in December 1996 our Heads of State and Government gave responsibility to the JCG for the next phase of the process of adaptation of the CFE Treaty. The States Parties also decided at Lisbon to report to the Copenhagen Ministerial Council on progress made.

During 1997, the JCG continued to try and resolve outstanding CFE Treaty implementation issues identified in Section II and Annex C of the Final Document of the First CFE Treaty Review Conference.

Since February 1997, all CFE States Parties have engaged in negotiations on Treaty adaptation within the JCG. There have been a number of important areas where progress has been achieved:

- On 18 February, the JCG established a Negotiation Group to "consider and elaborate measures for the improvement of the operation of the Treaty through such new elements, adaptations, revisions or adjustments to existing elements as it agrees to be necessary". The Group considered a number of national proposals made by delegations during the first session of the JCG;
- On 15 May, Annex A of the Final Document of the First Conference to Review the Operation of the CFE Treaty (Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990) entered into force;
- On 26 June (and at subsequent JCG meetings), several States Parties announced illustrative figures for their future national ceilings for Treaty-Limited Equipment (TLE);
- On 23 July, Decision No. 8/97 Concerning Certain Basic Elements for Treaty Adaptation was adopted by the JCG. The Decision set out the basic structure of an adapted CFE Treaty, including a system of national and territorial ceilings to replace the existing system of limitations, based on two groups of States Parties;

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3 MC(6).Jour/2, 19 December 1997, Annex 3, in: *ibid.*

- On 23 July, the JCG agreed on the General modalities for the conduct of on-site visits to be decided in order to assess and account TLE unaccounted for and uncontrolled within the Treaty by Decision No. 9/97;
- On 30 September, the JCG set up two working subgroups under the Negotiation Group, one on limitations, the other on information, verification and Treaty protocols. The first of these began by considering how national and territorial ceilings will function. The second has been looking at provisions to implement an adapted Treaty, such as information exchange and on-site inspections;
- On 2 December and at subsequent JCG meetings, several States Parties announced illustrative figures for their future territorial ceilings for ground-based TLE expressing hope that these indicative figures find reciprocity from Treaty partners and agreement is reached on a satisfactory adaptation of the Treaty.

The negotiations in the JCG working groups have been conducted in a spirit of good co-operation. The States Parties intend to proceed on this basis in order to conclude the adaptation process in accordance with the timetable established at Lisbon.

Excellency, you might deem it useful to reflect these developments in the Chairman's Summary. I would also ask you kindly to annex this progress report to the Journal of the day.

*Decision No. 1*<sup>4</sup>

The Ministerial Council,

In accordance with Permanent Council Decision No. 193, and taking into account the recommendation of the Chairman-in-Office,

- Decides to appoint Mr. Freimut Duve as OSCE Representative on Freedom of the Media for a period of three years, with effect from 1 January 1998.

*Decision No. 2*<sup>5</sup>

The Ministerial Council notes with satisfaction considerable progress in implementation of the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina (negotiated under Article II of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina) and of the Agreement on Subregional Arms Control (negotiated under Article IV of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina) during the past year. It appreciates the leading role played by the OSCE in this context.

Reaffirming the Budapest decision on OSCE Action for Peace, Democracy and Stability in Bosnia and Herzegovina, and to advance the goals of peace and stability in South-Eastern Europe, the Ministerial Council underlines the importance of starting the process of regional stabilization as foreseen under Article V of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina without delay to build on the achievements reached under Articles II and IV.

The Ministerial Council welcomes the appointment by the Chairman-in-Office of Ambassador Henry Jacolin as Special Representative to help organize and conduct negotiations under Article V.

The Ministerial Council invites the Special Representative to start consultations on a precise mandate and initiate a process of negotiations as soon as possible with a view to achieving initial results by summer 1998.

The Ministerial Council is convinced that a wide circle of countries present at the negotiation table would greatly enhance prospects for success. States not party to the General Framework Agreement for Peace in Bosnia and Herzegovina should participate on a voluntary basis according to their specific security environment. The Ministerial Council affirms that Bosnia and Herzegovina must be represented by a single delegation appointed by the common

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4 MC(6).DEC/1, 19 December 1997, in: *ibid.*

5 MC(6).DEC/2, 19 December 1997, in: *ibid.*

institutions at all Article V related negotiations. A broad security dialogue would represent a significant element in establishing regional stability. Article V negotiations could also consider the development of CSBMs and other appropriate measures adapted to specific regional security challenges, and information exchange and verification activities could be agreed in line with regimes already in place. Such activities could be agreed between States which do not at present have the opportunity to exchange information with each other or inspect each other under legally binding arms control agreements. Guiding principles should include military significance, practicality and cost-effectiveness.

The Ministerial Council underlines that steps in this context should not prejudice the integrity of existing arms control and CSBM agreements. In particular, Article V should not alter obligations under the CFE Treaty or under the Article II or Article IV Agreements.

*Decision No. 3*<sup>6</sup>

The Ministerial Council,

Recognizing the need to further enhance the efficiency of the OSCE as a primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation as referred to in Paragraph 5 of the Lisbon Summit Declaration,

Commending the Secretary General for a substantial first step in the process of restructuring the Secretariat in response to the growing operational tasks of the Organization,

Taking note of the report by the Chairman-in-Office,

- Decides to mandate the Permanent Council with tasking an informal open-ended group of experts, working in close co-operation with the Chairman-in-Office and the Secretary General, to study possible ways of further enhancing the Secretariat's operational capacities;
- Invites the Permanent Council to take stock, on a regular basis, of the work done;
- Recommends the adoption by the Permanent Council of an appropriate set of decisions, on the basis of proposals made by the informal open-ended group, no later than September 1998.

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6 MC(6).DEC/3, 19 December 1997, in: *ibid.*

*Decision No. 4*<sup>7</sup>

The Ministerial Council,

Reaffirming OSCE commitments in the Human Dimension,  
Recognizing the need to strengthen and increase the efficiency of the OSCE implementation meetings on Human Dimension issues, and  
Taking into account the report from the Director of the ODIHR regarding reform of modalities,

- Tasks the Permanent Council with elaborating, in close co-operation with the ODIHR, a new set of modalities for the OSCE implementation meetings on Human Dimension issues. The Permanent Council shall take a decision not later than the 1998 OSCE summer recess which shall become final only after review and confirmation by Ministers through a silence procedure.

*Decision No. 5*<sup>8</sup>

*Guidelines on an OSCE Document-Charter on European Security*

1. The Ministerial Council is convinced that, at the eve of the new century, the current political and security environment offers a unique historical opportunity for building a new Europe - democratic, peaceful and free of divisions. New and complex risks and challenges to security require a co-operative and comprehensive approach. Security across the entire OSCE area can be strengthened only through genuine partnership based on the sovereign equality and solidarity of States, and with full respect for the principles of the OSCE and the interests of all OSCE States irrespective of whether they belong to security structures or arrangements.

2. The Council recalls that under paragraph 22 of the Helsinki Summit Declaration of 1992 the OSCE is a forum providing direction and giving impulse to the shaping of the new Europe and that under paragraph 8 of the Budapest Summit Declaration the OSCE is a primary instrument for early warning, conflict prevention and crisis management in the region. The 1996 Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first century affirmed the OSCE's central role in ensuring security and stability. The purpose of the work on a Security Model is to contribute to the creation of a common and indivisible security space and benefit the security of all participating States through enhancing and strengthening

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<sup>7</sup> MC(6).DEC/4, 19 December 1997, in: *ibid.*

<sup>8</sup> MC(6).DEC/4, 19 December 1997, in: *ibid.*



the OSCE in its own work and thereby underpinning its key role as the only pan-European security organization, in European peace and stability.

3. Recalling the 1996 Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first century and taking note of the report by the Chairman-in-Office on the work done on the Security Model during 1997, the Ministerial Council reaffirms the solemn commitment of all participating States to the Helsinki Final Act as the bedrock of the OSCE, to the Charter of Paris as well as to other OSCE documents which together form a common foundation of security for all participating States, and decides to develop a comprehensive and substantive OSCE Document-Charter on European Security.

4. Such a Document-Charter should be politically binding and take a further step with regard to standards and practices of OSCE participating States. It should serve the needs of our peoples in the new century by addressing risks and challenges to security, thus contributing to a common security space within the OSCE area. It should enable participating States to do so through a strengthened OSCE undertaking mutually supportive co-operation with other competent organizations on an equal basis. It should complement and advance the processes of integration across the OSCE area. It should reinforce our efforts to assist in promoting adherence to common values and implementation of commitments.

A Document-Charter should continue to uphold consensus as the basis for OSCE decision-making. The OSCE's flexibility and ability to respond quickly to a changing political environment should remain at the heart of the OSCE's co-operative and inclusive approach to common and indivisible security.

A Document-Charter should reaffirm OSCE principles and recognize their continued validity and applicability in ensuring peace and stability in the dynamic security environment in the OSCE area. It should reaffirm the inherent right of each and every participating State to be free to choose or change its security arrangements, including treaties of alliance, as they evolve. Each participating State will respect the rights of all others in this regard. They will not strengthen their security at the expense of the security of other States. Within the OSCE, no State, organization or grouping can have any superior responsibility for maintaining peace and stability in the OSCE region, or regard any part of the OSCE region as its sphere of influence.

5. As a means of turning their vision into reality, Ministers agree that participating States, through a Document-Charter, will, *inter alia*, undertake the following:

(a) Reaffirm the OSCE as a regional Arrangement under Chapter VIII of the United Nations Charter and strengthen it as a primary organization for the peaceful settlement of disputes within its region by further enhancing its effectiveness for early warning, conflict prevention, crisis management and post-conflict rehabilitation. They will safeguard the innovative character of

the OSCE in fulfilling its role and increase the OSCE's capabilities in a number of essential areas by refining existing tools and exploring new ones.

(b) Recognizing that within the OSCE participating States are accountable to their citizens for the respect of OSCE norms and principles, and that commitments assumed by States within the OSCE are matters of immediate and legitimate concern to all participating States, they will strengthen the commitment to act in solidarity and partnership to ensure the implementation of, and respect for, OSCE principles and commitments and for decisions adopted by the OSCE. To assist States experiencing problems with implementation of commitments, they will draw on and explore ways of refining existing co-operative instruments and mechanisms and developing new ones. To this end States will reaffirm their commitment to co-operate within the OSCE and with its institutions and representatives and their readiness to use OSCE instruments, tools and mechanisms.

They will continue to protect the common security of all participating States, and to that end, and with a view to maintaining genuine partnership, they will explore ways of increasing the effectiveness of the OSCE in addressing cases of clear, gross and continuing violation of OSCE principles and decisions. In this connection, they will also explore ways of improving co-operation between States and institutions and joint co-operative measures to assist implementation of OSCE principles and decisions.

(c) They will explore further ways jointly to consider actions that may have to be undertaken, in accordance with the Charter of the United Nations, possibly in co-operation with other relevant organizations of which they are members, in the event that any State threatens to use or uses force against the sovereignty, territorial integrity or political independence of another State. They will also explore ways to help any participating State in case of internal breakdown of law and order.

(d) They shall ensure that the presence of foreign troops on the territory of a participating State is in conformity with international law, the freely expressed consent of the host State, or a relevant decision of the United Nations Security Council.

(e) Recognizing the importance of co-operation between the OSCE and other relevant organizations when confronted with risks and challenges and building on the Common Concept set out in the Annex to this Decision, they will further strengthen non-hierarchical co-operation between the OSCE and other organizations within a Platform for Co-operative Security to be elaborated as an essential element of the Document-Charter. They will do so, *inter alia*, by exploring additional modalities for how the OSCE and other organizations might better complement each other's capabilities so as to devise optimal co-operative solutions to specific problems. To this end they will build on the modalities outlined in the agreed Annex to this Decision.

Based on the provisions set out in the Common Concept, they will offer the OSCE as a potential forum for interaction of regional and subregional

groupings in the OSCE area, with the aim of facilitating exchanges of information and of developing a pragmatic approach to addressing challenges, including those in the field of post-conflict rehabilitation.

In the light of the role the OSCE has come to play across the full spectrum of early warning, conflict prevention, crisis management and post-conflict rehabilitation, and in the light of practical experience gained by other organizations within the field of peacekeeping, they will examine rigorously the OSCE's appropriate role in connection with peacekeeping operations, bearing in mind relevant OSCE documents.

(f) They will examine an appropriate role for the OSCE, including how the OSCE can facilitate international efforts, in addressing new risks and challenges to security.

(g) They will augment the work within the human dimension, including building and strengthening of democratic institutions, and strengthen their commitment to counter such threats to overall security as violations of human rights and fundamental freedoms and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism, *inter alia*, in co-operation with other institutions active in this field.

They will explore how the OSCE can contribute to the improvement of implementation of human rights and fundamental freedoms - including equal rights for women and men. They will also seek ways in which the OSCE, in addressing issues related to persons belonging to national minorities, can strengthen its support of inter-ethnic dialogue and promote the implementation of commitments relating to the rights of persons belonging to national minorities. The aim will be to refine the OSCE's tools and increase participating States' acceptance of their use.

(h) Drawing on the interlinkages between security and prosperity based on economic freedom and social justice and environmental protection, they will ensure that the economic dimension receives appropriate attention as an element of the early warning and conflict prevention activities of the OSCE and provides further political impetus to the work carried out by specialized economic and financial and other relevant institutions, *inter alia*, with a view to promoting the integration of economies in transition into the world economy and to ensuring within the OSCE area the rule of law and the development of a transparent and predictable legal system in the economic sphere.

(i) In stressing the importance of politico-military issues, they will confirm the importance of implementation of existing arms control and confidence- and security-building measures as well as their adaptation to the new security environment. They will consider possible new measures to enhance transparency, predictability and co-operation and ensure that the Forum for Security Co-operation, as a forum for dialogue and negotiation, remains effective in this regard. They will underline the continued significance of the CFE Treaty as a cornerstone of European security, and the importance of the Vienna Document and the Code of Conduct on politico-military aspects of security.

(j) Recognizing the indivisibility of security, they affirm that strengthened security and co-operation in adjacent areas, in particular the Mediterranean, is an important factor for stability in the OSCE area. They will consider closer co-operation with all partners for co-operation in order to promote the norms and values shared by the OSCE participating States. They will also encourage partners to draw on OSCE expertise.

6. The Ministerial Council decides:

- That work on a Document-Charter will be complemented by continuing target-oriented OSCE action providing practical means of enhancing the effectiveness of the OSCE throughout its fields of activity. This will include improving and refining OSCE tools and mechanisms, exploring new innovative possibilities, such as tools of assistance to promote democratic institutions, and improving the efficiency of OSCE field activities;
- Pending the elaboration of a Platform for Co-operative Security as part of a Document-Charter, to task the Chairman-in-Office, in co-operation with the Secretary General, on the basis of the Annex to this Decision, to work actively to increase the OSCE's co-operation with other international institutions and organizations.

7. The Ministerial Council further decides:

- That the development of a Document-Charter will be undertaken by the Security Model Committee, under the auspices of the Permanent Council, which may, as appropriate, set up subordinate bodies to deal with specific elements of the Document-Charter;
- To task the Chairman-in-Office, as a matter of priority, with presenting a schedule, organizational modalities and procedures for this process. Progress of the work may, as appropriate, be reviewed at special meetings of the Permanent Council;
- That a Document-Charter will be adopted at the level of Heads of State or Government of the OSCE participating States.

*Common Concept for the Development of Co-operation between Mutually-Reinforcing Institutions*

The goal of a Platform for Co-operative Security is 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. The Common Concept below provides the basis for the development of a Platform which will be part of a Document-Charter.

I. Common Concept

Ministers recognize that security in the OSCE area requires co-operation and co-ordination among participating States and relevant organizations and institutions of which they are also members.

The OSCE participating States wish to strengthen the non-hierarchical mutually-reinforcing nature of the relationship between those organizations and institutions, with a view to fostering a foundation for common, comprehensive and indivisible security in the OSCE area.

The OSCE will work co-operatively with those organizations and institutions whose members individually and collectively, in a manner consistent with the modalities appropriate to each organization or institution, now and in the future:

- Adhere to OSCE principles and commitments as set out in the Helsinki Final Act, the Charter of Paris, the Helsinki Document 1992, the Budapest Document 1994, the OSCE Code of Conduct on politico-military aspects of security and the Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first century;
- Subscribe to the principles of transparency and predictability in their actions in the spirit of the Vienna Document;
- Implement fully the arms control obligations, including disarmament and CSBMs, to which they have committed themselves;
- Proceed on the basis that those organizations and institutions of which they are members will adhere to transparency about their evolution;
- Ensure that their membership in those organizations and institutions is based on openness and free will;
- Actively support the OSCE's concept of common, comprehensive and indivisible security and a common security space free of dividing lines;

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9 MC(6).DEC/5, 19 December 1997, Annex 1, in: *ibid.*

- Play a full and appropriate part in the development of the relationships between mutually-reinforcing security-related institutions in the OSCE area;
- 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. In this regard, participating States note the particular relevance of co-operation in the areas of conflict prevention and crisis management.

Together these principles and commitments form a Common Concept for the development of co-operation between mutually-reinforcing organizations and institutions within the Platform.

Within the relevant organizations and institutions of which they are members, participating States will work to ensure the organizations' and institutions' adherence to the Platform for Co-operative Security. Adherence, on the basis of decisions taken by each member State within relevant organizations and institutions, will take place in a manner consistent with the modalities appropriate to each organization or institution. Contacts and co-operation of the OSCE with other organizations and institutions will be transparent to participating States and will take place in a manner consistent with the modalities appropriate to the OSCE and those organizations and institutions.

II. A first set of practical steps towards the development of co-operation between the OSCE and those organizations and institutions which subscribe to the Common Concept will be:

1. Regular contacts, including meetings, through a continuous framework for dialogue, increased transparency and practical co-operation, including the identification of liaison officers or points of contact; cross-representation at appropriate meetings; and other contact intended to increase understanding of each organization's conflict prevention tools.
2. Co-operation in responding to specific crises:
  - The OSCE, through its Chairman-in-Office and supported by the Secretary General, and the relevant organizations and institutions are encouraged to keep each other informed of what actions they are undertaking or plan to undertake to deal with a particular situation;
  - To this end, participating States encourage the Chairman-in-Office, supported by the Secretary General, to work with other organizations and institutions to foster co-ordinated approaches that avoid duplication and ensure efficient use of available resources. As appropriate, the OSCE can offer to serve as a flexible framework for co-operation of the various

mutually-reinforcing efforts. The Chairman-in-Office will consult with participating States on the process.

Annex 2<sup>10</sup>

*Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations*

By the delegation of Turkey:

"The Government of Turkey had placed a reservation concerning the representation of Cyprus at the CSCE Summit on 31 July 1975 and has later reiterated it at meetings. The Government of Turkey wishes to confirm that the same interpretative statement is valid and wants it to be duly registered in the Journal of the day. There is also no change in the Turkish policy *vis-à-vis* Cypriot representation."

Annex 3<sup>11</sup>

*Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations*

By the delegation of Cyprus:

"The Delegation of Cyprus wishes to make an interpretative statement to be duly registered in the Journal of the day, in reply to the interpretative statement made by the Delegation of Turkey.

The decisions and other documents of the OSCE are equally binding on all participating States without exception and any selectivity in their implementation is in clear contravention of CSCE/OSCE principles and procedures. The interpretative statement of the Delegation of Turkey, therefore, is of no effect whatsoever.

The statement that there is no change in the Turkish policy *vis-à-vis* the representation of Cyprus does not affect in any way the status of the internationally recognized Republic of Cyprus and its Government."

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10 MC(6).DEC/5, 19 December 1997, Annex 2, in: *ibid.*

11 MC(6).DEC/5, 19 December 1997, Annex 3, in: *ibid.*

*Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations*

By the delegation of Greece:

"In connection with the interpretative statement made by the Delegation of Turkey concerning the representation of the Republic of Cyprus, the Delegation of Greece wishes to make the following interpretative statement:

The decisions and all other documents of our Organization are equally binding on all participating States without exception. Any attempt to differentiate between sovereign participating States contravenes established OSCE principles and procedures. There is only one internationally recognized Republic of Cyprus whose Government is represented here.

The Delegation of Greece wishes to have this interpretative statement appended to the Journal of the day."

*Decision No. 6<sup>13</sup>*

Reaffirming the Charter of Paris and the Helsinki Document 1992, the Ministerial Council decides that the date of the next Summit will be determined at a reinforced meeting of the Permanent Council no later than the end of March 1998, following a review of progress on the development of a Document-Charter on European Security. The Ministerial Council further recommends that the frequency of subsequent OSCE Summits be decided at the next Summit. The continuing invitation by Turkey to host the next Summit was noted.

*Decision No. 7<sup>14</sup>*

The Ministerial Council decides that Norway will exercise the function of Chairman-in-Office of the OSCE in 1999.

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12 MC(6).DEC/5, 19 December 1997, Annex 4, in: *ibid.*

13 MC(6).DEC/6, 19 December 1997, in: *ibid.*

14 MC(6).DEC/7, 19 December 1997, in: *ibid.*



(...)

The Ministerial Council,

Having considered, following the address of the OSCE Chairman-in-Office to the Permanent Council on 17 April 1997, measures to bring OSCE financing mechanisms in line with political decisions and with the increased volume and scope of the Organization's tasks,

Reaffirming the commitment of all participating States to fulfil their financial obligations, including the settlement of arrears and prompt future payments,

1. Approves the attached "Scale for large OSCE missions and projects" governing contributions of all participating States to the financing of OSCE missions/projects having approved annual budgets of ATS 185 million or more. This scale will be applied as of 1 January 1998;

2. Notes that the establishment of all such missions/projects and their budgets will be subject to consensus approval by the Permanent Council in each case;

3. Notes that a system of voluntary funding will also be maintained in order to accept financial contributions to such missions/projects from participating States, OSCE partners for co-operation as well as other sources. To take account of this possibility, participating States will be billed, initially, only up to two thirds of the budget, until the Secretary General is satisfied that he has ascertained the level of voluntary contributions. The residual financing, if any, of the remaining one third will be met by assessed contributions in accordance with the attached scale. Voluntary financing may either be allocated to special projects carried out by large missions or be brought in to reduce the total amount of required mission/project financing;

4. Decides that special meetings of the informal Financial Committee shall be held whenever requested by the Permanent Council, and with the participation of experts from capitals, in order to:

- examine the financial requirements of large missions/projects;
- prepare appropriate recommendations for submission to the Permanent Council;
- examine status and financial reports regarding missions and projects;
- examine financial statements following completion of a mission/project.

5. This scale for large OSCE missions and projects will be applied until 31 December 2000.

The Ministerial Council takes note of the Helsinki Document 1992 (Chapter XII, paragraph 4), regarding an appropriate time for reviewing the scale and criteria for financing OSCE activities and decides that in the light of the subsequent change in the OSCE and its structure, such a review should appropri-

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<sup>15</sup> MC(6).DEC, 19 December 1997, in: *ibid.*

ately be undertaken, under the auspices of the Permanent Council, and reported to the next Summit. This review should also cover the scale for large missions and projects.

The Ministerial Council recommends that this report be taken into account when establishing the scale for large OSCE missions and projects to be applied after 31 December 2000.

*Scale for large OSCE missions and projects*

Country	Per cent	Country	Per Cent
United States of America	12.40	Cyprus	0.14
France	10.34	Slovenia	0.14
Germany	10.34	Belarus	0.07
Italy	10.34	Romania	0.07
United Kingdom	10.34	Bulgaria	0.06
Russian Federation	5.50	Kazakhstan	0.06
Canada	5.45	Uzbekistan	0.06
Spain	4.20	Albania	0.02
Belgium	4.07	Andorra	0.02
Netherlands	4.07	Armenia	0.02
Sweden	4.07	Azerbaijan	0.02
Switzerland	2.65	Bosnia and Herzegovina	0.02
Austria	2.36	Estonia	0.02
Denmark	2.36	Georgia	0.02
Finland	2.36	Holy See	0.02
Norway	2.36	Kyrgyzstan	0.02
Poland	1.05	Latvia	0.02
Turkey	0.75	Liechtenstein	0.02
Ireland	0.63	Lithuania	0.02
Luxembourg	0.63	Malta	0.02
Greece	0.53	Moldova	0.02
Hungary	0.53	Monaco	0.02
Czech Republic	0.50	San Marino	0.02
Portugal	0.41	Tajikistan	0.02
Slovak Republic	0.25	The former Yugoslav	
Iceland	0.21	Republic of Macedonia	0.02
Ukraine	0.18	Turkmenistan	0.02
Croatia	0.14		
		Total	100.00

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16 MC(6)DEC., 19 December 1997, Annex 1, in: *ibid.*

Annex 2<sup>17</sup>

*Chairman's Statement*

The decision just adopted is subject to a silence procedure expiring on 15 March 1998. The decision will be implemented retroactively as of 1 January 1998. Implementation of the decision will only begin after the silence procedure has expired on 15 March 1998.

Annex 3<sup>18</sup>

*Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations*

By the delegation of the former Yugoslav Republic of Macedonia:

"In connection with the adoption of the Decision on the 'Scale for large OSCE missions and projects' and the attached Annex 1 by the Ministerial Council, the Delegation of the Republic of Macedonia would like to state that the constitutional name of our country is the 'Republic of Macedonia'.

Mr. Chairman,

The Delegation of the Republic of Macedonia kindly asks you to attach this interpretative statement to the Decision."

Annex 4<sup>19</sup>

*Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations*

By the delegation of Greece:

"With reference to the statement made today at the Ministerial Meeting by the Delegation of the former Yugoslav Republic of Macedonia to the OSCE on the adoption of the Draft Decision entitled 'Scale for large OSCE missions and projects', we would also like to state the following: In conformity with Decision No. 81/95 (PC.DEC/81, 12 October 1995), the Permanent Council, welcoming as a participating State of the OSCE the State whose application was contained in the letter of application dated 9 October 1995 (REF.PC/598/95), decided that the State will be provisionally referred to for all purposes within the OSCE as 'the former Yugoslav Republic of Macedo-

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17 MC(6).DEC, 19 December 1997, Annex 2, in: *ibid.*

18 MC(6).DEC, 19 December 1997, Annex 3, in: *ibid.*

19 MC(6).DEC, 19 December 1997, Annex 4, in: *ibid.*

nia' pending settlement of the difference which has arisen over the name of the State.

Mr. Chairman, we request the above statement be recorded in the Journal of the day."



## Annual Report 1997 on OSCE Activities

*(1 November 1996 - 30 November 1997)*

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## *1. Introduction*

From Albania to Bosnia and Herzegovina, from the Baltic States to Croatia, during this year the OSCE has confirmed its ability to serve as a primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in Europe, as called for at the Lisbon Summit in December 1996. Under the chairmanship of Denmark and the effective guidance of Foreign Minister Niels Helveg Petersen, the OSCE has also contributed significantly to the advancement of democracy and the promotion of human rights in the region, thus reinforcing security and stability. Those achievements came about thanks to the growing capability of the Organization to react to crises in a rapid, flexible, multi-faceted and innovative fashion. They were also the fruit of its capacity to interact with other international organizations.

The reporting period (1 November 1996 to 30 November 1997) saw the designation of two eminent Personal Representatives of the Chairman-in-Office who were called upon to take decisive action in crisis situations. Former Spanish Prime Minister Felipe González, appointed by the then Chairman-in-Office (C-i-O), Swiss Federal Councillor Flavio Cotti, headed an OSCE delegation to Belgrade, at the height of the dramatic street demonstrations, whose task was to deal with the annulment of the election results in major cities throughout the country. On the basis of his report, which confirmed the victory of the opposition in those cities, the election results were reinstated and calm returned. The Personal Representative also recommended a process towards democracy which now serves as a yardstick for the international community.

The appointment of a high profile Personal Representative of the C-i-O again proved extremely effective in Albania, where the collapse of the pyramid schemes had led to serious political instability and civil disorder. Former Austrian Chancellor Franz Vranitzky, through intensive discussions with all the parties involved, managed to create a climate favourable to the holding of elections which permitted the restoration of order and the beginning of the reconstruction of the country. In Albania the OSCE proved its ability to quickly mobilize the different institutions and tools it has fashioned over the years. As well as appointing the Personal Representative of the C-i-O, it established a field mission (the Presence), while the Office for Democratic Institutions and Human Rights (ODIHR) played an essential role in the conduct and monitoring of the elections with the support of the numerous observers of the Parliamentary Assembly. It also demonstrated that co-ordination between international organizations was of prime importance. The OSCE could not have accomplished what it did without the support of the Multinational Protection Force, authorized by the United Nations Security Council, which provided the secure environment necessary to allow international officials and observers to fulfil their mission. For the first time, the OSCE was given

the role of providing a co-ordinating framework for international organizations present in Albania, and this framework was considered a success.

Albania was also the setting for a development vital to the future work of the Organization. For the first time the OSCE (ODIHR, Parliamentary Assembly) spoke with one voice when it assessed the elections it had observed, and it did so in conjunction with the Council of Europe. Indeed, to perpetuate this practice, an agreement was signed between the Chairman-in-Office, on behalf of the ODIHR, and the President of the Parliamentary Assembly, which foresees that the ODIHR and the Parliamentary Assembly would work together in monitoring elections and to issue joint statements on their findings. The ODIHR also expanded its activities in the field of elections by putting more emphasis on long-term monitoring. Reflecting this trend, the new Director restructured and strengthened the Warsaw Office.

Elections were also very much at the centre of the activities of the Mission to Bosnia and Herzegovina. Despite last-minute tensions, the crucial municipal elections were carried out successfully, under the effective protection of the Stabilization Force (SFOR). Shortly thereafter, the OSCE took on the supervision of the elections to the Assembly of the Republika Srpska. Those actions were supported by the long-term activities of the Mission: democratization, promotion of human rights, inter-ethnic tolerance and the rule of law, and media development. In the meantime, the Personal Representatives of the C-i-O in respect of Article II (confidence and security-building measures in Bosnia and Herzegovina) and Article IV (measures for subregional arms control) of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina achieved notable results. In particular, armaments were reduced by almost 6,600 items in accordance with Article IV.

Other developments in the former Yugoslavia also received a great deal of attention: the OSCE monitored the elections in the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of the recommendations of former Prime Minister González. The C-i-O appointed a Personal Representative to Kosovo, the former Minister of Foreign Affairs of the Netherlands, Max van der Stoep, to explore possibilities for reducing tension there. This was done against the background of Belgrade's refusal to allow the Missions to Kosovo, Sandjak and Vojvodina to resume their operations before being allowed itself to participate in the OSCE. Unfortunately, he was not given authorization to travel to the region.

One of the highlights of the year was the holding of elections in Chechnya (Russian Federation), which reflected the free will of those entitled to vote. The elections were organized with the help of the OSCE Assistance Group, which then turned to monitoring the situation of human rights and to humanitarian assistance. Its activities have, unfortunately, been seriously hampered by the lack of security.

1997 saw another essential development for the Organization which also has wider significance for stability in South-Eastern Europe, namely the building

up of the Mission to Croatia in view of the expiry of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES). The expanded Mission will assist with and monitor the implementation of Croatian legislation and of the agreements and commitments entered into by the Croatian Government on the two-way return of all refugees and displaced persons and on the protection of their rights as well as the protection of persons belonging to national minorities.

The success of this Mission, which will soon become the largest the OSCE has ever established, will no doubt set a further example in the field of co-operation between international organizations, following the success of the exercise in Albania. Indeed, the reinforcement of co-operation with intergovernmental bodies has been remarkable in 1997. Complementing the consultations between Headquarters (in particular, tripartite meetings with the United Nations and the Council of Europe, 2+2 between the Chairmen-in-Office and Secretary Generals of the OSCE and the Council of Europe, address of the Secretary General of the OSCE to the United Nations General Assembly and of the Secretary General of the Council of Europe to the Permanent Council), the exchange of information and co-ordination has been encouraged in the field and functions on a day to day basis in most of the missions (especially Albania, Bosnia and Herzegovina, Croatia, Georgia and Tajikistan).

The partners for co-operation and the Mediterranean partners for co-operation confirmed during the year their interest in the work of the OSCE. Contacts with non-governmental organizations likewise continued to form an important part of the activities of the OSCE institutions and missions.

Another initiative taken during the year was the establishment of an Advisory and Monitoring Group in Belarus to assist the authorities in promoting democratic institutions and in complying with their other OSCE commitments. Unfortunately, the start of the Group's activities is being delayed by the protracted negotiation of the technical agreement with the Belarusian authorities.

This year was also marked by a significant expansion of the OSCE's activities in Central Asia, through its Liaison Office, in response to the wishes of the countries of the region which they expressed in particular, when they received the visits of the Chairman-in-Office, the Secretary General and the Director of ODIHR. It is to be hoped that the signature of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, the implementation of which is supported by the OSCE mission, will permit the inclusion of that war-torn country in long-term activities.

In general, all OSCE missions, whether large or small, have continued to make important contributions to security and stability in the OSCE area. Despite excellent records of achievement, none of the missions has yet completely fulfilled its mandate and been discontinued. The reduction in staff of the OSCE Presence in Albania after the elections, however, sets a pattern that

could be followed regarding other field operations when there is a noticeable improvement.

In the domain of early warning and conflict prevention, the contribution of the High Commissioner on National Minorities was again greatly appreciated by the participating States. The High Commissioner paid numerous follow-up visits to countries where he had identified difficulties and pursued his dialogue with the authorities as well as with representatives of political parties and ethnic groups.

To further enhance the ability of the Organization to detect potential crises and non-compliance with OSCE principles in the field of freedom of expression and free media, the participating States decided to establish a Representative on Freedom of the Media. They also established within the Secretariat the position of a Co-ordinator of OSCE Economic and Environmental Activities. Activities in the human and economic dimension of security will, as a consequence, increase.

The Secretary General has, on his side, initiated a process of restructuring the Secretariat with a view to enabling it to keep pace with its increasing workload, enhance its operational capacities and respond to the new expectations of the participating States.

These include security co-operation, a domain where the year was marked by the success of the first Follow-up Conference on the OSCE Code of Conduct on Politico-Military Aspects of Security, the Annual Implementation Assessment Meeting and the initial review of the Vienna Document 1994.

During 1997, in accordance with the Lisbon Declaration, and in view of the Sixth Ministerial Council in Copenhagen, the participating States focused a large part of their political consultations in Vienna on intensive work on a Common and Comprehensive Security Model for Europe for the twenty-first century, under the guidance of the C-i-O.

## *II. Activities of the OSCE*

### *1. Political Consultations and Negotiations*

The highlight of the reporting period (November 1996 to November 1997) was the Summit held in Lisbon in December 1996. The Heads of State or Government approved a Summit Declaration and adopted a Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first century. A Framework for Arms Control was accepted and the role of the Forum for Security Co-operation was strengthened at the Summit.

The Permanent Council (PC) remains the central body for political consultation and decision-making in the OSCE. It provided political guidance for missions in the field and, responding to rapidly changing realities, took new initiatives enhancing the operational strength of the Organization. During the reporting period the PC adopted 60 decisions.

No Senior Council meetings were held in 1997.

The Security Model Committee pursued the discussions on the Common and Comprehensive Security Model for the twenty-first century. Within this framework two seminars were held in Vienna - one on "Specific Risks and Challenges" and the other on "Regional Security and Co-operation". A significant contribution to the discussion on the Security Model came from the reinforced PC meeting in November.

### *2. Early Warning, Conflict Prevention and Crisis Management, Post- Conflict Rehabilitation*

OSCE long-term missions and other field activities continued to serve as an effective instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation. During the reporting period the OSCE increased the number of its field operations by establishing an OSCE Presence in Albania and an Advisory and Monitoring Group in Belarus. The OSCE field operations carried out their manifold activities - ranging from promoting negotiations between conflicting parties to monitoring respect for human rights and assisting in the establishment of democratic institutions - in accordance with their mandates elaborated by the participating States. Early warnings from long-term missions or the other field activities strengthened the Organization's capability to take appropriate measures designed to ensure that conflicts do not arise or spread.

## *2.1. OSCE Long-Term Missions*

### *2.1.1. Missions of Long Duration in Kosovo, Sandjak and Vojvodina*

During 1997 there were no changes regarding the missions. They continued to be non-operational as the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) still links their reactivation to the country's participation in the OSCE.

A useful tool in monitoring the situation in the region is provided by an ad hoc working group that continues to meet in Vienna on a regular basis in order to assess the analyses submitted by the OSCE participating States. Information conveyed to the ad hoc working group is transmitted on a weekly basis to the PC.

In February Mr. Max van der Stoep was appointed Personal Representative of the OSCE Chairman-in-Office for Kosovo with a mandate to examine the situation in the area and explore possibilities of reducing existing tensions and preventing the build-up of new ones. He was also given the task of looking into the possibility of a constructive dialogue on these issues between the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and representatives of the Albanian community in Kosovo. Unfortunately, Mr. van der Stoep has been prevented from carrying out his mandate on site by the refusal of the FRY authorities to grant him an entry visa. In October, the Personal Representative held consultations in Austria with Serbian experts from Belgrade and Albanian experts and politicians from Pristina discussing the increase of tensions in Kosovo, the possibilities of reaching agreement on confidence-building measures and various formulas for the future status of Kosovo.

### *2.1.2. Spillover Monitor Mission to Skopje*

The mission has continued to monitor the situation in respect of regional stability, security and co-operation. Disturbances in three neighbouring countries during the past year have ensured that a significant part of the Mission's work has remained focused on the continuing risk of "spillover", the reason for its inception in 1992.

Nonetheless, the deterioration in the internal climate of inter-ethnic relations have required the Mission to devote a great part of its efforts and resources to the internal dimension. The Mission has maintained dialogue with the Government and with the minorities in seeking to defuse tensions. It has made specific efforts in the economic area, with a Mission member assigned to the task, in order to promote economic growth, crucial to general stability and security. The Mission has sought to bring business and investment opportunities to the attention of potential donors, to improve the range and quality of its economic reporting, and, acting as a catalyst, to work with aid providers

and other international organizations and financial institutions in an effort to identify sectors for development.

In order to offer the host State better assistance in developing the democratic structures, the mission intensified its co-operation with the United Nations.

The Mission played a key role in planning and managing the international observation of the nationwide municipal elections that took place at the end of 1996, but which, owing to difficulties in one municipality (Tetovo), were completed only in February 1997. With strong support from embassies of participating States represented locally, the Mission recruited 54 international observers and provided the framework for the participation of 12 observers from the Council of Europe. The observation was an important factor in helping to stabilize the electoral process, which was affected by significant shortcomings in the compiling of voter lists.

The Mission has continued to support the work of the High Commissioner on National Minorities and has worked actively to raise the profile of OSCE. In May 1997 it organized a second national marathon team relay linking the cities of Skopje and Tetovo, which drew teams from all parts of the community.

### *2.1.3. Mission to Georgia*

In the past year Georgia has been a focal point of OSCE interest. At the end of August the Danish Foreign Minister Mr. Niels Helveg Petersen, in his capacity as Chairman-in-Office of the OSCE, paid a visit to Tbilisi during which he discussed the work of the Mission with regard to the conflict in South Ossetia and Abkhazia, as well as the prospects of regional co-operation in the Caucasus. At the end of June, the High Commissioner on National Minorities was in Tbilisi in order to familiarize himself with the state of inter-ethnic relations and the situation of the national minorities. The Vice-President of the Parliamentary Assembly and Special Rapporteur on Abkhazia, Prof. Lamentowicz, has paid two visits to Georgia in connection with the preparation of his report to the Parliamentary Assembly. In April, the Secretary General visited the Mission, held talks with the Georgian Government and opened a Mission's office in Tskhinvali, South Ossetia.

In South Ossetia, the work of the Mission has been facilitated since the summer thanks to the dispatch to the branch office in Tskhinvali of a permanent team of two mission members, who are there on a rotational basis. The danger of renewed ethnic or political violence has receded further, but lawlessness is still rampant and much now depends on close co-operation of the law-enforcement agencies on both sides. With crucial assistance from the UNHCR, which in turn can rely on the support of the Mission, the return of refugees and internally displaced persons has started and should pick up speed in the course of next year, in particular if the question of the return of lost property, or of compensation for it, can be settled in accordance with in-



ternational standards. The growing involvement of international donor organizations in the economic rehabilitation of the conflict area, encouraged by the Mission, will constitute an important contribution to a political settlement. Negotiations on such a settlement promise to be inevitably long and complicated. The Mission will remind the Parties that it drafted a scheme already three years ago on the autonomy of South Ossetia which could still be a basis for discussion.

Developments in the conflict in Abkhazia were characterized by intensive mediatory efforts on the part of the Russian Federation and intensified bilateral contacts between the political leadership of Georgia and Abkhazia at different levels, e.g. meetings of the President of Georgia with the leader of Abkhazia. The role of the United Nations as leading agency in the negotiation process between the two parties has also been reactivated by convening in Geneva the peace talks to which the OSCE also participates. A new element of these talks is a closer, but not undisputed by the Abkhaz side, involvement of the group "Friends of the Secretary-General" (FoSG) based at the United Nations Headquarters in New York. However, a breakthrough, particularly in the questions of the future status of Abkhazia and of the return of the refugees and internally displaced persons, has not yet been achieved. The OSCE is doing its best to assist the UN in its attempts to promote progress. An intermediate solution for the Gali district would be particularly desirable. The OSCE has appointed an officer to the UN Human Rights Office in Sukhumi, providing a basis which eventually could be strengthened and expanded, also as an example of synergy.

With regard to human rights and democratization in Georgia as a whole, the Mission continues to monitor individual cases of general significance, the progress of legal reforms and the situation in different regions of the country. The implementation of a decree by President Shevardnadze on the protection of human rights and the human rights education of schoolchildren are, at present, focal points of the Mission's attention. In addition, the question of a law on national minorities and of laws touching on the rights of these minorities, deserve particularly close attention since they also have a bearing on resolution of the conflicts in Georgia and the prevention of future conflicts. The mission aims at closer quadripartite co-operation and co-ordination with ODIHR, the Council of Europe and the UNHCHR in which it could play the role of a permanent agent of liaison and monitoring for human rights projects in Georgia.

#### *2.1.4. Mission to Estonia*

Throughout 1997, the Mission has monitored the issuing of Alien's Passports. The validity of the old Soviet internal passports ended in May 1997, and the process has now reached a stage where the majority of Alien's Passports have been issued, and new applications are coming in at a modest rate only.

The Mission is following the naturalization process, particularly noting the standardization of the language test for the Citizenship Exam.

The Mission continued to concern itself with issues relating to Estonian language training for Russian-speakers and others not of Estonian mother tongue, such training being a major prerequisite for genuine integration, and has helped to channel foreign aid into language training projects. Particularly successful was a summer programme in which Russian-speaking children spent their vacation with Estonian families, an experience the Mission would like to repeat in 1998.

During 1997, the Mission has put increased emphasis on development of and support for the NGO sector. It has helped in organizing seminars, particularly in the north-east, but also in Tallinn. Attention has also been directed to cross-border co-operation in the Lake Peipsi basin area. The Mission assisted in setting up and carrying out the Narva Forum (30 October to 1 November), which discussed general problems of access across the border, environmental questions affecting the area and some individual cases as well.

#### *2.1.5. Mission to Moldova*

1997 saw a major event in the process of an overall settlement of the Trans-Dniestrian problem in Moldova, when, on 8 May in Moscow, the Presidents of Moldova, Russia and Ukraine, together with Trans-Dniestrian leader Igor Smirnov, signed the "Memorandum on the Bases for Normalization of Relations between the Republic of Moldova and Trans-Dniestria" in the presence of the Chairman-in-Office, who also signed. In this document, the two parties to the conflict agreed to continue the establishment of their relations and to proceed immediately to define these relations and the status of Trans-Dniestria, including the division and delegation of competencies. In addition, the Presidents of Russia and Ukraine, as guarantors of an eventual settlement, signed a Joint Statement that excludes the possibility of the Memorandum's being interpreted in such a way as to conflict with OSCE principles or to cast doubt on the sovereignty and territorial integrity of the Republic of Moldova. The Chairman-in-Office also signed this Statement.

During the summer, progress was made towards an overall settlement, with the Mission to Moldova and the Russian and Ukrainian mediators taking the lead in drafting a document defining the status of Trans-Dniestria and dividing competencies. This work nourished hopes that another document might be signed at the time of the Summit of the Commonwealth of Independent

States, which was held in Chisinau on 23 October; however, the political conditions did not allow for the finalization of a document. Talks are continuing with the full involvement of the OSCE Mission.

In September, the Mission's agreement with the Joint Control Commission, which oversees the Security Zone separating Trans-Dniestria from the rest of Moldova, was renewed. Also in September, a trainload of non-combat military equipment belonging to the Operational Group of Russian Forces (OGRF), departed Trans-Dniestria, the first such shipment in more than one year. By mid-1997, the strength of the OGRF had been reduced by some 40 per cent to about 3000 men.

The Mission was active in investigating alleged problems in the area of human rights and the human dimension generally. In particular, the Mission worked with both sides on the issue of schooling using the Latin script in Trans-Dniestria, and the opening of the school year 1997-98 was accompanied by less tension than in past.

During the visit of an OSCE Troika delegation in October, the work of the Mission received praise from both sides, and the hope that the OSCE would continue its involvement was generally expressed.

#### *2.1.6. Mission to Latvia*

The mission's main activity throughout 1997 remained the monitoring of the implementation of the 1994 Citizenship Law and the 1995 Law on Non-Citizens. The mission expanded its existing close contacts with key Latvian institutions concerned with naturalization questions, i.e. the Citizenship and Immigration Department, the Naturalization Board and the Human Rights Office. Mission members continued to monitor the conduct of naturalization examinations, which they considered to be administered in a fair manner. At the same time, the mission noted that the pace of naturalization was sluggish and that it was important to understand the reasons for such slowness and to find ways of improving matters.

In the context of the troop withdrawal agreements of 1994, the mission continued to play the role of a third-party facilitator with regard to questions relating to retired military personnel of the Russian Federation who remained in Latvia.

#### *2.1.7. Mission to Tajikistan*

In June 1997 the General Agreement on the Establishment of Peace and National Accord in Tajikistan was signed in Moscow. The OSCE Mission to Tajikistan had been an observer of all the inter-Tajik negotiations and became a signatory to the Protocol on the Guarantees of Implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan signed in Tehran in May 1997. As a condition of this protocol, the

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.



### *2.1.10. Mission to Croatia*

The Mission pursued its task by monitoring the return of refugees and displaced persons on a case-by-case basis and by studying closely the existing property laws. This resulted in a detailed background report on "The Protection of Property Rights in the Republic of Croatia". The report is highly regarded by international and national human rights organizations as well as by the main co-operation partners. In addition, the Mission, in co-operation with the ODIHR, participated in the monitoring of the April 1997 elections for the House of Counties and for the county and municipal assemblies and also the June 1997 presidential elections. The Special Co-ordinator for the OSCE Observer Mission, Senator Paul Simon (U.S.A.), subsequently declared these last elections, which were efficiently conducted, "free but not fair", with candidates able to speak freely, but he described the process leading up to the elections as fundamentally flawed.

In the perspective of the end of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), the Mission was reinforced by Permanent Council Decision No. 176 (26 June 1997), which authorized the gradual increase of personnel up to a ceiling of 250 international staff. The Mission was also authorized to assist with the drafting of Croatian legislation and to monitor implementation not only of these laws but also of agreements and commitments entered into by the Croatian Government on:

- (i) the two-way return of all refugees and displaced persons and the protection of their rights;
- (ii) the protection of persons belonging to national minorities.

Furthermore, the Mission was authorized to make specific recommendations to the Croatian authorities and to refer, where necessary, urgent issues to the Permanent Council.

The Croatian authorities and the Chairman-in-Office agreed that Decision No. 176 would in effect amend the Memorandum of Understanding concluded between the Government of Croatia and the OSCE on 29 August 1996, thus leaving the OSCE Mission to the Republic of Croatia with a Mandate consisting of the two Permanent Council Decisions Nos. 112 (18 April 1996) and 176 (26 June 1997), both of them extended until 31 December 1998.

Following the strengthening of the Mission, its headquarters in Zagreb is supported by Co-ordination Centres in Vukovar, Knin, Sisak and Daruvar, and by field offices at 16 other locations, as well as by a Zagreb Area Office. Close co-operation has been established with the European Commission Monitoring Mission (ECMM) and the United Nations High Commissioner for Refugees (UNHCR), who are participating in the co-ordination of field operations and in information-sharing through liaison officers working out of

OSCE headquarters. Co-operation is maintained with the OSCE High Commissioner on National Minorities, the Council of Europe, the United Nations High Commissioner for Human Rights and also with relevant non-governmental organizations. Particularly close co-operation has been established with the UN Transitional Administration in Eastern Slavonia in view of its forthcoming withdrawal from the region.

## *2.2. Other OSCE Field Activities*

### *2.2.1. Personal Representative of the OSCE Chairman-in-Office on the conflict dealt with by the Minsk Conference*

The Chairman-in Office's Personal Representative and his team of Field Assistants have continued their monitoring activities of the military situation in the conflict region. These activities have served to underline the primary importance attached by the OSCE as a whole to continued monitoring of the current cease-fire.

The Personal Representative also supported the efforts of the Co-Chairmen of the Minsk Conference to promote the conflict settlement in the region by initiating a peace plan. He regularly met the authorities of Azerbaijan and Armenia as well as the political and military leadership of Nagorno-Karabakh to promote the settlement on the basis of the Co-Chairmen's proposal. The Personal Representative also supported the High Level Planning Group by preparing the visit of its representatives to the region to update its plan of an OSCE peacekeeping operation, as envisaged at the 1994 Budapest Summit.

### *2.2.2. OSCE Assistance Group to Chechnya*

On 27 January, presidential and parliamentary elections were held in Chechnya. The OSCE assisted in the holding and monitoring of these elections. They reflected the free will of those entitled to vote. The second round of the parliamentary elections was held on 15 February. Since then the Assistance Group has focused its attention on other points of its Mandate: mainly the human rights situation, the situation of national minorities' in Chechnya, and questions relating to the humanitarian help and assistance rendered by NGOs operating in Chechnya or outside.

Apart from monitoring the human rights situation, the Group stays in contact with important circles of Chechnya's political and social life. It also monitors the economic situation and the talks on the oil agreement (transport of Azeri oil through Chechnya), which are linked very closely to the political negotiations on Chechnya's future.

An important part of the Group's activity lies in providing assistance for the mine clearing project and with the exhumation and identification of bodies.

The Group also supports an orphanage housing 47 children and assists in the provision of equipment for the Children's Surgical Hospital.

The Group, along with foreign representatives (NGOs and others), has had to confront the problem of an exploding crime rate in Chechnya and in the neighbouring republics - crime consisting in kidnappings for ransom and in attacks by bandits. This problem has quickly become a political factor in relations between Grozny and Moscow and has significantly influenced Chechnya's image in the eyes of the international community. A very serious side effect has been a sharp decline in the activity of almost all international NGOs providing humanitarian aid.

The hostage situation is alarming, and the security situation in general is extremely tense. The Assistance Group has, to the best of its ability, tried to help in these cases and expects full co-operation from the Chechen authorities.

### *2.2.3. OSCE Presence in Albania*

Responding to the serious political crisis of February 1997, the OSCE Chairman-in-Office appointed on 4 March former Austrian Chancellor, Dr. Franz Vranitzky, as his Personal Representative to Albania. On 27 March, the Permanent Council established the OSCE Presence to provide Albania with advice and assistance in democratization, the establishment of independent media and the protection of human rights, as well as in election preparation and monitoring. Furthermore, the OSCE was to function as the co-ordinating framework for the work of other international organizations and for facilitating improvements in the protection of human rights and the basic elements of civil society.

Parliamentary elections were held in June and July. The OSCE/ODIHR was instrumental in supporting them with technical assistance and international monitoring. The Personal Representative of the OSCE Chairman-in-Office, Dr. Franz Vranitzky, played a key role in ensuring full participation by the political parties and proper conduct of the elections. International observers, led by the OSCE Special Co-ordinator, Mme. Catherine Lalumière, Member of the European Parliament, Sir Russel Johnston, Head of the Council of Europe Parliamentary Assembly Delegation and Mr. Javier Rupérez, President of the OSCE Parliamentary Assembly, declared these elections "adequate and acceptable" and stressed that the international community expected a "major effort toward national reconciliation after the elections", without which there would "be no basis for defining the terms of international aid". These elections, along with a national reconciliation and economic recovery programme introduced by the new coalition Government, opened the way for significant international assistance agreed at international conferences in Rome and Brussels in July and October 1997. The Rome Ministerial Conference on 17 October "welcomed the intention of the OSCE

to continue to serve as a flexible co-ordinating framework for international assistance to Albania in concert with the Albanian Government."

After the completion of the election preparing and monitoring process, the number of international staff in the Presence was reduced. At the same time, the OSCE Presence opened two field offices in October 1997, to support the main office in Tirana. The three offices work in the fields of human rights and rule of law, democratization and civil rights, electoral assistance, media monitoring and institution-building. It is worth mentioning the Administrative Center for the Co-ordination of Assistance and Public Participation (ACCAPP), the OSCE-sponsored office which is co-ordinating foreign and domestic assistance and public participation in the constitutional drafting process. OSCE/ODIHR also sustained a voters' and civic registration assistance activity, provided technical assistance to the judicial system, assisted in the establishment of national human rights institutions such as an ombudsman, undertook media freedom assessments and completed the first two phases of an NGO network activity.

The Presence worked in close co-ordination with the Albanian authorities, embassies and bilateral assistance missions, other international organizations such as the Council of Europe, the WEU (Multinational Advisory Policy Element) and EU/EC, particularly the Customs Advisory Mission and the European Community Monitoring Mission (ECMM), which undertook its field monitoring in co-ordination with the OSCE.

#### *2.2.4. OSCE Advisory and Monitoring Group in Belarus*

The Permanent Council (PC) several times discussed Belarus' compliance with internationally accepted democratic and constitutional principles and practices and other OSCE commitments such as freedom of the press and freedom of movement.

In order to assess the situation in the country and determine how the OSCE could best assist the Belarusian authorities in making progress towards the establishment of a proper democratic framework, the Chairman-in-Office appointed Ambassador Thorning-Petersen as his Personal Representative. Ambassador Thorning-Petersen visited Belarus from 15 to 18 April 1997 on a fact-finding mission. In his subsequent report to the PC, he recommended the establishment of an OSCE Presence.

Negotiations with representatives of Belarus were held in the summer of 1997 by the Chairman-in-Office and his new Personal Representative, Ambassador Bierring, to discuss the form and the mandate of an OSCE Presence. As a result of these negotiations, the PC decided on 18 September 1997 to establish an OSCE Advisory and Monitoring Group. Under its mandate, the Group is to assist the Belarusian authorities in promoting democratic institutions and in complying with other OSCE commitments. It will also monitor and report on this process. These tasks will be performed in

co-operation with the Belarusian authorities and with relevant international organizations.

As discussions between the OSCE and the Belarusian authorities on the technical modalities of the Advisory and Monitoring Group are still going on, the Group has not yet started its work.

### *2.3. Mission of the Personal Representative of the Chairman-in-Office to Belgrade*

In winter 1996, dissatisfaction with the annulment of the results of the November municipal elections lead to protest and mounting tensions in the Federal Republic of Yugoslavia (Serbia and Montenegro). Following an invitation of the Foreign Minister of the Federal Republic of Yugoslavia (Serbia and Montenegro) to the OSCE to obtain true information on the elections, the then Chairman-in-Office, on 17 December, appointed former Prime Minister of Spain Mr. Felipe González as his Personal Representative. Mr. González visited Belgrade on 20-21 December and held extensive talks with, *inter alia*, government officials, opposition leaders and media representatives in which he reminded his interlocutors of commitments contained in the Charter of Paris such as democratic elections, free political speech and respect for human rights. The Personal Representative came to the conclusion that the elections reflected the will of the majority of the citizens of the Federal Republic of Yugoslavia (Serbia and Montenegro) and that the authorities must accept and respect the election results. In reaction to these findings and recommendations and to the increasing domestic and international pressure, the Belgrade authorities on 4 February finally agreed to acknowledge the election results in accordance with the conclusions of the González report. Mr. González had also concluded that it was highly desirable to improve as soon as possible the current electoral system and, in general, to take steps towards democratic reform.

### *2.4. OSCE Assistance in the Implementation of Bilateral Agreements*

#### *2.4.1. The OSCE Representative to the Latvian-Russian Joint Commission on Military Pensioners*

The Latvian-Russian Joint Commission on Military Pensioners continued to meet regularly in 1997 and was able to continue shifting attention away from smaller technical issues to larger questions. In a co-operative atmosphere, the approach was aimed at solving problems in a mutually beneficial manner. The discussion focused on the privatization of flats occupied by military pensioners, the maintenance of memorials in Latvia and Russia, and a number of other social issues relating to military pensioners.

#### *2.4.2. The OSCE Representative to the Estonian Government Commission on Military Pensioners*

The Estonian Government Commission on Military Pensioners in 1997 continued its review of applications for residence permits by former Russian military personnel. After the bulk of the applications, some 16,000, had been dealt with, a couple of thousand cases with more sensitive backgrounds remained to be reviewed. So far very few of these applications have been refused, and some refusals were later rescinded, also thanks to OSCE intervention on humanitarian grounds. OSCE concerns were also taken into account regarding the assessment of applicants with a security-related background.

The Joint Estonian-Russian Commission for the implementation of the 1994 social guarantees accord was convened only sporadically. The Estonian side eventually agreed to the OSCE Representative's participation when matters of concern to him were to be discussed.

Little progress has been made towards settlement of the problem of illegal aliens, among them former servicemen. A Government appeal to illegal aliens to register has met with meagre response so far. The OSCE Representative has urged a more positive approach towards an amnesty, with assurances of non-prosecution and possible OSCE involvement to help dispel mistrust.

Activities by the Office of the OSCE Representative aimed at bringing about integration and repatriation of divorced and widowed former dependants, abandoned after Russian troop withdrawal, have continued with encouraging results. This kind of social work, carried out in co-operation with the IOM, governments and local authorities, has an important human dimension and is highly appreciated. After completion of a pilot integration course for some 20 women earlier this year, a follow-on six week course for about 40 women was held in November/December 1997. A number of women have been repatriated to Russia with funding by northern countries.

#### *2.4.3. The OSCE Representative to the Joint Committee on the Skrunda Radar Station*

During 1997 the Joint Committee under the chairmanship of the OSCE Representative continued to meet on a monthly basis. In April and October the fifth and sixth periodic inspections of the Radar Station took place. It was confirmed that the Agreement is being complied with by both Parties.

According to the Agreement, the functioning period of the Radar Station is to expire on 31 August 1998. Discussions during the summer of 1997 - in the Joint Committee and informally - have led to agreement between the Parties that the OSCE should in principle remain involved in the dismantling phase as well, as at present; this means there would continue to be two periodic inspections per year and regular meetings of the Joint Committee. Preparations for the dismantling operation are now on the agenda of the Joint Committee.

### 3. *The High Commissioner on National Minorities (HCNM)*<sup>\*</sup>

The High Commissioner examined a number of issues relating to national minorities in several OSCE participating States. The matters in question covered a broad range of subjects including difficulties in obtaining citizenship, the prospects of persons belonging to national minorities returning to areas they had previously inhabited, problems relating to education, the use of national minority languages, and the participation of national minorities in the social and political life of the country.

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\* This section also contains activities falling outside of the reporting period but which were not covered by last year's report.

### *3.1. Croatia*

From 24 to 28 September 1996 the High Commissioner visited Croatia. On 26 and 27 September he chaired a round table on "Practical long-term solutions for stability in Eastern Slavonia, Baranja, and Western Sirmium in the post-UNTAES period", held in Bizovac, near Osijek. The round table brought together more than 40 participants representing the Government of the Republic of Croatia, the Parliament, Croatian local authorities, Serbian authorities from the region of Eastern Slavonia, Baranja and Western Sirmium, and the Serbian minority in Croatia. From 11 to 13 October the High Commissioner chaired another round table which took place in Trakoscan. Participants included representatives of the Government of Croatia and from the region currently under the United Nations Transitional Administration. The Deputy Transitional Administrator and other UNTAES officials attended as observers. The meeting, in which the Head of the OSCE Mission to Croatia also took part, had been convened in response to a request made by both delegations at the previous round table in Bizovac.

From 26 to 30 January 1997 the High Commissioner again paid a visit to Croatia. He visited Zagreb and the region of Eastern Slavonia, Baranja and Sirmium, which is under the United Nations Transitional Administration (UNTAES). From 19 to 21 March the High Commissioner travelled to Knin (former Sector South) accompanied by the Head of the OSCE Mission to Croatia, where he met the Government Commissioner and local law-enforcement officials. He was also briefed by representatives of various international organizations on the situation in the area. Discussions focused on the position of members of the Serb community who wished to return to and live in the Krajina and the difficulties they were experiencing (including alleged harassment) and on their claims that they were receiving inadequate protection from the local authorities. From 29 June to 2 July the High Commissioner had meetings in Zagreb and Eastern Slavonia. From 14 to 17 September he again visited Zagreb and travelled to the former Sector South, where he met the Mayor of Knin and local police force commanders. The High Commissioner likewise had meetings with representatives of international organizations in Knin. During these meetings he discussed the two-way return of refugees and displaced persons, the property rights of returnees, and the overall security situation in the region. He also visited an area where the return of Serb families had started. Serb returnees explained to the High Commissioner the serious problems they were facing in their daily life.



### 3.2. *Latvia*

From 7 to 9 October 1996 and from 6 to 7 April 1997 the High Commissioner visited Riga, where he met, among others, the President, the Prime Minister and the Foreign Minister. The main purpose of the High Commissioner's visits was to enable him to familiarize himself with the country's naturalization procedures and to learn more about the national language programme designed to increase the knowledge of Latvian. Other subjects of discussion included developments connected with the newly created Consultative Council on Nationalities established by the President and with the work of the National Human Rights Office. From 28 to 30 October the High Commissioner visited Riga once again. On this occasion he outlined his views on the provisions of a new draft State Language Law in Latvia, which had been criticized for being too restrictive and falling short of international standards.

### 3.3. *Estonia*

The High Commissioner visited Tallinn from 9 to 11 October 1996 and from 8 to 9 April 1997. He held meetings with the President, the Prime Minister and the Minister of Education. He also had talks with the Speaker of the Riigikogu (Parliament) and several officials from the Ministry of the Interior, the Citizenship and Migration Board, and the Language Board. The main objective of the visits was to enable the High Commissioner to assess developments in naturalization procedures and also the position regarding the production of aliens' passports and their issuance to non-citizens. Other topics of discussion ranged from the efforts being made to increase the effectiveness of the Presidential Round Table on Inter-Ethnic Relations to new language-training programmes aimed at improving the teaching of Estonian to non-Estonians.

From 6 to 7 December 1996 the High Commissioner co-chaired a round table in Lund, Sweden, on "Inter-Ethnic Relations in Estonia". The round table was jointly organized, at the High Commissioner's request, by the Hague-based Foundation on Inter-Ethnic Relations and the Raoul Wallenberg Institute in Sweden. Participants included senior representatives from the Estonian Presidential Administration and government ministries together with a number of Members of Parliament as well as researchers and academics from non-governmental organizations and Estonian higher education institutions. Several international experts also attended.

### *3.4. The former Yugoslav Republic of Macedonia*

The High Commissioner visited the former Yugoslav Republic of Macedonia from 16 to 18 October and from 16 to 18 December 1996. He had talks with the President, the Minister of Foreign Affairs and the Minister of Education and Physical Culture. He also met leaders of three Albanian political parties: the PDP (which is a member of the governing coalition), the NDP and the PDPA. From 17 to 18 December, the High Commissioner chaired the round table "Building Harmonious Inter-Ethnic Relations", which had been organized, at his request, by the Foundation on Inter-Ethnic Relations. Participants in the round table included the Minister of Foreign Affairs, the Minister of Education and Physical Culture, the Minister of Justice, the Minister of Science, the Chairman of the Party of Democratic Prosperity and the Chairman of the Liberal Party. In addition to a number of international representatives, some Members of Parliament, representatives of national minorities (especially of the Albanian minority) and experts from the country's academic community also took part.

From 6 to 8 March the High Commissioner was again in Skopje to review the latest developments in the country, including those with a direct bearing on inter-ethnic relations, in particular demonstrations by Macedonian students and Albanian celebrations in Tetovo. The student demonstrations had taken place in connection with the Law on the Pedagogical Faculty, adopted a short time earlier. Albanian celebrations in Tetovo had been held to mark the victory of the PDPA in local elections there. The High Commissioner expressed his concern about rising inter-ethnic tension and his alarm about manifestations of intolerance during both events, and he welcomed the Government's repeated assurances that it would fully honour its minority rights commitments undertaken within the framework of the OSCE.

From 24 to 27 March the High Commissioner paid a further visit to the former Yugoslav Republic of Macedonia where he returned from 10 to 13 July to have a first hand assessment of events, including those directly pertaining to inter-ethnic relations, in particular the disturbances during demonstrations in the predominantly Albanian town of Gostivar on 9 July, which had led to three deaths. He met the Prime Minister, the Minister of Foreign Affairs, officials from the Ministry of the Interior and the leaders of the two political parties representing the Albanian minority in the country, the PDP and PDPA. The authorities also allowed the High Commissioner to meet the Mayor of Gostivar (who was in prison) and the Mayor of Tetovo. After his meetings, the High Commissioner issued a statement in which he expressed his regret at the loss of life and urged all ethnic groups within the State to endeavour to find solutions to inter-ethnic strife by rejecting ethnic hatred and intolerance and by seeking constructive and continuous dialogue, with equal

rights for all ethnic groups as the guiding principle. From 28 September to 1 October the High Commissioner paid a follow-up visit.

### *3.5. Hungary*

On 5 November 1996 the High Commissioner visited Budapest, where he had meetings with the Secretary of State in the Prime Minister's Office, the Secretary of State in the Ministry of Foreign Affairs and several representatives of the Slovak minority community whose situation he wanted to discuss. The chief issues raised included the rights of minorities, provisions for their participation in the national parliament, educational issues, and minority language teaching. On 20 February 1997 the High Commissioner was again in Hungary. The three main topics discussed on this occasion were: parliamentary representation of minorities; television and radio broadcasting time in minority languages, and the freedom of ethnic Slovak parents to choose the languages in which their children were taught at school. From 17 to 18 September 1997 the High Commissioner visited Budapest, where the main topics of discussion included recent developments in bilateral relations between Hungary and the Slovak Republic, specifically with regard to minority issues, the parliamentary representation of minorities in Hungary, the issue of broadcasting time in minority languages on Hungarian television and radio, and the teaching of the Slovak language.

### *3.6 Slovak Republic*

The High Commissioner paid a visit to Bratislava from 11 to 12 November 1996. He had meetings with the President, the Prime Minister, the Deputy Prime Minister, the Foreign Minister, the Chairman of the Slovak Parliament and the Chairman of the Parliament's Foreign Affairs Committee. He also met various members of parliamentary opposition parties and representatives of Hungarian political parties in the Slovak Republic. The main subjects of discussion were the situation of the Hungarian minority in the Slovak Republic and the Slovak Government's current policies in that respect. Various issues raised during the meetings included the rights of minorities, education and provisions for minority languages, implementation of the State Language Law, developments in the field of minority culture and its funding, and issues connected with administrative and local government reform in the country. From 15 to 17 April the High Commissioner again visited Bratislava. Discussions concentrated mainly on educational issues and the question of cultural subsidies from the State budget to minorities. The High Commissioner also inquired about the complementarity of the State Language Law and legislation on the use of minority languages. His visit from 13 to 15 October focused on issues such as the use of minority languages in official communications, the issuing of bilingual school certificates, and the principles that gov-

ern the allocation of cultural subsidies. Another important topic discussed by the High Commissioner was the situation of the Slovak minority in Hungary.

### *3.7. Georgia*

From 23 to 25 June the High Commissioner paid a visit to Georgia, where he was received by the President. He also met with the Chairman of Parliament, the Minister for Foreign Affairs, the Minister for Refugees and (Refugee) Settlement and the Chairman of the Parliamentary Committee on Human Rights and National Minorities Issues. The objective of the visit was to gain an understanding of current developments in the field of inter-ethnic relations in the country.

### *3.8. Greece*

On 8 September the High Commissioner paid a visit to Athens, where he had meetings with the Foreign Minister, the Alternate Minister and the Deputy Minister. Discussions focused on the situation in the Balkans. The Commissioner also discussed the particular issue of the religious minority in Thrace and the situation of Greeks living in Turkey.

### *3.9. Kazakhstan*

On 8 and 9 December 1996 the High Commissioner chaired a round table on Kazakhstan, which was held in Locarno (Switzerland), hosted by the Swiss Government. The round table, entitled "Kazakhstan: Building a Multicultural and Multi-ethnic Society on the Eve of the XXI Century", was attended by senior representatives from Kazakhstan's Presidential Administration, Parliament, the Cabinet of Ministers, and different ministries and government agencies. Other participants included representatives from local authorities, the Assembly of Peoples of Kazakhstan (APK), leaders of regional assemblies of the APK, national cultural centres and public associations, and a number of international experts. Focusing mainly on the issue of inter-ethnic relations in Kazakhstan, the round table considered ways of further improving the situation in that area.

From 3 to 5 June the High Commissioner visited Almaty to familiarize himself with the current state of inter-ethnic relations in Kazakhstan. Among the subjects discussed was the setting up of a research and information centre attached to the APK, which could help carry out surveys and opinion polls

among various ethnic groups in Kazakstan in order to provide a better understanding of attitudes and problems in this sphere. The High Commissioner also discussed the possibility of helping to organize, through the Hague-based Foundation on Inter-Ethnic Relations, training courses on international minority standards for deputy governors with responsibility for inter-ethnic relations in the various regions (*oblasts*) of the country. The High Commissioner met also representatives of different minority groups.

### *3.10. Kyrgyzstan*

From 6 to 8 June the High Commissioner visited Kyrgyzstan, where he met with members of the Government and attended a workshop on inter-ethnic tolerance in the Osh region, an event organized by the Assembly of Peoples of Kyrgyzstan with the assistance of the Foundation on Inter-Ethnic Relations and funded by the Netherlands Government. In separate meetings the High Commissioner was given the latest information on the progress of a research and monitoring project in the southern region of the country, which was being conducted by experts from the Peace Research Institute in Bishkek. Among other projects discussed was the idea of holding training courses on minority standards for deputy governors responsible for inter-ethnic relations in their respective districts.

### *3.11. Ukraine*

From 18 to 21 December 1996 the High Commissioner visited Ukraine, where he had meetings in Kiev and Simferopol, to study in greater depth the current state of inter-ethnic relations in the country, particularly in Crimea. In his discussions, he was also able to familiarize himself with the recent efforts aimed at overcoming the remaining difficulties on constitutional matters between Kiev and Simferopol. From 11 to 14 May 1997 the High Commissioner again visited Ukraine to discuss the situation of the Crimean Tatars and, specifically, the rehousing of members of that community and other deported peoples who had been repatriated to the Autonomous Republic of Crimea (ARC). He was briefed on the Ukrainian Government's efforts in that area by the Foreign Minister, who also underscored the importance of attracting financial aid from the international community to help solve this problem. Another subject of discussion was the development of Ukraine's relations with neighbouring Romania and Moldova.

### *3.12. Romania*

From 1 to 3 April 1997, the High Commissioner visited Romania, where he met the Prime Minister and members of the new Government, who informed him about the wide-ranging reform programme and, in particular, the integration of minority representatives in the Government. The High Commissioner welcomed this development as a step towards gradually replacing the ethnic principle by the civic principle, a clear sign of a democratic society. He was also briefed about amendments to the Law on Education currently being prepared. Further points of discussion included the teaching of minority languages at universities, possibilities for the return of ethnic Germans who left the country since 1989, restitution of property formerly belonging to religious communities, and educational and social questions specifically relating to the Roma minority.

### *3.13. Seminar on Minority Education*

On 22 and 23 November 1996 the High Commissioner chaired a Seminar on Minority Education organized by the Foundation on Inter-Ethnic Relations. Held in Vienna, the seminar was attended by the Ministers of Education of Albania, Kyrgyzstan, Lithuania and the former Yugoslav Republic of Macedonia, and also by government representatives from Canada, Croatia, Estonia, Kazakstan, Latvia, Romania, the Russian Federation, the Slovak Republic and Ukraine. Representatives of various national minorities also participated in the meeting. Focusing on The Hague recommendations regarding the Education Rights of National Minorities (which had been developed by a group of independent experts), the seminar dealt with the following specific subjects: minority education at the primary and secondary levels, minority education in vocational schools, minority education at the tertiary level, public and private institutions, and curriculum development.

### *3.14. Personal Representative of the Chairman-in-Office for Kosovo*

From 8 to 12 October 1997 consultations between the Personal Representative of the OSCE Chairman-in-Office for Kosovo, Mr. Max van der Stoep, Serbian experts from Belgrade and Albanian experts and politicians from Kosovo took place in Dornstein, Austria. The consultations were designed as an informal and confidential forum. Talks with participants from Belgrade and Pristina were held separately.

The discussions covered a wide range of issues, including the rise in tensions in Kosovo and the possibilities of reaching agreement on confidence-building measures that could serve as stepping stones towards the final solution of the Kosovo problem. In addition, various formulas for the future status of Kosovo were examined.

#### *4. The Human Dimension: Activities of the Office for Democratic Institutions and Human Rights (ODIHR)*

1997 was a year of changes and challenges for the ODIHR. A new concept was defined. As a result, new structures were created, involving a significant build-up of personnel resources. For the most part, however, the Office was active mainly in the field. The most serious challenge faced by the ODIHR this year lay in assisting and observing the crucial parliamentary elections held in Albania in June and July under very difficult conditions. The Office also increased its involvement in the promotion of democratic structures and human rights. One of the important achievements in this context was the signing of a Memorandum of Understanding with the Government of Uzbekistan in October. In accordance with its mandate relating to the implementation of commitments, the Office supported the review meeting on the implementation of OSCE commitments in the human dimension, which was held in Warsaw in November. At this meeting new ideas were developed aimed at increasing the efficiency of the OSCE's review of the implementation of these commitments.

Thanks to these new developments the Office consolidated its operational capabilities and prepared the ground for more intensive efforts in the coming year. Several important elections will take place in 1998. In addition, there are plans to develop further democracy-building projects in various regions, including the Caucasus and Central Asia.

##### *4.1. ODIHR Restructuring*

Following his appointment, the Director presented a concept paper for future ODIHR action which outlined a plan to transform the Office into an operational instrument of the OSCE. That plan, positively received by the Permanent Council, stressed that the ODIHR should set specific priorities within its broad mandate, that it should sharpen its focus on operational activities, and that its staff and structure should be adapted accordingly. These priorities cover three areas: the promotion of elections held in line with OSCE commitments, the promotion of civil society and democratic institutions, and practical involvement in monitoring the implementation of the OSCE's human dimension commitments.

The proposal for a new organizational structure of the ODIHR has to a large degree been implemented. Two sections, Elections and Human Dimension,

were established to unify the activities of the existing ODIHR units, and a new deputy director position was created. By dividing administrative and financial duties between two senior staff members, the ODIHR was able to integrate its work more closely with the Chairman-in-Office, the Permanent Council, OSCE institutions and other international actors and advisers. The strengthening of the Office will be facilitated once the host State has provided more adequate office space.

#### *4.2. Elections*

As the practice of sending election observer missions to assess elections has developed rapidly in recent years, it has become increasingly obvious that an informed assessment of an election process cannot be made on the basis of election-day observations only. An election process is not a one-day event. As a result of the Budapest Summit in December 1994, the Office's mandate is now more comprehensive and is aimed at achieving the long-term observation of an entire election process. To make this possible, the ODIHR has therefore redirected its activities. This broader approach was successfully adopted in a number of elections in 1997: in Croatia (13 April); Bulgaria (19 April); Croatia again (15 June); Albania (29 June - 6 July); Bosnia and Herzegovina (13-14 September); Republic of Serbia - Federal Republic of Yugoslavia (21 September - 5 October); Republika Srpska - Bosnia and Herzegovina (22-23 November); and Montenegro - Federal Republic of Yugoslavia (5-19 October). The ODIHR has also organized a Technical Assessment Mission, a smaller election observation mission, concerned mainly with election management, for the rerun of the presidential election in the Republic of Serbia to be held on 7 December.

The elections in Albania represented a major challenge to the OSCE and the ODIHR, given the circumstances prevailing in the country and the general context of conflict resolution in which the elections took place. The ODIHR undertook a very large Election Observation Mission, in addition to deploying a solid Technical Advisory Group (TAG) charged with advising the Albanian authorities on practical questions pertaining to the management of the elections (voter registration, the Election Law and its implementation, the media, and voter education), and with providing assistance within the mandate of the OSCE Presence in Albania.

All election observation missions conducted in 1997 based their conclusions on the observation of the whole election process, taking into account the various stages of the election cycle, including: the implementation of the law and of election regulations, the effectiveness and impartiality of the pre-election arrangements, the independence of the media, the nature of the campaign and the political environment in the run-up to election day, election day itself, the final vote count, the announcement of the results, and the handling of appeals and complaints. Long-term observers are responsible for viewing



the pre-election period and, in this way, for helping the short-term observers to place their election day observations in an informed context.

Election Administration and Observation was the subject of an ODIHR Human Dimension Seminar from 8 to 11 April 1997, which was attended by representatives of 45 participating States as well as of Egypt as a Mediterranean partner, and of four international organizations. The Seminar saw the emergence of a broad consensus regarding the long-term approach and standard methodology adopted by the ODIHR, as documented in the OSCE/ODIHR Election Observation Handbook. Recommendations were made on the need for the ODIHR to receive an invitation to observe elections three months prior to election day, and on encouraging the participating States to contact the ODIHR for assistance in carrying out recommendations. Concerns were also expressed about the need for closer co-operation and co-ordination between representatives of various international organizations present on the spot.

In accordance with its mandate the ODIHR is now able to offer a framework for co-operation, making it possible to include election observers from other international organizations, such as the Council of Europe and the European Parliament, and from relevant non-governmental organizations wishing to participate. The ODIHR offers all international observers a common initial briefing, deployment plan, observer report forms or checklists for statistical analyses, and a forum for debriefing and reporting. The Co-operation Agreement signed on 9 September between the OSCE Parliamentary Assembly and the ODIHR establishes a framework for joint observation missions and the issuance of a joint post-election statement. The importance of this politically significant step should be emphasized since from now on the OSCE will be speaking with one voice, and the joint recommendations of the observation missions will be further strengthened through the support of the Parliamentary Assembly.

The Election Observation Missions are part of the ODIHR's regular support to countries in democratic institution-building in line with agreed OSCE commitments. The Missions' final reports, when critical, are not meant to condemn but to offer a balanced assessment of the entire election process, including recommendations for reform. Participating States are encouraged to contact the ODIHR for assistance in implementing the recommendations resulting from an ODIHR election observation and contained in these final reports.

As a result of the restructuring of the ODIHR, the Election Section is now able to offer expanded technical assistance programmes, as has already been done in Albania (Voter Registration Programme) and in Montenegro (Review of the Election Law). A long-term Technical Assistance Strategy is also being developed for Central Asia. These missions can work to provide follow-up to ODIHR recommendations or very-long-term assistance in preparing for elections.

### 4.3. Human Dimension/Democracy Building

In the Human Dimension/Democracy-Building area the ODIHR has begun the practice of devising formal and integrated work plans. The projects designed within this framework are focused on practical issues. One such example is the Memorandum of Understanding signed on 16 October with the Government of Uzbekistan, which includes a commitment to implement several projects in the field of democratization and human rights. Similar ODIHR projects are envisaged for the other Central Asian States. In addition, proposals have been formulated for Armenia, Azerbaijan and Georgia that reflect the very specific problems faced by these countries in building democracy.

The 1997 activities of the *Rule of Law* Unit can be summarized under three general headings: expert assessment and review missions, technical assistance projects, and special initiatives. Legal expert assessment and review missions were dispatched to Albania, Armenia, Belarus, Croatia, Moldova, Ukraine and Uzbekistan in support of OSCE operations in those countries. Each mission had its own specific mandate and produced a report to support the activities of the Chairman-in-Office and to prepare ODIHR follow-on assistance projects. Technical assistance was also provided to a number of participating States, among them Albania, Armenia, Croatia, Georgia, Moldova, the Russian Federation, Ukraine and Uzbekistan, in a variety of fields, including expert analysis and assistance in the drafting of laws, practical management training for constitutional courts, and multi-phase training projects for prison officials. The Unit also co-sponsored a Round Table on Justice and Reconciliation in Bosnia and Herzegovina with the United States Institute of Peace and the Council of Europe in an effort to develop a series of recommendations designed to contribute to national reconciliation.

The Human Dimension Unit has provided assistance for the establishment of national human rights protection arrangements (*ombudsman institutions*) to several participating States. In this regard the ODIHR has established excellent working relations with the Uzbek, Kyrgyz, Georgian, Polish and Albanian authorities and is examining the opportunities for co-operation with several additional countries. The ODIHR has also been co-sponsoring or attending international/regional consultations in this field in close co-operation with the Council of Europe, the United Nations High Commissioner for Human Rights and the United Nations Development Programme.

The recommendation of the 1996 OSCE/ODIHR seminar on the constitutional, legal and administrative aspects of *freedom of religion*, namely that the ODIHR should establish a *panel of experts* to deal with this issue, was implemented in 1997. The work of the panel was very timely, professional (cf. the experts' individual contributions and joint report), unique (no other intergovernmental organization has been active in a comparably comprehen-

sive way) and committed (work on a voluntary basis). The issue of religious freedom is still very important, as can be seen in its conflict potential within and among a number of participating States.

#### 4.4. *Human Dimension education/training*

Human Dimension education/training is one of the core elements of the ODIHR's mandate. In addition to NGO-specific projects, education projects carried out by OSCE missions and the biannual OSCE Human Dimensions Seminars, the ODIHR is implementing human rights education projects with increasing frequency. Regional and subregional workshops were held. Human dimension education during last year included a large number of training activities, such as professionally tailored projects for the media, teachers, NGOs, ombudsmen, legal bodies, refugee or Roma representatives, and others. In many of its education activities the ODIHR co-operates with United Nations Agencies, the Council of Europe, international and local NGOs, and national human rights institutions and institutes. With a special Danish contribution, ODIHR is engaged in a three-phase human rights education programme in the five Central Asian countries.

OSCE/ODIHR conducted the human dimension seminar on the *Promotion of Women's* participation in Society (14-17 October 1997). The recommendations stemming from that seminar among other things urged the participating States to make more efforts towards the promotion of gender equality at all levels: staffing, activities, projects. The ODIHR plans to hold regional consultations on this issue in Tashkent in 1998.

In 1997 the *NGO Unit* initiated a series of innovative activities designed to increase co-operation between national and international NGOs as well as to stimulate the development of consultative mechanisms between non-governmental and governmental actors. In the autumn of 1997 two such programmes were initiated in Albania and Uzbekistan. In Albania, the NGO Network met on two occasions in a local Tirana meeting followed by a larger national meeting which included regional NGO representatives. This meeting produced a focused compilation of issues, problems and recommended solutions which were presented to the Albanian Government and to the Working Group established by the Personal Representative of the OSCE Chairman-in-Office, Dr. Vranitzky. In Uzbekistan the NGO Unit, in co-operation with the National Human Rights Center and the OSCE Liaison Office in Central Asia began to implement a series of NGO meetings with government officials, the first of its kind ever. Each meeting focuses on specific current issues related to human rights. Simultaneously, the Unit has begun to restructure the NGO database in order to facilitate its application for ODIHR units as well as NGOs and participating States, to increase its outreach activities and to facilitate the incorporation of NGOs into the daily activities of OSCE institutions.

The ODIHR's activities in the area of migration focused on *the follow-up to the CIS Migration Conference*. The main objective of these activities is to assist the recently admitted OSCE participating States in meeting their OSCE commitments on topics of immediate relevance for issues related to displaced persons. A project was developed to examine the transition of CIS States from the registration permit (*propiska*) system to a registration system that conforms to OSCE commitments and international standards on freedom of movement.

The ODIHR has also co-operated closely with OSCE Long-Term Missions on migration issues. In Georgia, for example, the ODIHR is working with the OSCE Mission, with the Georgian Government, and with relevant international organizations to resolve legal issues concerning the return of persons displaced as a result of the Georgian-South Ossetian conflict. In 1998, the ODIHR is planning to assist the return of displaced persons by training the competent officials and by developing projects on tolerance-building in the areas of return.

In addition to increased co-operation with OSCE Missions, the ODIHR is also working more closely with interested participating States and other OSCE institutions. Contacts with international organizations have been expanded to combine resources and develop mutually reinforcing programmes. Joint projects are currently underway in Albania, Armenia, Georgia, Azerbaijan and Central Asian countries.

#### *4.5. Implementation of Human Dimension Commitments*

The ODIHR continues to collect and disseminate facts, figures and opinions about the state of implementation in the human dimension. It continues to exercise an early warning function by informing the Chairman-in-Office of alleged non-implementation of human dimension commitments. The ODIHR is ready to enhance, if so requested, its role as an advisory body to the Permanent Council and the Chairman-in-Office. It also continues to serve as a point of contact for Roma and Sinti issues.

Fulfilling its mandate of assisting in the review of implementation of human dimension commitments, the ODIHR provided material and organizational support to the OSCE Human Dimension Implementation Meeting. This meeting, which took place in Warsaw in November, gave participating States, NGOs and international organizations an opportunity to undertake a thorough review of the implementation of all OSCE commitments in this field. Proposals were made to enhance the review process in the future. It will be up to the Chairman-in-Office and the participating States to agree on a formula allowing for a more efficient and result-oriented review of implementation.

#### *4.6. Conclusion*

The biggest challenge for the ODIHR in the coming years will be the translation into practical activities of its tasks in the areas of election assistance and promotion of the human dimension. This implies the need for a more project-oriented approach that will require a new attitude on the part of both the ODIHR and its officials and also the OSCE community at large. The goal is to turn the ODIHR into a flexible human dimension tool, always at the disposal of the OSCE and its participating States and thereby helping to consolidate and reinforce the OSCE's human dimension in all its aspects.

Through a combination of structural, administrative and substantive changes implemented this past year, the ODIHR has begun to transform itself fairly rapidly into a flexible, integrated and fully operational instrument of the OSCE. It is now well prepared to provide participating States with further assistance in consolidating and implementing their human dimension commitments.

## *5. Security Co-operation*

### *5.1. The Annual Implementation Assessment Meeting*

The 7th Annual Implementation Assessment Meeting (AIAM 97) of the Forum for Security Co-operation (FSC) took place in Vienna from 3 to 5 March 1997. The participation of numerous experts from capitals as well as the discussion of suggestions for improvements to the existing Vienna Document 94 and other FSC agreements demonstrated the important role of this meeting in assessing implementation and discussing the further development of confidence- and security-building measures.

As at 19 November 1997, the following decisions on improvement/further development of existing CSBMs had been taken:

- It was agreed that evaluation visits should be conducted by multinational evaluation teams.
- The provisions regarding *force majeure* as a factor preventing the fulfilment of obligations were elaborated in greater detail.
- A standardized format for Nil reports was devised.

### *5.2. The Code of Conduct*

The first Follow-up Conference on the OSCE Code of Conduct on Politico-Military Aspects of Security was held in Vienna from 22 to 24 September 1997. The participation of high-ranking personnel from capitals underscored the importance both of the document itself and of the first assessment meeting of the Code of Conduct. The success of the conference was based on an extremely intensive information exchange on the progress of implementation

and on numerous suggestions on how best to improve implementation of, and further develop, the document. All suggestions will be taken up by the FSC. Initial discussions are taking place regarding the use of a questionnaire on the Code as a basis for a regular information exchange, while a decision on future assessment meetings and a permanent point of contact is expected in the near future.

Delegations suggested that the Conflict Prevention Centre (CPC) should support the implementation of the Code by organizing and conducting additional "Training for Trainers" seminars. At the request of participating States, in September 1997 the CPC conducted two seminars (Chisinau, Moldova and Kiev, Ukraine) on the implementation of the Code of Conduct.

### *5.3. Global Exchange of Military Information*

The Global Exchange of Military Information was successfully carried out on 30 April 1997, having been preceded by a workshop on automated data exchange between a growing number of contributors.

### *5.4. Other activities*

Other activities of the FSC include:

With a view to the Ottawa Conference on the banning of anti-personal landmines, the FSC adopted a questionnaire to be used as the basis for an annual exchange of information on the subject.

It has decided to conduct a third Seminar on Defence Policies and Military Doctrines in Vienna from 26 to 28 January 1998.

The initial review of the Vienna Document 94 has been finalized. The report of the FSC Chairman on the review will be forwarded to the Copenhagen Ministerial Council.

One monthly meeting of Working Group A was dedicated exclusively to the discussion of implementation issues (based on written and oral reports by the CPC).

To date, participating States have contributed to confidence- and security-building through the following practical measures:

- |    |  |
|----|--|
| 3  | airbase visits,  |
| 68 | evaluation visits,   |
| 32 | inspections,   |
| 2  | demonstrations of new types of major weapon and equipment systems, |
| 3  | visits to military facilities.                                     |

### *6. Other Activities*

### *6.1. Integration of recently admitted participating States*

The OSCE continued to assist the recently admitted participating States (RAPS) through educational and training activities conducted by OSCE institutions, particularly in the fields of democracy-building and the rule of law. In this respect, the Voluntary Fund to foster the integration of recently admitted participating States was again an effective tool of the OSCE. Contributions of some participating States allowed several representatives from RAPS to participate in OSCE/ODIHR seminars and other activities.

Special attention was devoted to the Central Asian States. The OSCE increased markedly its efforts to help these countries in their transition to democracy and market reforms by assisting them in the development of democratic structures, human rights and the rule of law so as to maintain stability and prevent conflicts in the region. To determine how best those goals could be met, some of the OSCE's most senior officials, including the Chairman-in-Office, the Secretary General and the Director of the ODIHR, paid visits to Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan and met with the presidents of those countries and with other government officials.

The main message conveyed by the OSCE officials to their interlocutors was that Central Asia was very much an integral part of the OSCE community and that these countries' contribution was deeply appreciated. They stressed that the OSCE was ready to assist the Central Asian States in developing their democratic institutions and the human dimension, as well as in strengthening their general stability. The OSCE also offered to stimulate communication and co-operation between the Central Asian member States, since this was an important element in the effort to strengthen regional security. The Central Asian States, for their part, regard the OSCE as an invaluable vehicle for anchoring them to a wider security architecture and as a forum at which to present their security concerns, which include military as well as economic and environmental aspects. The OSCE, though not an economic organization, reaffirmed its readiness to help focus the attention of the international financial institutions on the problems of Central Asia.

OSCE activities in Central Asia are currently shifting towards practically oriented projects. In May, an ODIHR-sponsored course on the philosophical and legal bases of the human rights concept was organized in Tashkent. The course, the first of its kind to be run by an international organization in Uzbekistan, brought together, among others, participants nominated by ministries and government agencies directly involved in the implementation of human rights, human rights NGOs, and human rights scientists. Officials in other Central Asian States have requested that the course be given in their countries also.

The signing of a Memorandum of Understanding between the Government of Uzbekistan and the ODIHR in October on the implementation in Uzbekistan of a set of projects in the field of democratization and human rights provides

another example of this practically oriented approach. Similar projects on concrete issues are envisaged for the other Central Asian States as well.

The OSCE Liaison Office in Central Asia (CAO) continued to play an important role in linking the Central Asian participating States more closely with the OSCE. It helped to organize visits by OSCE delegations to the region as well as the organization of seminars, workshops and round tables. It promoted exchanges of information between OSCE institutions and the Central Asian participating States, in addition to establishing and maintaining contacts with local universities, research institutions and NGOs. The CAO also promoted the observance of OSCE principles and commitments, as well as co-operation within the OSCE framework between countries of the region. Following discussions with Central Asian officials during the high-level OSCE visits in 1997, a concept was developed for the future activities of the Liaison Office. It envisages that in future more narrowly focused projects such as training courses and workshops should be conducted, with special emphasis on issues relating to the human and economic dimensions.



## 6.2. *The Economic Dimension*

The *Lisbon Summit* called for continued efforts in the implementation of OSCE commitments in the economic dimension and an adequate development of OSCE activities dealing with security-related economic, social and environmental issues. It tasked the Permanent Council "with reviewing the role of the OSCE Secretariat in the economic dimension, and with elaborating a mandate for a co-ordinator within the OSCE Secretariat on OSCE economic and environmental activities, to be submitted not later than the 1997 Ministerial Council". During the review process, the Department for General Affairs provided the participating States with information and documents on its activities carried out in the economic field. The Co-ordinator's mandate was adopted by Permanent Council Decision No. 194 of 5 November 1997.

The *Fifth Meeting of the Economic Forum* was held from 11 to 13 June in Prague. The theme was "Market Economy and the Rule of Law". The discussion focused on two principal aspects of the rule of law in economic matters, namely, its relationship to economic development and its implications for security and stability. The participants included, in addition to representatives of the OSCE participating States, representatives of the partners for co-operation, the Mediterranean partners for co-operation, NGOs, and the academic community. In the framework of the Forum, the Chairman-in-Office hosted a working lunch with the Heads of Delegation of International Organizations, which was addressed by the Secretary General. The Forum also agreed the list of seminars for 1997/98 and set 3-5 June 1998 as the date of the Sixth Meeting.

A seminar was held in Tashkent from 30 October to 1 November 1996 on the subject of "*Promoting Sustainable Development in the Aral Sea Region*". The seminar was intended to follow up last year's Tashkent/Urgench seminar on "Rehabilitating the Environment" and was designed to promote an economic and legal framework for the environmentally sustainable development of the Aral Sea and to mobilize international action to that end.

A seminar was also held in Almaty, Kazakstan, from 22 to 24 October 1997 on the theme of "*Stable and Transparent Economic Legislation for Economic and Social Transition*". The seminar focused on the legislative needs of the transition economies and included sessions on the role of legislation in economic relations, the legislative needs of these economies in specific areas, and the institutional arrangements which should be put in place.

### 6.3. *Press and Public Information*

#### 6.3.1. *Press*

During 1997 the OSCE figured prominently in the international press. The Spokesperson not only maintained regular contacts with the media but also stepped up her activities in the field.

The report of Mr. Felipe González, the Personal Representative of the Chairman-in-Office for the Federal Republic of Yugoslavia (Serbia and Montenegro), generated a great deal of media attention in January and February.

From March to July the crisis in Albania and the work of the Personal Representative of the Chairman-in-Office, Dr. Franz Vranitzky, kept the OSCE constantly in the press.

Municipal elections in Bosnia and Herzegovina in September, and parliamentary elections in Republika Srpska in November, both supervised by the OSCE, also received prominent press coverage. A great deal of attention was also given to the observation by the OSCE of the presidential elections in Serbia and Montenegro.

The Spokesperson worked closely with the Danish Chairmanship in helping to keep the press and the general public aware of the Organization's activities.

For the most part, especially as regards the OSCE's work in Albania, the media coverage of OSCE operations was positive.

#### 6.3.2. *Public Information*

The Organization heightened its emphasis on public information. Circulation of the monthly *OSCE Newsletter* rose sharply from 1,500 to 5,500. Greater quantity was matched by improved quality. The Newsletter now includes pictures. The format has been standardized and the number of articles has gone up. The ODIHR section of the Newsletter has been expanded to compensate for the fact that the publication of the ODIHR Bulletin has been discontinued.

At the request of some participating States the Secretariat examined the possibility and financial implications of publishing the OSCE Newsletter in all six official OSCE languages. A proposal was included in the 1998 Unified Budget draft.

New features, like an interactive map and a section on "the OSCE in the web of interlocking institutions", have been added to the OSCE website, which has been accessed by over 20,000 people in the past year, an indication that the Organization's activities are arousing much interest. A marked increase in requests for public information and visits to the OSCE by student and special interest groups points to a similar trend.

A depository libraries system was introduced which, when fully implemented, will mean that there is at least one library in every OSCE participating State that will have a significant collection of major CSCE/OSCE conference documents and public information material.

In 1997, the focus of the Prague Office shifted from conference services to public information. The Prague Office handles many projects including technical maintenance of the OSCE website, most mailing lists, the creation of a CD-ROM, and the updating of the contacts database.

A "Briefing Paper" series was launched. The first paper is on Article IV of Annex 1-B to the General Framework Agreement for Peace in Bosnia and Herzegovina and on sub-regional arms control. Other publications will follow in 1998.

The Department for General Affairs started to update the OSCE Handbook with a view to issuing a new version in the spring of 1998.

Steps were taken to improve links and information exchange with other international organizations and institutions.

### *6.3.3. OSCE Online*

In 1997 the Secretariat looked at new ways of improving access to information by the participating States and between the OSCE and other international institutions and organizations. It proposed the creation of a restricted on-line service called "OSCE Online", which would have a core section of information for participating States, a human dimension section, an economic dimension section and a so-called operations matrix designed to provide information on the mandates and operations of the OSCE and of institutions and organizations with which the Organization has operational links.

### *III. The Parliamentary Assembly*

The Parliamentary Assembly (PA), set up as one of the original OSCE institutions in the Charter of Paris, has continued to build and expand its role within the Organization. The International Secretariat of the OSCE PA, located in Copenhagen, works closely with the OSCE Secretary General and the other OSCE institutions. The President of the Assembly has become a regular participant in the meetings of the Troika, in addition to delivering the Assembly's statements at OSCE summit and ministerial meetings. More than 300 OSCE parliamentarians met together at their annual session in Warsaw in July to debate OSCE issues and activities. The OSCE's parliamentary dimension has contributed greatly to enhance support for the Organization in the national parliaments, in political circles and within the governments of the participating States.

### *1. Annual Session*

In keeping with established tradition, the OSCE Chairman-in-Office, along with the OSCE Secretary General and the Heads of various OSCE institutions and OSCE missions, addressed the Annual Session of the Parliamentary Assembly in Warsaw. The session's central theme was an evaluation of the implementation of OSCE commitments by the OSCE signatory States. The Assembly adopted a declaration reflecting its views on implementation in the areas of political and security affairs, economic and environmental issues, and the human dimension.

### *2. Annual Briefing in Vienna*

The Standing Committee of Heads of Delegations of the OSCE PA met in Vienna in January, where it was briefed by the Chairman-in-Office, the Secretary General and Heads of OSCE institutions. These annual briefings ensure that the Assembly and its leadership are provided with timely information about OSCE activities and that a regular dialogue between the governmental and parliamentary sides of the OSCE takes place.

The Parliamentary Assembly, in co-operation with the Austrian Parliament, organized a three-day seminar on the eve of the Standing Committee meeting for more than 40 parliamentarians from Central Asia and the Trans-Caucasus. The seminar concentrated on presentations by experts and discussions on parliamentary democracy and the rule of law. Participants in the seminar also attended the annual briefing and the meeting of the Standing Committee.

### *3. Election Observation*

The Parliamentary Assembly has continued to make an important contribution to OSCE election monitoring efforts. The Assembly dispatched large delegations of parliamentarians to monitor elections in Croatia, Bulgaria, Albania, Bosnia and Herzegovina, and Republika Srpska. Parliamentarians, as elected public officials, lend great weight to the visibility and credibility of OSCE election projects, in addition to providing experienced leadership for the short-term OSCE observer teams. At the Troika Meeting in Copenhagen in September, the Chairman-in-Office and the President of the Parliamentary Assembly signed a co-operation agreement between the Assembly and the ODIHR aimed at further increasing the co-operative and complementary working relationship between these two important OSCE institutions.

### *4. Presidential Visits and Missions*

The President and other officers of the Parliamentary Assembly have undertaken an increasing number of official visits and missions within the OSCE

area in an effort to lend their support to the ongoing work of the Organization, particularly where Long-Term Missions are deployed. In 1997, the President of the Parliamentary Assembly visited OSCE missions in Croatia, Bosnia and Herzegovina, Albania, and Uzbekistan, among others, and also led a high-level OSCE parliamentary delegation to Turkey to discuss, in particular, the human rights situation in that country. The President also made official visits to the parliaments of Poland and the Russian Federation, while one of the Assembly's Vice-Presidents, in response to a joint request by the Parliament and the President of Georgia, undertook a mission to Georgia and Abkhazia to report, as Special Rapporteur, on the situation there.

#### *5. Seminars, Conferences and Meetings*

Members and Representatives of the Assembly participated in meetings organized by other OSCE institutions, including the Economic Forum in Prague, the election monitoring seminar organized by the ODIHR in Warsaw, and the Human Dimension Review Meeting. In addition, the Parliamentary Assembly substantially increased its own activities through the organization of a seminar on security, democracy and human rights in Tashkent in September and a conference on subregional economic co-operation in Monaco in October. The Tashkent seminar, organized in conjunction with an Expanded Bureau Meeting of the OSCE PA, was attended by more than 50 parliamentarians from Central Asia and the Trans-Caucasus along with an equal number of parliamentarians from other OSCE States. A decision was taken to hold a similar meeting next year in Tbilisi. The conference in Monaco was undertaken in co-operation with the United Nations Economic Commission for Europe (ECE) and was attended by more than 200 parliamentarians and officials from throughout the OSCE area. The conference was addressed by the Secretary General of the OSCE and a high-level representative of the Chairman-in-Office, as well as by leading figures from various regional economic organizations.

## 6. Other Activities

The Parliamentary Assembly awarded its Second Annual Prize for Journalism and Democracy to the French-based organization, *Reporters Sans Frontières*, which supports the work of journalists trying to provide international news coverage in areas where freedom of the press is restricted or severely limited.

The international intern program carried out in the OSCE PA International Secretariat in Copenhagen continued to expand, making available research internships to more than 15 applicants from various OSCE countries. The OSCE PA's intern team has assumed primary responsibility for the briefing papers handed out to short-term OSCE election observers. The internships are for a duration of six-months and may be extended for up to one year.

## IV. Relations with International Organizations and Institutions

The OSCE considerably expanded its co-operation with other international organizations. In various meetings with senior officials and experts, held at Headquarters or in the field, opportunities for enhanced co-ordination and co-operation on the basis of comparative advantages were identified in order that duplication and waste of resources be avoided and synergies and added value produced.

The working relationship between the OSCE and the United Nations has been further strengthened through increased contacts at high level and closer co-ordination and co-operation in the field.

On 12 December 1996 the Secretary General addressed the 51st Session of the United Nations General Assembly during the traditional debate on the resolution concerning the co-operation between the United Nations and the OSCE. He informed the General Assembly about the OSCE's various activities and held meetings with the Secretary General and other high-ranking United Nations officials to discuss the interaction between the UN and the OSCE in different fields.

Closer co-operation between the OSCE and the United Nations as well as other international organizations received additional impetus from the annual High-Level Tripartite meeting, held this year on 24 January in Geneva, which was attended by representatives of United Nations institutions, the Council of Europe, the OSCE as well as the International Organization for Migration (IOM) and the International Committee of the Red Cross (ICRC). The participants examined ways of achieving operational synergies, including sharing of information by electronic means, in areas where they are all active, such as the former Yugoslavia, the Caucasus, and Central Asia. The follow-up to the International Conference on Refugees and Displaced Persons in the CIS, which was held in May 1996 in Geneva, was also discussed.

Co-operation in the field between the OSCE and the United Nations increased markedly. Contacts between OSCE missions and United Nations representatives in countries such as Georgia, Moldova or Tajikistan were stepped up. In some areas this has led to a de facto division of labour, while the autonomy in decision-making and the specific nature of each organization has been safeguarded. The assignment of an OSCE mission member to the United Nations Human Rights Office in Sukhumi, Abkhazia, Georgia, who is working in close collaboration with the Director of this Office and the Special Representative of the United Nations Secretary General for Georgia, has proved to be an innovative and effective way of consolidating co-operation in the field.

Closer working links between the OSCE and the United Nations were evidenced during the 52nd Session of the United Nations General Assembly, which was addressed, according to practice, by the OSCE Secretary General. The resolution adopted by the General Assembly on 25 November 1997 on "Co-operation between the United Nations and the Organization for Security and Co-operation in Europe" underlines the OSCE's contribution to security in Europe, welcomes the improvement of co-operation and co-ordination between the two organizations as well as the progress in common work in the field, and requests the Secretary General of the United Nations to explore with the Chairman-in-Office and the Secretary General of the OSCE possibilities for further enhancement of this interaction.

The OSCE further improved its close working relationship with the *Council of Europe* also thanks to various meetings at Headquarters and at expert level.

In addition to the aforementioned High-Level Tripartite meeting, a "2+2 meeting" between the Chairmen-in-Office and the Secretary Generals of the OSCE and the Council of Europe was held on 4 February in Oslo. The meeting assessed the state of co-operation between the two organizations, looked at ways of improving the exchange of information, examined the situation in Bosnia and Herzegovina, particularly as regards the two organizations' plans for the future, and discussed projects relating to the free media. On 10 March, in Strasbourg, an OSCE-Council of Europe gathering of experts from different countries and members of permanent delegations from Strasbourg and Vienna, exchanged views and experiences on the two organizations' various mechanisms for monitoring the implementation of commitments.

The extensive co-operation and consultation mechanisms between the OSCE and the Council of Europe included visits by the Secretary General of the Council of Europe to the OSCE on 13 February and 23 October. In his addresses to the Permanent Council, he supplied information about the second Council of Europe Summit, the ongoing accession process of some countries to the Council and the various programmes the Council was running in regions where the OSCE was also active, such as Albania, Belarus, Bosnia and

Herzegovina, Croatia and the Caucasus. Underlining the need for continued, pragmatic, action-oriented and mutually reinforcing co-operation between the Council and the OSCE, based on independence and complementarity, he especially urged the pooling of the respective strengths of the organizations for better conflict prevention.

Within the framework of the regular High-Level Tripartite meetings between the Council of Europe, the OSCE and United Nations, a target-oriented-meeting chaired by the OSCE and devoted to the Caucasus was held on 4 November in Vienna. Representatives from the Council of Europe and various United Nations agencies attended the meeting along with officials from the ICRC, the IOM and the European Commission. Working within an informal and pragmatic framework, the participants were able to learn about one another's activities in the region and assess prospects for enhancing co-operation in the field.

Co-operation and co-ordination between the OSCE and other international organizations were greatly furthered by two meetings organized by the OSCE on the occasion of the *Secretary General's visits* to Georgia in April and Uzbekistan in July. These field meetings proved very useful, since - in some cases for the first time - they brought together international organizations and NGOs active in the two countries and gave them an opportunity to learn about each other and to exchange experience and information. Areas of overlapping activities were successfully identified and ways of achieving complementarity and avoiding duplication found.

Scope for further co-operation in the field was also pinpointed at the June Meeting of Heads of Missions in Vienna, to which the OSCE invited international organizations acting in countries where OSCE missions are based.

Since the exchange of information is vital to co-ordination, two meetings of information technology experts from all the major international organizations acting in the OSCE area were held on 23 January and 3 October. The purpose of these meetings was to draft and submit to the High-Level Tripartite meeting specific proposals on facilitating the flow of information through the use of electronic means of communication.

A seminar on "Co-operation Among International Organizations and Institutions: Experience in Bosnia and Herzegovina" was held in Portoroz, Slovenia, on 29 and 30 September. This seminar, organized at the suggestion of the Department for General Affairs of the OSCE Secretariat, provided an opportunity for the international community to compare notes on the various commitments in Bosnia and Herzegovina with regard to security, economic affairs, human rights and other fields, also in order to learn lessons for the future. The seminar was attended by eminent representatives of 30 participating States, including high representatives from the Presidency of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and Republika Srpska. Representatives from Japan, Republic of Korea, Egypt, Israel and a



large number of international organizations and institutions involved in Bosnia and Herzegovina also participated in the seminar.

#### *V. Relations with Partners for Co-operation*

The OSCE continued to work with its partners for co-operation, Japan and Republic of Korea, and its Mediterranean partners for co-operation, Algeria, Egypt, Israel, Morocco and Tunisia.

Japan and the Republic of Korea made a significant input to financing the municipal elections in Bosnia and Herzegovina. Japan also seconded supervisors to these elections and personnel to the OSCE Mission to Bosnia and Herzegovina.

At the Lisbon Summit in December 1996, a Ministerial Meeting of the OSCE-Troika and the Mediterranean partners for co-operation was held to evaluate the state of co-operation between them, as well as to discuss the Security Model and exchange views on other issues of common interest.

From 3 to 5 September another Mediterranean seminar was held in Cairo, Egypt. The topic was "The Security Model for the twenty-first century: Implications for the Mediterranean basin". In addition to representatives from 33 of the OSCE's participating States, the seminar was attended by representatives from Egypt, Israel, Morocco and Tunisia. Among the international organizations taking part were the Arab League and the Organization for African Unity.

The seminar reaffirmed the principle of the indivisibility of security in the OSCE region and the Mediterranean area. Many participants stressed the need to include a substantial Mediterranean component in the future OSCE Security Model. It was recognized that the OSCE could play an important role in the Mediterranean area, in particular by assisting in the promotion of the rule of law, the development of confidence-building measures in relations between the Mediterranean partners for co-operation, and by devising co-operative strategies for dealing with common concerns such as terrorism.

A further important contribution to better dialogue and co-operation between the OSCE and its Mediterranean partners for co-operation was made by the regular meetings of the Mediterranean Contact Group in Vienna. At these meetings high-level OSCE officials gave briefings on the OSCE's various areas of endeavour, such as promoting confidence-building measures, protecting national minorities, fostering democracy and the rule of law, and implementing measures for conflict prevention, crisis management and the settlement of disputes. Together with representatives of the Mediterranean partners, they discussed possibilities for applying the OSCE's experience and principles in the Mediterranean region.

## *VI. Contacts with Non-Governmental Organizations (NGOs)*

The Organization is considering ways of further intensifying its co-operation with Non-Governmental Organizations.

In addition to the Secretariat, the Office for Democratic Institutions and Human Rights (ODIHR) played an essential role in liaising with NGOs. Its NGO Unit initiated a series of activities aimed at enhancing co-operation between NGOs and improving their contacts with government authorities. In Albania the NGO unit was involved in setting up a network for local NGOs, and in Uzbekistan it began to organize, together with the Uzbek National Human Rights Centre and the OSCE Liaison Office in Central Asia, a series of NGO meetings on human rights issues. These meetings are the first of their kind ever to be held in Uzbekistan. NGOs also participated actively in the biannual Human Dimension Implementation Meeting organized by the ODIHR. The meeting gave them an opportunity to exchange views on the implementation of OSCE commitments in the human dimension.

Contacts with NGOs continued to form an important part of the activities of the High Commissioner on National Minorities, who, during his preventive diplomacy missions to OSCE States, focused on the role of NGOs as possible sources of information.

OSCE missions maintained contacts with NGOs working in areas relevant to their particular mandates. In many cases constructive working relations were established. Information exchanges and co-ordinating activities have proved to be effective means of achieving quick results in areas of common interest.

In line with previous suggestions, some NGOs were invited to take part in the annual Mission Member Training Seminar and to brief future and serving mission members on their work in various host countries of OSCE missions.

In June, several NGOs participated in the Heads of Mission Meeting in Vienna, at which an overview of their activities was presented and new avenues of co-operation explored. At the Heads of Mission Meeting in Warsaw in November, the ODIHR suggested that one member, to be responsible for human dimension aspects and for contacts with the ODIHR and with NGOs, should be appointed in each Mission.

## *VII. Administration and Finance*

### *1. Finance*

#### *1.1. Budgeting*

The Budget for 1997 was approved by the Permanent Council on 19 December 1996 (PC.DEC/150). It was initially established at the level of ATS 309.5 million. Shortly afterwards the Permanent Council approved a budget for OSCE tasks in Bosnia and Herzegovina amounting to ATS 248.9 million (PC.DEC/152). The 1997 Budget was further increased to include additional funds for the Personal Representative of the Chairman-in-Office for the conflict dealt with by the OSCE Minsk Conference (ATS 1.3 million), for the Election Observation activities of the ODIHR (ATS 3.1 million), and to include provisions for the "Concept for ODIHR action" (ATS 2.4 million).

On 18 September the Permanent Council approved a budget of ATS 24.2 million for the OSCE activities in Albania, covering the period from 22 April to 31 December, and on 20 November a revised budget of ATS 79.5 million for the OSCE mission to Croatia.

The total budget for 1997 now (as at 27 November) stands at ATS 656.4 million, representing an increase over 1996 of ATS 120.5 million, or 22.49 per cent. This growth is mainly due to increased activities of ODIHR, the enlargement of the Mission to Croatia and the new activities in Albania.

#### *1.2. Accounting*

The accounts for 1996 were submitted to the External Auditors on 26 March 1997. The report of the External Auditors included an unconditional audit opinion certifying that:

- The financial statements present fairly the financial position of the OSCE as at 31 December 1996, and the results of the operations then ended;
- They were prepared in accordance with generally accepted accounting principles;
- Transactions were in accordance with the approved financial procedures and legislative authority.

The audited financial statements for 1996 were submitted to the Delegations of the participating States on 5 June 1997 and were accepted by the Permanent Council on 10 July 1997 (PC.DEC/180).

### *1.3. Cash Management*

The cash flow of the OSCE continued to grow during 1997 due to the increase of activities financed from Voluntary Contributions. The average total monthly cash balances were over 20 percent higher than those of the previous year. Throughout the year short-term cash deposits were made in order to maximize the investment income, which amounted to ATS 8.2 million as at 21 November 1997.

A Contingency Fund amounting to ATS 30 million has been created, in accordance with Permanent Council Decision No. 182 of 17 July 1997. The purpose of the Fund is to enable the OSCE to act immediately after the adoption by the Permanent Council of a decision on a new OSCE activity and to cover the corresponding financial requirements prior to the approval of the relevant supplementary budget, thus further strengthening the OSCE cash resources.

## *2. Personnel*

### *2.1. Staff Regulations*

The Staff Regulations were approved by the Permanent Council and entered into force on 1 January 1997. The corresponding Staff Rules were issued by the Secretary General.

### *2.2. Internal Procedures*

A transitional recruitment roster has been developed, pending completion of an integrated personnel management and recruitment system.

### *2.3. Recruitment*

Compared to 1996, recruitment activity doubled owing to the need to fill positions established in the Secretariat to support the Mission to Croatia and the Mission to Bosnia and Herzegovina. In addition, direct recruitment (rather than secondment) was authorized for several key posts in these two Missions. As of November 1997, forty-three (43) vacancy notices had been issued for fixed-term posts as compared to twenty-four (24) vacancy notices issued in 1996, in addition to considerable recruitment activity for short-term staff.

### *3. Information Technology Section*

#### *3.1. The Secretariat*

In addition to support for all software and computer equipment (approx. 500 major items) and its procurement as well as assistance in ongoing evaluations and trials of new technologies (e.g., WinNT and Office 97), critical upgrades were made to the information-systems infrastructure within the Secretariat in 1997, as follows:

- The entire network cabling at Kärntner Ring was upgraded to provide for current work volumes and estimated mid-term growth;
- A central, secure facility for housing all Kärntner Ring's servers and network equipment was installed (air-conditioning is to be provided in 1998);
- Internet e-mail capability was provided for all users on the network (some technical issues are still outstanding);
- The capacity of the data link between the Kärntner Ring and the Hofburg premises was increased (to be completed early in 1998).

#### *3.2. The Missions*

In 1997 the IT Section continued to provide basic general support and assistance for a number of specific IT-related projects.

- It assisted the Mission Support Section (MSS) with the definition of the scope, tendering and selection of their BPR (Business Process Re-engineering) project.
- It provided general computer advice and assistance (e.g., measures to control computer viruses), including help with the procurement process for computer-related equipment and software.
- It finalized the Internet connectivity to all missions.
- It issued, subsequently recalled, upgraded and reissued (50 per cent complete by the end of 1997) 580 notebook computers.
- It gave assistance with/advice about the on-going support of all major computer components.

### *3.3. Strategic IT Plan*

A conceptual model of the OSCE-wide Information Systems Strategy has been developed and widely circulated to the OSCE users for comment. With the appointment of the new Chief of the ITS, work on the strategy will be expanded and relevant proposals will be presented in 1998.

### *3.4. Statistics Summary for 1997*

1997 was marked by rapid growth in the acquisition and putting in service of computer-related equipment and in the resultant requirement for support.

- The number of personal computers supported in the Secretariat and DCS increased by 27 per cent (following a growth of 26 per cent during 1996).
- The number of servers in operation increased by 71 per cent (following a growth of 75 per cent during 1996).
- The amount of data maintained on the servers increased by over 100 per cent.
- The number of Internet e-mails increased almost exponentially, from 120 messages per day to 1,000 per day.
- The number of personal computers in use in the missions more than doubled to approximately 1,200.

### *4. Legal Matters*

Legal advice and assistance was provided on a continuing basis to Institutions and missions. The main areas concerned included the negotiation and conclusion of contracts and also international agreements; privileges and immunities in host countries of OSCE institutions as well as matters relating to the status and activities of missions and their staff; personnel matters, the implementation of the Staff Regulations and Rules, including the development of draft Terms of Reference for the Panel of Adjudicators; and claims and insurance matters.

### *5. Other Administrative Tasks*

The Department of Administration has continued to provide a number of services also to OSCE missions, such as mail service, sufficient supplies to maintain daily operations, travel and accommodation services for Secretariat and mission staff and proper staff registration with the Austrian authorities, recognition of the treatment to which the staff are entitled. In addition, the DAB tackled the increasingly difficult allocation of relatively scarce office space to the incumbents of additional posts and to augmentation staff for missions. With the growth of the Organization, record keeping and mainte-

nance of files in the archives section have expanded significantly. For example, as compared to 1995, facsimile traffic, despite increased use of electronic mail, has risen by roughly 75 per cent.





## Forms and Fora of Co-operation in the OSCE Area

G-7/G-8 (Group of Seven/Eight)

Organization for Economic Cooperation and Development (OECD)

Council of Europe

North Atlantic Treaty Organization (NATO)<sup>1</sup>

Euro-Atlantic Partnership Council (EAPC)

EAPC Observer

Partnership for Peace (PfP)

NATO-Russia-Founding Act/NATO-Russia Permanent Joint Council

NATO-Ukraine-Charter/NATO-Ukraine Commission

European Union (EU)<sup>2</sup>

EU Association Agreement

European Free Trade Area (EFTA)

Western European Union (WEU)

Associate Members of the WEU<sup>3</sup>

Associate Partners of the WEU

WEU Observers<sup>4</sup>

Eurocorps

Commonwealth of Independent States (CIS)

Baltic Defense Council

Barents Euro-Arctic Council

Nordic Council

Council of the Baltic Sea States

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1 At the Ministerial Meeting of the North Atlantic Council in Madrid on 8 and 9 July 1997 Poland, the Czech Republic and Hungary were invited for negotiations on accession. The negotiations were closed with the signing of the Protocols on Accession with these three countries on 16 December 1997.

2 At the meeting of the European Council on 12 and 13 December 1997 in Luxembourg it was decided to begin negotiations on accession with Cyprus, The Czech Republic, Estonia, Hungary, Poland and Slovenia.

3 The NATO member states Iceland, Norway and Turkey joined the WEU as Associate Members on 6 March 1995. In WEU practice no difference is made between associate and full members.

4 The EU countries Austria, Finland, Ireland and Sweden, which are not members of NATO, have observer status which, however, is confined to information exchange and presence in meetings in individual cases and on invitation.

Central European Free Trade Area (CEFTA)

Central European Initiative (CEI)

South European Cooperative Initiative (SECI)

Black Sea Economic Cooperation

North American Free Trade Area (NAFTA)

# The 55 OSCE Participating States - Facts and Figures<sup>1</sup>

## 1. Albania

*Date of Accession:* June 1991

*Scale of Distribution:* 0.19 per cent

*Area:* 28,748 km<sup>2</sup> (OSCE Ranking: 45)

*Population:* 3,249,000<sup>2</sup> (OSCE Ranking: 41)

*GDP per Capita in US-\$ according to PPP*<sup>3</sup>: no data given

*GDP growth:* -7.0 per cent<sup>4</sup> (OSCE Ranking: 37)<sup>5</sup>

*Armed Forces (Active):* no reliable data\*

*Memberships and Forms of Co-operation:* Council of Europe, EAPC, PfP, Council of Europe, CEI, SECI, Black Sea Economic Cooperation

\* There are plans to reorganize the armed forces and to reduce the personnel strength to 20,000. Before the beginning of the unrest the personnel strength was between 51,000 and 54,000.

## 2. Andorra

*Date of Accession:* April 1996

*Scale of Distribution:* 0.125 per cent

*Area:* 467.76 km<sup>2</sup> (50)

*Population:* 65,000 (1995) (51)

*GDP per Capita in US-\$ according to PPP:* no data given

*GDP growth:* no data given

*Armed Forces (Active):* none

*Memberships and Forms of Co-operation:* Council of Europe

## 3. Armenia

*Date of Accession:* January 1992

*Scale of Distribution:* 0.185 per cent

*Area:* 29,800 km<sup>2</sup> (44)

*Population:* 3,463,000 (40)

*GDP per Capita in US-\$ according to PPP:* 2,260 (34)<sup>6</sup>

*GDP growth:* 3.0 per cent (23)

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1 Drawn up by Claudia Eicher

2 See Military Technology 1/1998: The World Defence Almanac 1997/98. The figures refer to 1996 if not mentioned otherwise.

3 PPP: Purchasing Power Parity (figures as of 1995 in US-\$). PPP is defined as "the number of units of a country's currency required to buy the same amounts of goods and services in the domestic market as US-\$ 1 would buy in the United States". The World Bank, The World Bank Atlas 1997, Washington, DC 1996, p. 44.

4 Economic Commission for Europe, Economic Survey of Europe 1998, No. 1, New York/Geneva (United Nations) 1998, p. 24 (Table 2.2.1) and p. 83 (Table 3.3.1). Figures as of 1997 (preliminary estimates).

5 Out of 39 registered countries.

6 Out of 40 registered countries.

*Armed Forces (Active):* 60,000<sup>7</sup> (26)<sup>8</sup>

*Memberships and Forms of Co-operation:* EAPC, PfP, CIS, Black Sea Economic Cooperation

#### **4. Austria**

*Date of Accession:* November 1972

*Scale of Distribution:* 2.05 per cent

*Area:* 83,858 km<sup>2</sup> (29)

*Population:* 8,023,000 (25)

*GDP per Capita in US-\$ according to PPP:* 21,250 (6)

*GDP growth:* 2.0 per cent (28)

*Armed Forces (Active):* 51,500 (24)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, EAPC Observer, PfP, EU, WEU Observer, CEI

#### **5. Azerbaijan**

*Date of Accession:* January 1992

*Scale of Distribution:* 0.185 per cent

*Area:* 86,600 km<sup>2</sup> (28)

*Population:* 7,676,000 (26)

*GDP per Capita in US-\$ according to PPP:* 1,460 (37)

*GDP growth:* 5.8 per cent (12)

*Armed Forces (Active):* 85,000 (17)

*Memberships and Forms of Co-operation:* EAPC, PfP, CIS, Black Sea Economic Cooperation

#### **6. Belarus**

*Date of Accession:* January 1992

*Scale of Distribution:* 0.7 per cent

*Area:* 207,595 km<sup>2</sup> (19)

*Population:* 10,415,000 (18)

*GDP per Capita in US-\$ according to PPP:* 4,220 (27)

*GDP growth:* 10.4 per cent (3)

*Armed Forces (Active):* 85,000 (17)

*Memberships and Forms of Co-operation:* EAPC, PfP, CIS, CEI

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7 See Military Technology 1/1998: The World Defence Almanac 1997/98; see also International Institute for Strategic Studies (Ed.), The Military Balance 1997-98, London 1997.

8 Out of 47 registered countries.

## **7. Belgium**

*Date of Accession:* November 1972

*Scale of Distribution:* 3.55 per cent

*Area:* 30,528 km<sup>2</sup> (43)

*Population:* 10,170,000 (20)

*GDP per Capita in US-\$ according to PPP:* 21,660 (5)

*GDP growth:* 2.1 per cent (27)

*Armed Forces (Active):* 42,500 (29)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, NATO, EAPC, EU, WEU, Eurocorps

## **8. Bosnia and Herzegovina**

*Date of Accession:* April 1992

*Scale of Distribution:* 0.19 per cent

*Area:* 51,129 km<sup>2</sup> (36)

*Population:* 2,656,000 (42)

*GDP per Capita in US-\$ according to PPP:* no data given

*GDP growth:* 20-30 per cent<sup>9</sup> (1)

*Armed Forces (Active):* approximately 90,000 (Muslim-Croat Federation); approximately 50,000 (Republika Srpska) (13)<sup>10</sup>

*Memberships and Forms of Co-operation:* CEI, SECI

## **9. Bulgaria**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.55 per cent

*Area:* 110,994 km<sup>2</sup> (23)

*Population:* 8,612,000 (24)

*GDP per Capita in US-\$ according to PPP:* 4,480 (25)

*GDP growth:* -7.4 per cent (38)

*Armed Forces (Active):* 95,000 (15)

*Memberships and Forms of Co-operation:* Council of Europe, EAPC, PfP, EU Association Agreement, Associate Partner of the WEU, CEFTA, CEI, SECI, Black Sea Economic Cooperation

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9 Expected growth, there are no concrete figures yet; see Mojmir Krizan, Der widerspenstige "Friedensprozeß". Bosnien und Herzegowina zwei Jahre nach der Unterzeichnung des Friedensabkommens von Dayton [The unruly "peace process". Bosnia and Herzegovina two years after signing the Dayton Peace Agreement], in: Osteuropa 1/1998, pp. 57-78, here: p. 66.

10 The OSCE ranking refers to the Muslim-Croat Federation and the Republika Srpska as a whole.

## **10. Canada**

*Date of Accession:* November 1972

*Scale of Distribution:* 5.45 per cent

*Area:* 9,958,319 km<sup>2</sup> (2)

*Population:* 28,820,000 (11)

*GDP per Capita in US-\$ according to PPP:* 21,130 (8)

*GDP growth:* 3.8 per cent (17)

*Armed Forces (Active):* 61,600 (21)

*Memberships and Forms of Co-operation:* G-7/G-8, OECD, NATO, EAPC, NAFTA,

## **11. Croatia**

*Date of Accession:* March 1992

*Scale of Distribution:* 0.19 per cent

*Area:* 56,538 km<sup>2</sup> (35)

*Population:* 5,004,000 (33)

*GDP per Capita in US-\$ according to PPP:* no data given

*GDP growth:* 6.5 per cent (8)

*Armed Forces (Active):* 64,000 (19)

*Memberships and Forms of Co-operation:* Council of Europe, CEI, SECI

## **12. Cyprus**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.19 per cent

*Area:* 9,251 km<sup>2</sup> (48)

*Population:* 744,000 (47)

*GDP per Capita in US-\$ according to PPP:* no data given

*GDP growth:* 2.4 per cent (25)

*Armed Forces (Active):* 10,000 (39)

*Memberships and Forms of Co-operation:* Council of Europe, EU Association Agreement, negotiations on accession to the EU

## **13. Czech Republic**

*Date of Accession:* January 1993

*Scale of Distribution:* 0.67 per cent

*Area:* 78,864 km<sup>2</sup> (30)

*Population:* 10,316,207 (19)

*GDP per Capita in US-\$ according to PPP:* 9,770 (21)

*GDP growth:* 1.3 per cent (32)

*Armed Forces (Active):* 65,000 (18)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, EAPC, PfP, Protocol on Accession to NATO, Associate Partner of the WEU, EU Association Agreement, negotiations on accession to the EU, CEFTA, CEI

#### **14. Denmark**

*Date of Accession:* November 1972

*Scale of Distribution:* 2.05 per cent

*Area:* 43,094 km<sup>2</sup> (39)

*Population:* 5,275,121 (as of January 1997) (30)

*GDP per Capita in US-\$ according to PPP:* 21,230 (7)

*GDP growth:* 3.0 per cent (23)

*Armed Forces (Active):* 25,308 (33)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, NATO, EAPC, EU, WEU Observer, Barents Euro-Arctic Council, Nordic Council, Council of the Baltic Sea States

#### **15. Estonia**

*Date of Accession:* September 1991

*Scale of Distribution:* 0.19 per cent

*Area:* 45,227 km<sup>2</sup> (38)

*Population:* 1,459,000 (46)

*GDP per Capita in US-\$ according to PPP:* 4,220 (27)

*GDP growth:* 9.0 per cent (4)

*Armed Forces (Active):* 3,510 (43)

*Memberships and Forms of Co-operation:* Council of Europe, EAPC, PfP, EU Association Agreement, negotiations on accession to the EU, Associate Partner of the WEU, Baltic Defense Council, Council of the Baltic Sea States

#### **16. Finland**

*Date of Accession:* November 1972

*Scale of Distribution:* 2.05 per cent

*Area:* 338,139 km<sup>2</sup> (13)

*Population:* 5,105,000 (32)

*GDP per Capita in US-\$ according to PPP:* 17,760 (16)

*GDP growth:* 5.9 per cent (11)

*Armed Forces (Active):* 32,500 (32)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, EAPC Observer, PfP, EU, WEU Observer, Barents Euro-Arctic Council, Nordic Council, Council of the Baltic Sea States

## **17. France**

*Date of Accession:* November 1972

*Scale of Distribution:* 9.0 per cent

*Area:* 543,965 km<sup>2</sup> (7)

*Population:* 58,040,000 (6)

*GDP per Capita in US-\$ according to PPP:* 21,030 (9)

*GDP growth:* 2.4 per cent (25)

*Armed Forces (Active):* 398,984 (4)

*Memberships and Forms of Co-operation:* G-7/G-8, OECD, Council of Europe, NATO, EAPC, EU, WEU, Eurocorps

## **18. Georgia**

*Date of Accession:* March 1992

*Scale of Distribution:* 0.185 per cent

*Area:* 69,700 km<sup>2</sup> (32)

*Population:* 5,219,000 (31)

*GDP per Capita in US-\$ according to PPP:* 1,470 (36)

*GDP growth:* 11.3 per cent (2)

*Armed Forces (Active):* 33,200 (31)

*Memberships and Forms of Co-operation:* EAPC, PfP, CIS, Black Sea Economic Cooperation

## **19. Germany**

*Date of Accession:* November 1972

*Scale of Distribution:* 9.0 per cent

*Area:* 356,854 km<sup>2</sup> (12)

*Population:* 83,536,000 (3)

*GDP per Capita in US-\$ according to PPP:* 20,070 (11)

*GDP growth:* 2.2 per cent (26)

*Armed Forces (Active):* 340,000 (6)

*Memberships and Forms of Co-operation:* G-7/G-8, OECD, Council of Europe, NATO, EAPC, EU, WEU, Eurocorps, Council of the Baltic Sea States

## **20. Greece**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.7 per cent

*Area:* 131,957 km<sup>2</sup> (22)

*Population:* 10,538,000 (17)

*GDP per Capita in US-\$ according to PPP:* 11,710 (20)

*GDP growth:* 3.4 per cent (20)

*Armed Forces (Active):* 173,054 (12)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, NATO, EAPC, EU, WEU, SECI, Black Sea Economic Cooperation



## **21. The Holy See**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.125 per cent

*Area:* 0.44 km<sup>2</sup> (55)

*Population:* 802 (55)

*GDP per Capita in US-\$ according to PPP:* no data given

*GDP growth:* no data given

*Armed Forces (Active):* none

*Memberships and Forms of Co-operation:* none

## **22. Hungary**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.7 per cent

*Area:* 93,030 km<sup>2</sup> (26)

*Population:* 10,002,000 (21)

*GDP per Capita in US-\$ according to PPP:* 6,410 (22)

*GDP growth:* 4.0 per cent (16)

*Armed Forces (Active):* 60,000 (22)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, EAPC, PfP, Protocol on Accession to NATO, EU Association Agreement, negotiations on accession to the EU, Associate Partner of the WEU, CEFTA, CEI, SECI

## **23. Iceland**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.19 per cent

*Area:* 103,000 km<sup>2</sup> (24)

*Population:* 270,000 (50)

*GDP per Capita in US-\$ according to PPP:* 20,460 (10)

*GDP growth:* 4.9 per cent (15)

*Armed Forces (Active):* none

*Memberships and Forms of Co-operation:* OECD, Council of Europe, NATO, EAPC, EFTA, Associate Member of the WEU, Barents Euro-Arctic Council, Nordic Council, Council of the Baltic Sea States

## **24. Ireland**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.55 per cent

*Area:* 70,283 km<sup>2</sup> (31)

*Population:* 3,566,000 (39)

*GDP per Capita in US-\$ according to PPP:* 15,680 (17)

*GDP growth:* 8.5 per cent (5)

*Armed Forces (Active):* 13,000 (36)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, EU, WEU Observer

## **25. Italy**

*Date of Accession:* November 1972

*Scale of Distribution:* 9.0 per cent

*Area:* 301,302 km<sup>2</sup> (16)

*Population:* 57,332,966 (as of December 1995) (7)

*GDP per Capita in US-\$ according to PPP:* 19,870 (13)

*GDP growth:* 1.5 per cent (31)

*Armed Forces (Active):* 289,537 (7)

*Memberships and Forms of Co-operation:* G-7/G-8, OECD, Council of Europe, NATO, EAPC, EU, WEU, CEI

## **26. Kazakhstan**

*Date of Accession:* January 1992

*Scale of Distribution:* 0.55 per cent

*Area:* 2,717,300 km<sup>2</sup> (4)

*Population:* 16,916,000 (14)

*GDP per Capita in US-\$ according to PPP:* 3,010 (31)

*GDP growth:* 2.0 per cent (28)

*Armed Forces (Active):* 35,100 (25)

*Memberships and Forms of Co-operation:* EAPC, PfP, CIS

## **27. Kyrgyzstan**

*Date of Accession:* January 1992

*Scale of Distribution:* 0.185 per cent

*Area:* 198,500 km<sup>2</sup> (20)

*Population:* 4,529,000 (34)

*GDP per Capita in US-\$ according to PPP:* 1,800 (35)

*GDP growth:* 10.4 per cent (3)

*Armed Forces (Active):* 12,200 (37)

*Memberships and Forms of Co-operation:* EAPC, PfP, CIS

## **28. Latvia**

*Date of Accession:* September 1991

*Scale of Distribution:* 0.19 per cent

*Area:* 64,589 km<sup>2</sup> (34)

*Population:* 2,469,000 (43)

*GDP per Capita in US-\$ according to PPP:* 3,370 (30)

*GDP growth:* 6.0 per cent (10)

*Armed Forces (Active):* 4,500 (42)

*Memberships and Forms of Co-operation:* Council of Europe, EAPC, PfP, EU Association Agreement, Associate Partner of the WEU, Baltic Defense Council, Council of the Baltic Sea States

## **29. Liechtenstein**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.125 per cent

*Area:* 160 km<sup>2</sup> (52)

*Population:* 31,000 (1995) (53)

*GDP per Capita in US-\$ according to PPP:* no data given

*GDP growth:* no data given

*Armed Forces (Active):* none

*Memberships and Forms of Co-operation:* Council of Europe, EFTA, since 1923 Community of Law, Economy and Currency with Switzerland, since 1995 Member of the European Economic and Monetary Space

## **30. Lithuania**

*Date of Accession:* September 1991

*Scale of Distribution:* 0.19 per cent

*Area:* 65,300 km<sup>2</sup> (33)

*Population:* 3,756,000 (as of July 1997) (38)

*GDP per Capita in US-\$ according to PPP:* 4,120 (28)

*GDP growth:* 5.0 per cent (14)

*Armed Forces (Active):* 8,000 (41)

*Memberships and Forms of Co-operation:* Council of Europe, EAPC, PfP, EU Association Agreement, Associate Partner of the WEU, Baltic Defense Council, Council of the Baltic Sea States

## **31. Luxembourg**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.55 per cent

*Area:* 2,586 km<sup>2</sup> (49)

*Population:* 418,300 (48)

*GDP per Capita in US-\$ according to PPP:* 37,930 (1)

*GDP growth:* 3.6 per cent (18)

*Armed Forces (Active):* 900 (46)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, NATO, EAPC, EU, WEU, Eurocorps

### **32. Macedonia**

*Date of Accession:* October 1995

*Scale of Distribution:* 0.19 per cent

*Area:* 25,713 km<sup>2</sup> (46)

*Population:* 2,104,000 (44)

*GDP per Capita in US-\$ according to PPP:* no data given

*GDP growth:* 0.7 per cent (1996) (33)

*Armed Forces (Active):* 15,400 (35)

*Memberships and Forms of Co-operation:* Council of Europe, EAPC, PfP, CEI, SECI

### **33. Malta**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.125 per cent

*Area:* 315.6 km<sup>2</sup> (51)

*Population:* 373,958 (49)

*GDP per Capita in US-\$ according to PPP:* no data given

*GDP growth:* 2.8 per cent (24)

*Armed Forces (Active):* 1,850 (45)

*Memberships and Forms of Co-operation:* Council of Europe, EU Association Agreement

### **34. Moldova**

*Date of Accession:* January 1992

*Scale of Distribution:* 0.19 per cent

*Area:* 33,700 km<sup>2</sup> (42)

*Population:* 4,463,000 (35)

*GDP per Capita in US-\$ according to PPP:* no data given

*GDP growth:* 1.3 per cent (32)

*Armed Forces (Active):* 11,030 (38)

*Memberships and Forms of Co-operation:* Council of Europe, EAPC, PfP, CIS, CEI, SECI, Black Sea Economic Cooperation

### **35. Monaco**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.125 per cent

*Area:* 1.95 km<sup>2</sup> (54)

*Population:* 34,000 (1995) (52)

*GDP per Capita in US-\$ according to PPP:* no data given

*GDP growth:* 6.0 per cent (1995)<sup>11</sup> (10)

*Armed Forces (Active):* none

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<sup>11</sup> Cf. Nachrichten für den Außenhandel of 7 February 1997.

*Memberships and Forms of Co-operation:* Member of the European Economic and Monetary Space by special agreement with France

### **36. Netherlands**

*Date of Accession:* November 1972

*Scale of Distribution:* 3.55 per cent

*Area:* 41,864 km<sup>2</sup> (40)

*Population:* 15,568,000 (15)

*GDP per Capita in US-\$ according to PPP:* 19,950 (12)

*GDP growth:* 3.2 per cent (22)

*Armed Forces (Active):* 63,100 (20)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, NATO, EAPC, EU, WEU

### **37. Norway**

*Date of Accession:* November 1972

*Scale of Distribution:* 2.05 per cent

*Area:* 323,877 km<sup>2</sup> (14)

*Population:* 4,404,149 (36)

*GDP per Capita in US-\$ according to PPP:* 21,940 (4)

*GDP growth:* 3.5 per cent (19)

*Armed Forces (Active):* 33,700 (30)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, NATO, EAPC, EFTA, Associate Member of the WEU, Barents Euro-Arctic Council, Nordic Council, Council of the Baltic Sea States

### **38. Poland**

*Date of Accession:* November 1972

*Scale of Distribution:* 1.4 per cent

*Area:* 312,685 km<sup>2</sup> (15)

*Population:* 38,642,000 (10)

*GDP per Capita in US-\$ according to PPP:* 5,400 (24)

*GDP growth:* 6.9 per cent (7)

*Armed Forces (Active):* approximately 235,000 (8)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, Protocol on Accession to NATO, EAPC, PFP, EU Association Agreement, negotiations on accession to the EU, Associate Partner of the WEU, Council of the Baltic Sea States, CEFTA, CEI

### **39. Portugal**

*Date of Accession:* November 1972

*Scale of Distribution:* 0.55 per cent

*Area:* 92,389 km<sup>2</sup> (27)

*Population:* 9,865,000 (22)

*GDP per Capita in US-\$ according to PPP:* 12,670 (19)  
*GDP growth:* 3.4 per cent (20)  
*Armed Forces (Active):* 56,000 (23)  
*Memberships and Forms of Co-operation:* OECD, Council of Europe, NATO, EAPC, EU, WEU

#### **40. Romania**

*Date of Accession:* November 1972  
*Scale of Distribution:* 0.7 per cent  
*Area:* 237,500 km<sup>2</sup> (18)  
*Population:* 22,651,000 (13)  
*GDP per Capita in US-\$ according to PPP:* 4,360 (26)  
*GDP growth:* -6.6 per cent (36)  
*Armed Forces (Active):* 228,460 (9)  
*Memberships and Forms of Co-operation:* Council of Europe, EAPC, PfP, EU Association Agreement, Associate Partner of the WEU, CEFTA, CEI, SECI, Black Sea Economic Cooperation,

#### **41. Russian Federation\***

*Date of Accession:* November 1972  
*Scale of Distribution:* 9.0 per cent  
*Area:* 17,075,400 km<sup>2</sup> (1)  
*Population:* 148,178,000 (2)  
*GDP per Capita in US-\$ according to PPP:* 4,480 (25)  
*GDP growth:* 0.4 per cent (34)  
*Armed Forces (Active):* 1,200,000 (2)  
*Memberships and Forms of Co-operation:* G-8, Council of Europe, EAPC, PfP, NATO-Russia Permanent Joint Council, CIS, Barents Euro-Arctic Council, Council of the Baltic Sea States, Black Sea Economic Cooperation

\* Russia is the legal successor of the USSR in the OSCE

#### **42. San Marino**

*Date of Accession:* November 1972  
*Scale of Distribution:* 0.125 per cent  
*Area:* 60.57 km<sup>2</sup> (53)  
*Population:* 25,058 (1995) (54)  
*GDP per Capita in US-\$ according to PPP:* no data given  
*GDP growth:* no data given  
*Armed Forces (Active):* none  
*Memberships and Forms of Co-operation:* Council of Europe

#### **43. Slovakia**

*Date of Accession:* January 1993  
*Scale of Distribution:* 0.33 per cent

*Area:* 49,035 km<sup>2</sup> (36)  
*Population:* 5,374,000 (29)  
*GDP per Capita in US-\$ according to PPP:* 3,610 (29)  
*GDP growth:* 6.5 per cent (8)  
*Armed Forces (Active):* 45,483 (28)  
*Memberships and Forms of Co-operation:* Council of Europe, EAPC, PfP,  
EU Association Agreement, Associate Partner of the WEU, CEFTA, CEI

#### **44. Slovenia**

*Date of Accession:* March 1992  
*Scale of Distribution:* 0.19 per cent  
*Area:* 20,254 km<sup>2</sup> (47)  
*Population:* 1,951,000 (45)  
*GDP per Capita in US-\$ according to PPP:* no data given  
*GDP growth:* 3.3 per cent (21)  
*Armed Forces (Active):* 9,550 (40)  
*Memberships and Forms of Co-operation:* Council of Europe, EAPC, PfP,  
EU Association Agreement, negotiations on accession to the EU, Associate  
Partner of the WEU, CEFTA, CEI, SECI

#### **45. Spain**

*Date of Accession:* November 1972  
*Scale of Distribution:* 3.65 per cent  
*Area:* 504,782 km<sup>2</sup> (8)  
*Population:* 39,181,000 (9)  
*GDP per Capita in US-\$ according to PPP:* 14,520 (18)  
*GDP growth:* 3.4 per cent (20)  
*Armed Forces (Active):* 197,500 (11)  
*Memberships and Forms of Co-operation:* OECD, Council of Europe,  
NATO, EAPC, EU, WEU

#### **46. Sweden**

*Date of Accession:* November 1972  
*Scale of Distribution:* 3.55 per cent  
*Area:* 449,964 km<sup>2</sup> (10)  
*Population:* 8,900,000 (23)  
*GDP per Capita in US-\$ according to PPP:* 18,540 (15)  
*GDP growth:* 1.9 per cent (29)

*Armed Forces (Active):* 46,000 (27)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, EAPC Observer, PfP, EU, WEU Observer, Barents Euro-Arctic Council, Nordic Council, Council of the Baltic Sea States,

#### **47. Switzerland**

*Date of Accession:* November 1972

*Scale of Distribution:* 2.3 per cent

*Area:* 41,284 km<sup>2</sup> (41)

*Population:* 7,108,000 (27)

*GDP per Capita in US-\$ according to PPP:* 25,860 (3)

*GDP growth:* 0.7 per cent (33)

*Armed Forces (Active):* 3,300 (44)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, PfP, EFTA

#### **48. Tajikistan**

*Date of Accession:* January 1992

*Scale of Distribution:* 0.185 per cent

*Area:* 143,100 km<sup>2</sup> (21)

*Population:* 5,916,000 (28)

*GDP per Capita in US-\$ according to PPP:* 920 (38)

*GDP growth:* 1.7 per cent (30)

*Armed Forces (Active):* approximately 7,000 - 9,000 (41)

*Memberships and Forms of Co-operation:* EAPC, CIS

#### **49. Turkey**

*Date of Accession:* November 1972

*Scale of Distribution:* 1.0 per cent

*Area:* 779,452 km<sup>2</sup> (5)

*Population:* 63,000,000 (as of November 1997) (4)

*GDP per Capita in US-\$ according to PPP:* 5,580 (23)

*GDP growth:* 6.3 per cent (9)

*Armed Forces (Active):* 614,000 (3)

*Memberships and Forms of Co-operation:* OECD, Council of Europe, NATO, EAPC, EU Association Agreement, Associate Member of the WEU, SECI, Black Sea Economic Cooperation



**50. Turkmenistan**

*Date of Accession:* January 1992

*Scale of Distribution:* 0.185 per cent

*Area:* 488,100 km<sup>2</sup> (9)

*Population:* 4,149,000 (37)

*GDP per Capita in US-\$ according to PPP:* no data given

*GDP growth:* -20.0 per cent (39)

*Armed Forces (Active):* 16,000 - 18,000 (34)

*Memberships and Forms of Co-operation:* EAPC, PfP, CIS

**51. Ukraine**

*Date of Accession:* January 1992

*Scale of Distribution:* 1.75 per cent

*Area:* 603,700 km<sup>2</sup> (6)

*Population:* 50,864,000 (8)

*GDP per Capita in US-\$ according to PPP:* 2,400 (32)

*GDP growth:* -3.0 per cent (35)

*Armed Forces (Active):* approximately 350,000 (5)

*Memberships and Forms of Co-operation:* Council of Europe, EAPC, PfP, NATO-Ukraine Commission, CIS, CEI, Black Sea Economic Cooperation,

**52. United Kingdom**

*Date of Accession:* November 1972

*Scale of Distribution:* 9.0 per cent

*Area:* 242,429 km<sup>2</sup> (17)

*Population:* 58,489,000 (5)

*GDP per Capita in US-\$ according to PPP:* 19,260 (14)

*GDP growth:* 3.5 per cent (19)

*Armed Forces (Active):* 220,000 (10)

*Memberships and Forms of Co-operation:* G-7/G-8, OECD, Council of Europe, NATO, EAPC, EU

**53. USA**

*Date of Accession:* November 1972

*Scale of Distribution:* 9.0 per cent

*Area:* 9,372,614 km<sup>2</sup> (3)

*Population:* 266,476,000 (1)

*GDP per Capita in US-\$ according to PPP:* 26,980 (2)

*GDP growth:* 3.8 per cent (17)

*Armed Forces (Active):* 1,432,445 (1)

*Memberships and Forms of Co-operation:* G-7/G-8, OECD, NATO, EAPC, SECI, NAFTA

**54. Uzbekistan**

*Date of Accession:* January 1992

*Scale of Distribution:* 0.55 per cent  
*Area:* 447,400 km<sup>2</sup> (11)  
*Population:* 23,418,000 (12)  
*GDP per Capita in US-\$ according to PPP:* 2,370 (33)  
*GDP growth:* 5.2 per cent (13)  
*Armed Forces (Active):* 100,000 (as of May 1997) (14)  
*Memberships and Forms of Co-operation:* EAPC, PfP, CIS

**55. Yugoslavia (Serbia and Montenegro)\***

*Date of Accession:* November 1972  
*Scale of Distribution:* 0.55 per cent  
*Area:* 102,173 km<sup>2</sup> (25)  
*Population:* 10,614,000 (16)  
*GDP per Capita in US-\$ according to PPP:* no data given  
*GDP growth:* 7.4 per cent (6)  
*Armed Forces (Active):* 92,000 (aimed at) (16)  
*Memberships and Forms of Co-operation:* suspended

\* The Federal Republic of Yugoslavia has been suspended from OSCE participation since 7 July 1992.

*Sources:* Werner Deutsch, Financing of the OSCE (in this volume), Annex 2, pp. 406-407; Economic Commission for Europe, Economic Survey of Europe 1998, No. 1, New York/Geneva (United Nations) 1998, p. 24 (Table 2.2.1) and p. 83 (Table 3.3.1); International Institute for Strategic Studies (Ed.), The Military Balance 1997-1998, London 1997; Military Technology 1/1998: The World Defence Almanac 1997/98; Mojmir Krizan, Der wider-spenstige "Friedensprozeß". Bosnien und Herzegowina zwei Jahre nach der Unterzeichnung des Friedensabkommens von Dayton, in: Osteuropa 1/1998, pp. 57-78, here: p. 66; Stockholm International Peace Research Institute (Ed.), SIPRI Yearbook 1997: Armaments, Disarmament and International Security, Oxford *et al.* 1997, S. xxx-xxxiii; The World Bank, The World Bank Atlas 1997, Washington, D.C. 1996; Wolfgang Zellner/Pál Dunay, Ungarns Außenpolitik 1990-1997. Zwischen Westintegration, Nachbarschafts- und Minderheitenpolitik, Baden-Baden 1998, Chapter III.6.

## OSCE Seminars and Conferences 1997/1998

1997

5-8 July	Sixth Annual Session of the OSCE Parliamentary Assembly, Warsaw.
27 August	With German support the OSCE organizes a four hours "Open Skies" test flight over Bosnia and Herzegovina.
27-30 August	The OSCE Chairman-in-Office, Danish Foreign Minister Niels Helveg Petersen, visits Uzbekistan, Tajikistan and Georgia.
2 September	Meeting of the OSCE Troika (Denmark, Poland, Switzerland), Copenhagen.
3-5 September	Seminar on "The Security Model for the Twenty-first Century: Implications for the Mediterranean Basin", Cairo.
3-5 September	Conference of the Sub-regional Consultative Commission (of the Agreement on Sub-regional Arms Control between Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, Republika Srpska, the Republic of Croatia, and the Federal Republic of Yugoslavia), Vienna.
18 September	The Permanent Council decides to establish an OSCE Advisory and Monitoring Group in Belarus for the promotion of democratic institutions and the observance of OSCE commitments.
22-24 September	First Follow-up Conference on the OSCE Code of Conduct on Politico-Military Aspects of Security, Vienna.
23-24 September	Seminar on Regional Security and Political, Economic, Social and Humanitarian Issues in Central Asia and the Caucasus, Tashkent.
29-30 September	Seminar on Co-operation among International Organizations and Institutions: the Bosnia and Herzegovina Experience, Portoroz, Slovenia.
29 Sept. - 1 Oct.	An OSCE Troika Delegation at the Ambassador level visits Kiev and Simferopol.
1-3 October	An OSCE Troika Delegation at the Ambassador level visits Chisinau and Tiraspol.
8-10 October	Parliamentary Conference on Sub-regional Economic Co-operation Processes: Contribution to the New European Architecture (Parliamentary Assembly of the

13 October	OSCE and representatives of various sub-regional organizations in Europe), Monaco. The government of the Republic of Uzbekistan and the ODIHR sign a Memorandum of Understanding (MOU) in Tashkent.
14-17 October	ODIHR Human Dimension Seminar on Women's Participation in Society, Warsaw.
22-24 October	Economic Dimension Seminar on the Role of Stable and Transparent Economic Legislation for Economic and Social Transition, Almaty.
31 October	Meeting of the OSCE Troika, Warsaw.
31 Oct. - 1 Nov.	Conference of the OSCE-initiated Narva Forum, bringing together Estonian and Russian government officials.
12-28 November	Third OSCE Implementation Meeting on Human Dimension Issues, Warsaw.
24-25 November:	The Secretary General of the OSCE visits the United Nations; meeting with the Secretary-General of the UN, Kofi Annan, New York.
1-2 December	Seminar on "State Structures in Complex Ethnic Situations: The European Experience", co-hosted by the OSCE Mission to Georgia and the Council of Europe, Tbilisi.
9-10 December	Peace Implementation Conference (Bosnia and Herzegovina), Bonn.
10 December	Initiation of the revision of the Vienna Document on Confidence- and Security-Building Measures by the Forum for Security Co-operation (FSC).
11 December	The Permanent Council decides to extend the mandate of the OSCE Mission to Bosnia and Herzegovina until 31 December 1998.
18-19 December	Sixth Meeting of the OSCE Ministerial Council, Copenhagen; appointment of the Member of the German <i>Bundestag</i> , Freimut Duve, as the first OSCE Representative on Freedom of the Media.
<i>1998</i>	
1 January	The Polish Foreign Minister Bronislaw Geremek replaces the Danish Foreign Minister Niels Helveg Petersen as OSCE Chairman-in-Office.
12-14 January	OSCE Secretary General Giancarlo Aragona visits Japan.

12 Jan. - 5 Feb.	The ODIHR provides the service of a Technical Assistance Team to the Montenegrin authorities to assist them in drafting new election legislation.
21 January	Conference of the Joint Advisory Commission (of the Agreement on Confidence- and Security-Building Measures), Banja Luka.
21 January	Meeting of the OSCE Troika (Poland, Norway, Denmark), Warsaw.
22-23 January	A delegation of the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe and the European Parliament visits Albania to support the process of drafting a new constitution.
23 January	Annual High Level Tripartite Meeting between representatives of the OSCE, the Council of Europe and the Geneva-based United Nations organizations, Geneva.
26-28 January	Third OSCE Seminar on Defence Policies and Military Doctrines, Vienna.
10 February	Central Asia Election Assistance Strategy Meeting of the ODIHR Election Section, Warsaw.
12-13 February	Conference on the Role of Women in the Process of Reconciliation in Tajikistan (with OSCE Assistance).
16-20 February	First conference to review the implementation of the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina, Vienna.
17-18 February	Seminar on Regional Security, Stability and Co-operation in Central Asia, Ashgabad.
17-18 February	Meeting of the Co-Chairmen of the Minsk Group (France, Russian Federation, United States), Paris.
27 February	The OSCE Chairman-in-Office, Polish Foreign Minister Bronislaw Geremek, visits Minsk.
27 February	The OSCE Advisory and Monitoring Group in Belarus officially starts working.
March	The OSCE Mission to Bosnia and Herzegovina organizes a number of events concerning the role of women in Bosnian society.
2-4 March	Annual Implementation Assessment Meeting of the Forum for Security Co-operation, Vienna.
3 March	The OSCE Chairman-in-Office, Bronislaw Geremek, meets with the Co-Chairmen of the OSCE Minsk Group, Warsaw.
9 March	Meeting of the Foreign Ministers of the Contact Group countries (USA, Russia, Germany, United Kingdom, France, Italy), London.

11 March	The Permanent Council decides to increase the OSCE Presence in Albania by three to 14 persons and the Spillover Monitor Mission to Skopje (Macedonia) by three to eight persons.
12 March	Annual "2+2 Meeting" between the Chairmen-in-Office and the Secretaries General of the OSCE and the Council of Europe, London.
19-20 March	The OSCE Chairman-in-Office visits Skopje and Tirana.
25 March	Meeting of the Foreign Ministers of the Contact Group countries, Bonn.
28 March	The OSCE Chairman-in-Office visits Belgrade, Priština and Podgorica.
8 April	Meeting of the OSCE Troika, Warsaw.
14-20 April	The OSCE Chairman-in-Office, Bronislaw Geremek, visits Turkmenistan, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan.
20 April	A report on "The situation in Kosovo and on measures taken by the OSCE" pursuant to United Nations Security Council resolution No. 1160 is submitted to UN Secretary-General Kofi Annan by the OSCE Chairman-in-Office, Bronislaw Geremek.
23 April	First Report of the OSCE Representative on Freedom of the Media, Freimut Duve, since his appointment on 1 January 1998.
29 April	Meeting of the Contact Group, Rome.
29-30 April	Conference on "Free and Fair Elections", hosted by the OSCE Advisory and Monitoring Group in Belarus, Minsk.
25-28 May	Human Dimension Seminar on Ombudsman and Human Rights Protection Institutions, Warsaw.
1-5 June	Sixth Economic Forum of the OSCE: Meeting on Security Aspects of Energy Developments in the OSCE Area (1-3 June) and Economic Dimension Implementation Review Conference (4-5 June), Prague.
16-18 June	Regional consultation on Women in Public Life in Central Asia (organized by the ODIHR), Tashkent.
1-2 July	Seminar on Interrelationship between Central and Regional Governments, Chisinau
7-10 July	Seventh Annual Session of the OSCE Parliamentary Assembly, Copenhagen.



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## Acronyms

CBSS	Council of the Baltic Sea States
CEFTA	Central European Free Trade Agreement/Area
CEI	Central European Initiative
CFE I	Treaty on Conventional Armed Forces in Europe
CFE IA	Concluding Act of the Negotiations on Personnel Strength of Conventional Armed Forces in Europe
CFSP	Common Foreign and Security Policy (of the EU)
CiO	Chairman-in-Office (of the OSCE)
CIVPOL	Civilian Police
CIS	Commonwealth of Independent States
CPC	Conflict Prevention Centre
CSBMs	Confidence- and Security-Building Measures
CSCE	Conference on Security and Co-operation in Europe (since 1 January 1995: OSCE)
DAP	Democratic Assistance Programme (of the PA)
EAPC	Euro-Atlantic Partnership Council
EBRD	European Bank for Reconstruction and Development
ECE	Economic Commission for Europe (of the UN)
ECHR	European Convention on Human Rights
ECMM	European Community Monitor Mission
ECT	Treaty establishing the European Community
ECU	European Currency Unit
EEC	European Economic Community
EIB	European Investment Bank
EPC	European Political Cooperation (of the EC)
EU	European Union
FRY	Federal Republic of Yugoslavia
FSC	Forum for Security Co-operation
G-7/G-8	Group of Seven (Canada, France, Germany, Italy, Japan, United Kingdom, USA)/G-8: G-7 and Russia
HCNM	High Commissioner on National Minorities (of the OSCE)
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IFC	Informal Financial Committee
IFOR	Implementation Force
IHF	International Helsinki Federation
ILO	International Labour Organization
IMF	International Monetary Fund
IOM	International Organization for Migration
IPTF	International Police Task Force



MPC	Mediterranean Partners (of the OSCE) for Co-operation
NACC	North Atlantic Cooperation Council (replaced by the EAPC in 1997)
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organization
NGOs	Non-Governmental Organizations
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organization for Economic Co-operation and Development
OHR	Office of the High Representative
OSCE	Organization for Security and Co-operation in Europe
PA	Parliamentary Assembly (of the OSCE)
PC	Permanent Council (of the OSCE)
PfP	Partnership for Peace
PHARE	Poland and Hungary Assistance for the Reconstruction of the Economy
PIC	Peace Implementation Conference/Peace Implementation Council
POE	Points of Entry/Exit
SAMs	Sanctions Assistance Missions
SAMCOMM	Sanctions Assistance Missions Communication Centre
SC	Senior Council (of the OSCE)
SECI	Southeast European Cooperative Initiative
SFOR	Stabilization Force
TACIS	Technical Assistance for the CIS
TLE	Treaty Limited Equipment (CFE I Treaty)
UN/UNO	United Nations/United Nations Organization
UNCHR	United Nations Commissioner for Human Rights
UNDCP	United Nations Drug Control Programme
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNPROFOR	United Nations Protection Force
UNTAES	United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium
VD 90, 92, 94	Vienna Document on Confidence- and Security-Building Measures (1990, 1992, 1994)
WEU	Western European Union

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