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Yearbook on the Organization for Security and
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Preface

Nineteen ninety-nine has been the most challenging year in the history of the OSCE so far. It has been the year of our largest field mission to date, and it has been the year of one of the worst human catastrophes that the OSCE and the rest of the international community have ever faced. The Kosovo crisis has exceeded our worst fears with regard to ethnic cleansing and brutality. The media brings us fresh evidence every day of the atrocities suffered by the Kosovar Albanian people. The OSCE and other international organizations mandated to deal with the crisis failed to contain it. But this was mainly due to a political leadership in Belgrade which openly, deliberately and blatantly abused OSCE commitments and other important values that govern the international community. The Kosovo operation once more showed that the OSCE can help and advise parties who want to resolve conflicts, but the Organization has neither the mandate nor the equipment needed to impose solutions.

The OSCE is a lean and cost-effective organization. The Secretariat employs only about 150 people. But even though it is so small, and relies on active support from its participating States, it has proven its ability to rise to the challenges facing it, and to react with dynamism and vigour when called upon. The deployment of the Kosovo Verification Mission (KVM) last autumn was the biggest field operation ever launched by the OSCE. The operation showed that the OSCE is a flexible organization, able to take on complex and urgent tasks. I have tremendous respect for the men and women who joined the KVM at short notice, and who worked under very difficult political and physical conditions in Kosovo, until we were forced to withdraw the Mission. I can assure you that the OSCE is ready to take on a substantial responsibility for the civilian implementation of a political settlement for Kosovo.

The Kosovo crisis is not the only situation we are dealing with in the OSCE, but it is a reminder that failure to prevent conflict is what creates headlines. The person responsible for the Kosovo crisis is of course Mr. Milošević, and not the OSCE. My point is that successful long-term conflict prevention and crisis management tend to be focused upon less, and one is not as familiar with them. I would therefore like to mention some of the success stories of the OSCE. These are stories that have not received much coverage in the international press, but they are significant because they have contributed to European security and stability.

The Baltic area is not an area of instability and crisis. Its transformation and adaptation after the fall of the Soviet Union have become a European success story. This is of course mainly due to the policies and efforts of the countries in question, but one should not underestimate the significance of the OSCE's contribution to the integration of the linguistic minorities in Estonia and Latvia. This integration has been a prerequisite for the stability that now prevails in the sub-region. The OSCE was also politically useful to the Baltic states and to Russia with regard to the military stabilization of the area following the 1992 Summit in Helsinki. The shut-down of the Skrunda Radar Station in August 1998 was the latest successful step in this regard.

The post-conflict rehabilitation of Bosnia and Herzegovina is another challenging task. I feel that the future prospects of this country are improving by small but significant steps. It is not easy to build a democracy based on the rule of law in a war-torn country in which ethnic groups that have fought one another are forced to live together. But I believe that we will succeed over time in making democratic institutions work. The time has not yet come for us to hand over all political responsibility to the leaders and institutions of Bosnia and Herzegovina. But as the new political order of the country matures, we are approaching that date.

Central Asia is a region in which the OSCE is stepping up its commitment. The Organization is a vital link between Central Asia and Europe, and we have already intensified our level of activity in the five states by establishing OSCE Centres in all of them. The Oslo Ministerial Council has asked me to present a report on Central Asia before the summer, and I have appointed one of Germany's top diplomats, Ambassador Wilhelm Höynck, former Secretary General of the OSCE, as a Special Representative of the Chairman-in-Office to prepare the report.

The Southern Caucasus is another sub-region in a situation comparable to that of Central Asia. The difference is that the OSCE has for some time had an important role to play with regard to conflict prevention and post-conflict rehabilitation. Some of the conflicts in this area appear to be "frozen", such as Nagorno-Karabakh and Abkhazia. But progress is being made, in South Ossetia for example. We hope to add further to the long-term stabilization of the sub-region by opening OSCE Offices in Baku and Yerevan in 1999.

As Chairman-in-Office of the OSCE, I will continue to do my best to lead the OSCE in a way that benefits the entire Organization and enables it to perform the vital and varied tasks assigned to it.

In Lieu of a Foreword: Countering the Paradoxes of European Security!

1999 has been a year of jubilees: big and important ones like the fiftieth anniversary of the signing of the North Atlantic Treaty; and slightly smaller ones like the publication of this book - the fifth volume of the OSCE Year-book series founded in 1995.

But 1999 was also and notably the year of the Kosovo war. For a period of almost a decade Kosovo Albanians had drawn scarcely any attention from the European community of peoples. It was only when Kosovo Albanian resistance changed from being non-violent into an armed struggle, only when freedom fighters changed into terrorists, only when the Serbs began to massacre Albanian civilians, only when Albanian nationalists threatened to involve all of the Balkans in a war for the sake of a Greater Albania - only then did Europe awaken from its lethargy and force the Serbs and Kosovo Albanians to come to the negotiating table at Rambouillet. Too late! The carriage changes into a pumpkin at five past twelve with no room left for crisis prevention. Especially when indispensable structures, mechanisms, financial resources and people are not available to provide effective and successful prevention, and/or they must first be located and organized. As a consequence, the Holbrooke-Milošević Agreement of October 1998 failed - among other things, because the promised 2,000 OSCE verifiers had not been held in reserve within the present European security system and were not located rapidly enough during the autumn of 1998. Furthermore the "protectorate" that NATO established after the war has been unable, up to now, to prevent displacement, plundering and murder, quite simply because the required 3,000 (international) policemen are not available. They, too, have not been provided for in the present European security system and during the war no one belonging to the planning and leadership of the warring parties hit upon the idea of locating and instituting the appropriate international police force in time - i.e. as a preventive measure.

As the example of Kosovo again demonstrates, the present European security system is characterized by a number of paradoxes and contradictions. Among these paradoxes is the loudly proclaimed commitment of all political forces to civil crisis prevention while at the same time the European community of states continues to display ignorance and passivity in the face of recognizable or even already escalating conflict potential. The present European security system does no more than pay lip service to the maxim that "prevention is better than treatment".

Military prevention is another matter, however. It, too, belongs to the grand paradoxes of the present European security system - if for opposite reasons.

There is a widespread public view that the past decade, following the end of the East-West conflict, has been a "decade of disarmament" and that the NATO countries have reduced their armaments on an unprecedented - indeed disproportionate - scale. But this view is a dangerous misconception. On the contrary, the military expenses of the United States and of the European NATO countries are still at a level of 270 billion US-Dollars and 180 billion US-Dollars respectively. Thus NATO spends ten to twenty times what Russia does. Moreover: the nineteen member countries of NATO alone expend the gigantic sum of 450 billion US-Dollars, which accounts for over five eighths of the armaments expenditures of the approximately 190 countries in the world. Even so, the colossal NATO military complex was unable to deter Serbia from oppressing the Kosovo Albanians. And the longer the war lasted, the more obvious it became that even its giant war machinery was unable to achieve the promoted goal of preventing a "humanitarian catastrophe".

Finally, yet another paradox of our present security system lies in the fact that in the years 1989/90 we had the chance of the century to create a stable and lasting order for peace and security in and for Europe. If the historic chance offered by the 1989/90 turning point is not to be squandered, the security system in and for Europe that we now have must be upended. To repeat: the NATO military alliance accounts for more than five eighths of all military expenses in the world. Nevertheless, it is unable to prevent genocide and war in Europe. What Europe urgently needs is to strengthen the OSCE, i.e. its development into a regional system of collective security as intended by Article 24 of German Basic Law and which is also provided for in the UN Charter as a regional arrangement. The European security order would then rest on a legal system in which, in the case that order must be reinstituted, no further mandate would be required - it would possess sufficient and efficient instruments for crisis prevention and for the peaceful and civil settlement of disputes ("the aggressor in an armed conflict is the one who refuses arbitration"), it would be able to pursue aggressors and war criminals and bring them before a court, and it would possess (in co-operation with NATO and the WEU) means of military coercion which as the *ultima ratio* would not throw the gates wide open for arbitrary political action but would follow a system of law and order and, perhaps, restore it.

Introduction

The reader is currently in possession of the fifth Yearbook on the Organization for Security and Co-operation in Europe (OSCE). Each of its predecessors was accompanied, at least tacitly, by the wish and expectation on the part of the editors and editorial staff that peaceful co-existence on the European Continent would be strengthened by the growing institutionalization of a co-operative security policy. Unfortunately this has remained a wish, and even recently one could not hope for fulfilment.

At the end of the day, the OSCE has not been able to strengthen security and co-operation as planned. And as a result, it has in itself become weaker. In the last Yearbook we wrote that the strength of the OSCE could be seen in the three relationships on which it rests: namely, the relationships with its participating States, with its field of responsibilities and with other organizations. The path into the Kosovo war, the course of that war, and the arrangements to put an end to it changed all three relationships to the detriment of the OSCE. In October 1998 it appeared that the sudden possibility of a return to Kosovo represented by the Kosovo Verification Mission (KVM) would turn the OSCE into a dam providing deliverance from the growing avalanche of violence threatening to suffocate South-eastern Europe. This hope for the success of a policy combining crisis management with prevention, nourished by considerable effort, continued until mid-March 1999 to hold its own against an attitude of pessimistic fatalism and moral voluntarism which sought to meet violence only with counter-violence. Despite the fact that OSCE participating States were slow in launching it, the unarmed KVM was actually able to prevent smaller conflicts, reduce violence and create confidence. However, this did not lead to moderation of nationalistic fears, expectations and speculations in either the Kosovo-Albanian or Serbian camps nor did it contribute to a consensus at the negotiations of Rambouillet and Paris. Without a decision by the OSCE Permanent Council, it was determined that this huge Mission, established in a complicated roundabout manner and progressively expanding, should be withdrawn. Thus the field was opened to the bombers and the massive expulsion of the Kosovo-Albanian population which followed. As a result a co-operative approach to security was given up in favour of confrontation. From March until June 1999 NATO took over the leadership of European security policy and, within this "lead organization", the United States, as "lead nation", set the course of action. At first this course was declared preventive but when it became clear it was to be unsuccessful, they reclassified their campaign into a repressive move against the political leadership in Belgrade through military intervention which became a burden to the civilian population. Even this change in course was not suc-

cessful. It was 70 days and nights before the Finnish-Russian mediation, with the support of the governments of the member States of the European Union, persuaded the Yugoslav government to make concessions. In addition to NATO, the United Nations subsequently entered the picture and under its leadership the OSCE was asked to fulfil a subordinate stabilizing function - precisely the opposite of what had been foreseen in the Rambouillet draft agreement of early 1999.

Thus this Yearbook covers a span of time which saw the most serious break in the continuous development of European security policy since 1990. The OSCE contributed to this cleft and was also damaged by it. On the one hand, it appeared to be an independent constant in the Balkan game, on the other it was a dependent variable. The policy of co-operation, developed with much effort, has suffered such a setback that diplomats are talking about a policy of co-existence within the framework of the negotiations on a European Security Charter. Was this setback inevitable or could it have been avoided? There are opposing views. What are the consequences of this? Along with the losers of a war there are also winners who have gained a distinct advantage.

What we see here is a renewal of nationalism, of polarized thinking, and even a renaissance in the concept of a "just war". The ceiling on the employment of military force has been lowered. Calls for the enlargement of military budgets have become louder and everywhere one hears talk of "modernizing" of military forces. It would be no more than an act of consistency to return to calling the defence ministries by their old names. There is no doubt that the coalition of hit men, sheriffs, "hawks" and crusaders, along with the reservists left over from the Cold War, are on the winning side. In addition there are many private parties who would profit at the expense of the public: to be more precise, at the expense of the individual taxpayer when it comes to the re-procurement of the weapons and ammunition and the reconstruction of destroyed houses, bridges, roads, and supply facilities. The promise of the so-called Stability Pact for the Balkans - which admittedly is meant to extend much farther than Kosovo - has already mobilized businessmen and investors in Western Europe and overseas.

It is obvious that the "only world power" (Brzezinski) has also gained the advantage and that in the process the "Euro-Atlantic" power relationship has once again been shifted. As a consequence, damage has been done to NATO's pan-European claim through the Euro-Atlantic Partnership Council to be a competitor of the OSCE. If NATO policy (as policy-makers acknowledged) was intended at first as a preventive approach through the use of threats and thereafter direct intervention then it has failed. And it continues to fail following the end of the attacks and the return of the refugees. Even now, in the guise of the KFOR, NATO has not been able to prevent continuing terrorist expulsions of people from their homes nor their murder - with the Serbs and Roma as the current victims. By supporting the KLA it is even facilitating (*nolens volens?*) the secession of Kosovo from Yugoslavia. However a

secession would not only be contrary to the declared goals of current European security policy but also to the principles of the European community of states repeatedly reaffirmed since the Final Act of Helsinki a quarter century ago.

As a consequence of the Kosovo war there are also disintegrative tendencies that can be seen beyond Kosovo borders, particularly in Montenegro and the neighbouring state of Bosnia and Herzegovina. It is precisely here that there has been a setback in the initial progress towards the much invoked "civil society" which the "international community", including the OSCE, had with great effort only recently achieved. As former German Chancellor Helmut Kohl presciently said, the victims of today will be the offenders of tomorrow.

In this Yearbook the reader has before him the evidence of five years of research on the development of pan-European security policy as practised by the OSCE. This lustrum provides us with an occasion for some modest reflection. First, a few statistics to illustrate the extent and variety of the publication.

The five volumes¹ contain 2,363 pages of reading material on the OSCE; each volume has around 550 pages, about 430 of them consisting of chapters written expressly for the Yearbook and 120 devoted to OSCE documents, each time including the Annual Report of the Secretary General. 133 authors contributed to these five volumes; 48 from Germany, 85 from foreign countries, most of them from OSCE States ranging from Canada to Uzbekistan and from Turkey to Estonia. Egyptian and Japanese authors are also represented.

Of the 133 authors, 42 were academics and 91 diplomats, international civil servants and military people. Thus for the most part the authors were not outside observers and analysts but people directly or indirectly involved in positions of responsibility, as consultants, designers and implementers.

Thanks to this input, the Yearbook has made good on its claim to be focused on actual practice and current issues. And it has always been up-to-date but without a narrow concentration on the events of a given year. Thus it has remained a "Yearbook" in the double sense that it is both a problem-oriented chronicle of the year and a periodical on issues of current interest which appears once a year.

The structure of the Yearbook has been retained throughout the five year period, a structure which has emerged from procedural logic - situations, instruments, organizational aspects - and in particular from the responsibilities of the OSCE as a preventive security institution with a variety of dimensions. Most of the articles are descriptive in character, often followed by an analysis. Some essays in diary form have even been included. In whatever form the contents have been presented, it was hoped that each article could be used

¹ The English OSCE Yearbook 1995/1996, volume No. 1/2, is identical with the German-language Yearbook 1996 supplemented by some articles of the 1995 edition.

as a resource for scientific research. The Yearbooks also contain thoughtful studies on the historical, institutional and legal evaluation of security policy generally and of the OSCE in particular. But no papers were accepted restricted entirely to the theoretical framework of international relations.

Thanks to the financial and political independence of the editor and his partners in co-operation, the editorial staff has always had creative freedom. It has not felt that its autonomy was in any way curtailed by the fact that it has always successfully sought a relationship of trust with the OSCE Secretariat and the delegations of the participating States - a fact which found expression, among other things, in contributions to the Yearbook by the Secretary General and the various Chairmen-in-Office.

The Yearbooks appear in English and Russian, as well as German, thus reaching the largest possible circle of interested readers. Among these, as always, are the various groups that make up the "OSCE community": on the one hand those active in the field such as diplomats, politicians and security policy experts and on the other observers such as journalists, political scientists, peace researchers and students.

Thus it has remained the main task of the Yearbook to spread knowledge, promote insights, exercise criticism of conditions that promote conflict, and offer ideas for policies to further the cause of peace.

There is even more reason to pursue this objective now that the development of the OSCE as a normative and operational security regime has turned out not to be a "given", as it would have seemed between the Helsinki Summit of 1992 and that of Budapest in 1994, when the idea for producing this Yearbook was born. For, as was stated at the beginning of this introduction, the OSCE has suffered its "career setback". The results and the course of the Istanbul Summit, along with the successes of the missions' work, will show in coming months whether the OSCE can recover its upward course.

I.

The Situation

OSCE: Developments and Prospects

The OSCE: Developments and Prospects

During 1999 we witnessed a humanitarian catastrophe the likes of which had not been seen in Europe since the end of the Second World War. The catastrophe in Kosovo was the result of a systematic policy of ethnic exclusion. Even over a period of many years we had not succeeded, by political means, in persuading the responsible government in Belgrade to co-operate in the spirit of the Charter of Paris. The military action by NATO was the ultimate response to this refusal to co-operate.

It will take years for the reconstruction work, which has only begun, to heal the deep wounds.

The dramatic developments in Kosovo make clear to us that overcoming ethnic nationalism - the old hostilities, feuds and wars between various popular groups - remains one of the biggest challenges for European security. And if we do not succeed the consequences, as in Yugoslavia, are devastating.

Against this background, the question of how conflicts in Europe can be dealt with constructively and in such a way as to prevent their escalation takes on an entirely new dimension. The OSCE has made conflict prevention its main responsibility. In view of what is happening in Kosovo, therefore, the question of how the OSCE can be strengthened is of the most immediate importance.

A Look Back

Let us recall that a decade ago, when the division of Europe was overcome, various people proposed the transformation of the then CSCE into an organization that would control and settle conflicts in the manner of a regional UN. Others thought that the CSCE process, which itself was a child of the Cold War, had completed its job and thus become superfluous.

As we can see today, the truth lies somewhere between these two viewpoints. It is true that the OSCE was unable to prevent the disintegration of Yugoslavia, with its horrifying consequences. But who could have done that? It is not just the OSCE that has failed. Other organizations have failed as well - the international community has failed.

The OSCE has followed a special path: facts and an appropriately pragmatic approach, rather than concepts and theories, have pointed the way. With preventive missions of modest size in Moldova, Georgia, Tajikistan, the Baltic states, the Ukraine and the former Yugoslav Republic of Macedonia, the OSCE has in each case been able to introduce calm. The High Commissioner on National Minorities, working with discrete diplomacy, has lessened the

tension in difficult minority situations. This quiet operating method proved successful even when the public was scarcely aware of it.

The OSCE grew in importance in 1996 in Bosnia. At that time, the Organization, which had barely 150 regular employees, established a mission with more than 300 people to carry out and monitor the first elections in Bosnia. In the same year its Assistance Group in Chechnya was able to make an important contribution to ending the bloody conflict there. In the following year it replaced the UN in Croatia and, in Albania, co-ordinated with great flexibility the international efforts to save that country from collapse and to stabilize it. At the end of 1998, finally, it was given the task of monitoring the armistice agreement in Kosovo, using for that purpose personnel resources numbering ten times the Organization's normal complement. As part of the present reconstruction effort, the OSCE is also responsible, within the UN mission, for core areas such as building democracy, the media, monitoring human rights and training police.

The history of this organization is striking. After starting with modest sporadic activities in peripheral conflicts, it directed its attention to the hot spots of European security and has today become an organization on which people depend for conflict settlement. How will it now proceed? What is its future?

In principle it seems to me that there are two obvious alternatives. The first is to continue to follow the pragmatic path just described. In doing so, the OSCE - along with other organizations - would, depending on the situation, offer and provide its services, e.g. in building democracy, in a flexible fashion. In some instances it could improve its procedures and methods as well as its institutions.

The second, more visionary, alternative would be to expand the OSCE and to make it the central organization for preventing and settling conflicts in Europe. This role could be anchored in the Security Charter that is now under discussion.

Which role it will receive remains an open question - it depends, after all, on the will of the participating States. At this point I would like to say more about possibilities opened up by the second alternative.

The Challenges

The Kosovo crisis makes very clear to us the challenges that uncontrolled conflicts pose for European security. Every concept for conflict prevention requires that the causes of the conflicts be dealt with in time. How can this requirement be met?

As far as timely intervention is concerned many steps have been taken by various actors, especially within the OSCE framework - I am thinking of our own efforts in 1996, the year of our chairmanship, and of the efforts of succeeding presidencies; despite them, it must be said that insufficient interna-

tional attention was paid to the unarmed resistance in Kosovo, which lasted for years. Kosovo was not treated as a serious problem calling for solution until the Liberation Army, with its armed actions, provoked brutal reactions from Serbian units.

Attacking the causes of a conflict at their roots is a second requirement of conflict prevention. If we ask ourselves what causes underlay the crisis in Kosovo, the following are probably the most important ones to mention:

- systematic violation of human rights;
- unsolved minority issues;
- significant weaknesses in democratization and the building of civil societies;
- economic backwardness, big differences between social classes;
- resort to nationalistic ideologies to compensate for profound disappointments;
- the lack of structures and mechanisms for the peaceful solution of conflicts;
- underdeveloped structures for regional co-operation.

These are factors that play an important role not only in former Yugoslavia but in other countries in transition as well, even if they do not always have the same potential for escalation. The fragility of Russia and of other successor states to the former Soviet Union, the totalitarian legacy in Belarus that has not yet been overcome, the substantial human rights shortcomings in the countries of Central Asia and the Caucasus, and unsolved minority problems in Turkey, as well as other countries, all weigh heavily on the continent.

Weaknesses of this kind in policy and structure call for a unified approach and effective conflict prevention requires a comprehensive, long-term stabilization strategy.

A unified approach of this kind cannot be provided by one organization alone. It calls for a co-ordinated effort by various responsible institutions. For this to work, however, a co-ordinated and integrated process is needed.

Finally - and this has been shown by the Kosovo crisis with exceptional clarity - the pan-European dimension of security co-operation - i.e. the inclusion of all actors, especially Russia - is indispensable. It is hard to imagine that a durable political solution for Kosovo and the long-term stabilization of the region can be achieved without Russia. Without Russia's active participation there will be no security in Europe.

A Vision of Pan-European Security Co-operation?

What we need is a vision of pan-European security co-operation, a project for the future aimed at a large, communal Europe. It is my view that the OSCE

could develop such a vision. The OSCE has the potential for it and has, indeed, already begun working on this task.

First the institutional aspect: the OSCE is the only organization that covers the whole area of greater Europe and it alone has a comprehensive mandate that includes the human, military and economic dimensions of security.

Second, an approach to a greater Europe already exists within the framework of the OSCE. It is, of course, enormously heterogeneous but it has a rudimentary "constitution" in which principles and values are set forth: democracy, the rule of law, respect for human rights, protection of national minorities, the market economy, the indivisibility of security, the building of a common security area without new divisions. These are the fundamental values, principles and objectives to which the 55 participating States have committed themselves. As far as we can tell, these values have not been realized everywhere; but they exist. All that is needed is the courage to ensure that their validity is acknowledged and that they be applied.

What must we do? I believe the following three lines of strategy deserve examination.

Include Russia

Russia must be fully integrated into European security policy. This enormous country, although very fragile, is very much a part of Europe by virtue of its population and its rich culture. It merits a place in the framework of European security co-operation. It cannot be ignored, despite its present weakness. Possibilities for the better inclusion of Russia are ready at hand. We could, for example, take a closer look at some of the old proposals it has tabled in the OSCE: that of giving a legal statute to the OSCE; assigning the leading role in crisis management in Europe to the Organization; strengthening its economic dimension; and expanding its operational capabilities. Who would be harmed by this? We would, in any event, have to take care that the Organization retains its unbureaucratic flexibility.

Comprehensive Conflict Prevention

If conflict prevention is to be effective, the objective must be to deal with the causes of the conflict. We have already pointed to the profound political and structural weaknesses that are common to many countries in transition. Building durable democratic structures in these countries is a necessary condition for lasting development. This cannot be done without a comprehensive approach.

The OSCE must develop its initial approach into a full-scale programme. Like the United Nations it has a comprehensive mandate. The participating States have transferred certain responsibilities to it relating to security, mili-

tary affairs, the advancement of democracy and the rule of law, human rights and economic matters.

Some may of course object that in particular fields other organizations have the same or vastly greater capabilities and especially that they have incomparably more resources at their disposal. What is missing, however - despite the various mechanisms that are already in existence - is the comprehensive approach. Economists preoccupy themselves with the economy, diplomats with diplomacy and military people with security issues. But who guides and coordinates the whole effort?

The OSCE could, in particular, integrate the following elements:

- Support for the transitional process is made conditional on good governmental leadership. It is not a question of having the OSCE become an active participant in economic activity; it could, however, serve as a framework for flexible co-ordination so as to ensure that in situations where there is a risk of conflict the transitional processes are accompanied by progress towards democracy and the rule of law.
- Support is given for sound and democratic conduct of government. If one looks at all of the organizations and authorities that are active in this field - the Council of Europe, the UNDP, the High Commissioner for Refugees, the UN High Commissioner for Human Rights, the European Commission's PHARE programme, the Office for Democratic Institutions and Human Rights, the OSCE's field missions, and many other activities, including the contributions of individual countries - one can hardly speak of transparency. Comprehensive policies will be needed to avoid duplication, overlapping and rivalries. The objective is clear: to create democratic structures, operating under the rule of law, which provide favourable conditions for economic development. The OSCE would have certain comparative advantages here - these would permit it to play a co-ordinating role both in the centres and on the local scene. The Organization already has a dense network of representations of various kinds: long-term missions, centres, offices. The recently opened OSCE Centres in Central Asia are already carrying out such responsibilities. Through steady dialogue with the countries, they support them in all aspects of transition so as to exercise a profound influence on the building of political and social structures. The network of these Centres could be expanded - in such regions as Dagestan or Fergana Valley, for example.
- The formation of civil societies is of fundamental importance. Despite the efforts of the OSCE and the Office for Democratic Institutions and Human Rights, the potential of non-governmental organizations could be better used. The OSCE could, for example, devote more attention to public-private partnerships in expanding such instruments like its long-term missions and offices.

- In the military field, finally, it is important to take effective steps to ensure that military forces are subject to civilian authority and that they maintain their neutrality.

Effective Conflict Management

Along with these long-term structural efforts, there must also be effective operational capacity to deal with crises. The OSCE must be able to operate like the fire department in conflict situations. For this purpose it needs to be strengthened as an independent instrument for the solution of conflicts. The following steps are illustrative:

- further strengthening the leadership role of the Chairman-in-Office and of the Troika through improved consultation mechanisms;
- upgrading the Permanent Council to make it an organ for providing central guidance;
- creating options for taking focused action when commitments are not met;
- expanding the Secretariat's capabilities in planning and implementation and giving it the right to recruit personnel independently.

In the phase of reconstruction following a violent conflict the OSCE should also play the central role. Kosovo once again serves as an example: as in Bosnia, the OSCE must play a central role in an international transitional administration. It has the resources to operate effectively and take responsibility in such fields as civil reconstruction, the building of democratic structures, media, monitoring of human rights, and police. It alone constitutes a framework which includes all actors - the United States and Russia as well as other European countries, in addition to the European Union.

Finally, the OSCE is well suited to provide the organizational roof for the Stability Pact for South Eastern Europe proposed by Germany. The OSCE offers a framework that guarantees the inclusion of all actors, which is indispensable for such an undertaking.

Outlook

These are just a few thoughts on the building of a greater Europe. The ongoing negotiations on a European Security Charter represent an opportunity to develop the OSCE along these lines.

The OSCE has not exhausted its potential. It has kept its special appeal:

- It is accepted politically in Russia and in other countries in transition.
- It continues to be the only organization in Europe of which the United States and Russia are formally members, and it is recognized as a legitimate authority when it comes to peaceful intervention.
- It is unbureaucratic and flexible. Given the political will and competent leadership it could become the model for an effective and economical international organization.

The challenge is there. Only the steady growth of broad-gauge co-operation between Vancouver and Vladivostok offers the promise of lasting peace in Europe. Our European history teaches: spheres of influence, dividing lines and exclusions, thinking in terms of coalitions and repression have never succeeded in establishing lasting security and stability. There are alternative ways of achieving this goal. I have tried here to develop a rather visionary alternative. We know, however, how many difficulties and obstacles lie in the way - the negotiations on a European Security Charter make that abundantly clear. Even so, a strengthened OSCE would give us great opportunities.

The OSCE Today and Tomorrow

When it became clear that the OSCE would be asked to assume a number of vital tasks in connection with post-conflict rehabilitation in Kosovo within the framework of the UN Mission in Kosovo, the OSCE Chairman-in-Office, Norwegian Foreign Minister Knut Vollebæk, described this development as the greatest challenge the OSCE had been given so far, making the OSCE the primary organization in Europe dealing with democratization. In fact, many argue that this mission will change the OSCE. This is certainly true: its role is evolving rapidly, and its structure and resources must follow. But the mission it is launching in Kosovo is by no means exceptional: it has grown out of the Organization's multi-faceted experience in South-eastern Europe and other parts of the OSCE area.

There is no doubt that South-eastern Europe remains one of the most immediate concerns to the international community to date. On 1 July 1999, the decision was taken to establish an OSCE Mission in Kosovo, as a distinct component within the overall framework of the United Nations Interim Administration Mission in Kosovo (UNMIK). The OSCE Mission takes the lead role in matters relating to institution- and democracy-building as well as human rights. Our partners in this endeavour are the people and communities of Kosovo, indeed, its whole civil society. Naturally, the Mission co-operates closely with relevant organizations - intergovernmental and, when appropriate, non-governmental - in the planning and implementation of its tasks. It undertakes a number of tasks that are unprecedented in the context of the OSCE, for example the training of a new police service and of judicial and administrative personnel, as well as providing a framework for media regulation and monitoring. In those tasks, as well as in the promotion and protection of human rights, in the building of a society where power is shared and where the judiciary, the media,¹ non-governmental organizations and political parties play their independent roles, the objective is to bring about "mutual respect and reconciliation among all ethnic groups in Kosovo" and to establish "a viable multi-ethnic society where the rights of each citizen are fully and equally respected", as the Mission's mandate states. In Kosovo, the OSCE is developing an innovative and close relationship with the UN, as the

1 UNMIK has requested that the OSCE Mission in Kosovo establish a Department of Media Affairs to contribute to the creation of conditions that support freedom of the press and freedom of information in Kosovo. The Department will be responsible for media regulation, support for independent media, media monitoring and media laws and standards. The Department will also act as the Media Regulatory Commission assigning radio and television broadcast frequencies, establishing broadcasting and press practice codes, issuing licenses and monitoring compliance.

OSCE Mission in Kosovo is, for the first time, an organic part of the overall framework of the UN.

This in fact is the third time that the OSCE has launched a mission in Kosovo. The first attempt at conflict prevention in Kosovo was the establishment in 1992 of Missions of Long Duration in Kosovo, Sandjak and Vojvodina, to *inter alia* "promote dialogue between the authorities concerned and representatives of the populations and communities in the three regions". The Missions were forced to withdraw in June 1993, when the Yugoslav government refused to prolong the agreement to host them. Despite calls for the return of the Missions, they were never able to return. For example, as recently as in a special session on Kosovo on 11 March 1998, the OSCE Permanent Council called upon the authorities of the Federal Republic of Yugoslavia to "accept without preconditions, an immediate return of the OSCE missions of long duration to Kosovo, Sandjak and Vojvodina, noting the return of these missions as essential for future participation in the OSCE by the FRY".

The OSCE created the second OSCE Mission in Kosovo, the Kosovo Verification Mission (KVM), in the autumn of 1998, following discussions between Mr. Milošević and Mr. Richard Holbrooke of the US and the consequent signing of the OSCE-FRY (Geremek-Jovanović) agreement on 16 October 1998. It withdrew the Mission in March 1999, when the FRY's failure to provide verification data coupled with a deterioration of the security situation made the continuation of the Mission impossible. That Mission was numerically the largest ever undertaken by the OSCE, with close to 1,300 Mission members actually having been deployed. It was tasked, in view of the desperate situation of the civilian population and the continued fighting in Kosovo, with verifying a cease-fire agreement. The goal of the OSCE presence in Kosovo being the creation of a peaceful, democratic and lasting solution to all existing problems in Kosovo, based on the equality of all citizens and national and ethnic communities, the intention was also for the OSCE to supervise elections in Kosovo. While in Kosovo, but also after its withdrawal, in Albania and in the former Yugoslav Republic of Macedonia, the Kosovo Verification Mission assisted the UNHCR, the ICRC and other international organizations in dealing with the refugee crisis, and the provision of humanitarian assistance, and human rights issues.

The Mission in Kosovo that is being launched currently is an important endeavour in itself. But Kosovo cannot be isolated from the entire region, which has been so devastated by wars during this decade. A process of rebuilding and rehabilitation must now be undertaken - not to recreate what was there before, but to democratize, to stabilize, to bring the region "closer to Europe", and its organizations. Much has already been done by the OSCE in Bosnia and Herzegovina and in Croatia, as well as in Albania and the former Yugoslav Republic of Macedonia. But what is needed now for the OSCE and for other international organizations is to develop a regional approach.

Already, the progressive measures for arms control and regional stability provided for in Annex 1-B of the Dayton/Paris Agreement are being dealt with under the auspices of the OSCE. The goal of Article V is "to establish a regional balance in and around the former Yugoslavia". The intention is to integrate the sub-region into a larger regional arms control context to consolidate peace and security.

The OSCE will work across borders in South-eastern Europe, promoting, *inter alia*, the Stability Pact for South Eastern Europe, adopted on 10 June 1999 by the EU Cologne Ministerial Conference. At the request of its participants, the OSCE decided on 1 July 1999: to place this pact under the auspices of the OSCE; to work for compliance with the provisions of the Stability Pact by the OSCE participating States, in accordance with its procedures and established principles; to make use of OSCE institutions and instruments and their expertise contributing to the proceedings of the South Eastern Europe Regional Table and of the Working Tables, and to work closely with the European Union, the Council of Europe, the United Nations, the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development, the Western European Union, international financial institutions and regional initiatives, as well as the countries of South-eastern Europe, so as to achieve the objectives set out in the Stability Pact.

Ambassador Robert L. Barry, Head of Mission of the OSCE Mission to Bosnia and Herzegovina, was tasked by the Chairman-in-Office with developing ideas on the regional role of the Organization, and on the OSCE's contribution to the Stability Pact. At the Sarajevo Stability Pact Summit on 30 July 1999, the Chairman-in-Office gave an OSCE commitment to play an active role in the development and implementation of the Stability Pact. He stressed that the countries of the region deserve the support of the international community, but ultimate responsibility for building peace and stability in South-eastern Europe remains with the countries themselves. The OSCE will make full use of its institutions and field activities in order to facilitate close co-operation with the countries of the region. The OSCE Summit in Istanbul in November will provide the OSCE with an opportunity to take stock in the progress of the Stability Pact.

The obvious question mark in the regional context is the Federal Republic of Yugoslavia. Yugoslavia's participation in the OSCE has remained suspended since 1992.² However, the Organization continues to monitor events in this country. In December 1996 the former Prime Minister of Spain, Felipe González, was appointed as the Personal Representative of the Chairman-in-Of-

2 In July 1992, the participation of Yugoslavia in the then CSCE was suspended. It was announced that this suspension would be reviewed in view of compliance with the principles, commitments and provisions of the CSCE. This was the first and up to then the only time that the "consensus minus one" rule was applied. (The Prague Ministerial Council in January 1992 decided that appropriate action could be taken without the consent of the State concerned in "cases of clear, gross and uncorrected violations" of CSCE commitments.)

fice, and sent to the Federal Republic of Yugoslavia during the period of continuous opposition protests after the municipal elections. His mandate was "to seek information from all political forces and institutions, including the media, and from the judiciary on the facts and events relating to the municipal elections, including the annulment of their results". His report, referred to afterwards as the "González Report", made several observations and recommendations which became the basis for putting pressure on Belgrade authorities. Mr. González, and the OSCE on the whole, were obliged to discontinue work in Yugoslavia when the latter refused to issue the Special Representative an entry visa. But the Organization continues to stand ready to assist Yugoslavia in implementing OSCE commitments. It is prepared to conduct election observation and monitoring, provided they are conducted with full respect to OSCE commitments, which would be a sign of the country's willingness to deal with its problems and a first step in the essential process of genuine democratization. It is that process that would bring this country into the fold of the international community. It is in the interest of the people of the Federal Republic of Yugoslavia and in the interest of the people of the entire region: no long-term, viable solutions are possible without a democratic Yugoslavia.

Although the current focus of the attention by the international community is South-eastern Europe, the OSCE's commitment to work with participating and non-participating States in other regions,³ especially in addressing their concerns, is also being strengthened. After all, the main principles of the OSCE are inclusivity of participation and indivisibility of security.

One of the main concerns of the OSCE currently are so-called "frozen conflicts", in particular in Georgia, Moldova, and the conflict in and around Nagorno-Karabakh, dealt with by the OSCE Minsk Conference. These conflicts have in common that the parties are both internationally recognized countries and internationally unrecognized actors, and that both the parties and the international community to date have achieved no decisive political or other progress. The OSCE stands ready to facilitate a settlement, but this can only be done in co-operation with parties involved, based on their own political will to work for mutually acceptable solutions.

Central Asia will remain one of the preoccupations of the Organization. The Central Asian states joined the CSCE in January 1992 after having established their independence. Particularly visible signs of mutual commitment were the establishment of the CSCE Mission to Tajikistan in 1993, the setting up of a CSCE Liaison Office in Central Asia in Tashkent in 1995, and the establishment of the OSCE Centres in Kazakhstan, Kyrgyzstan and Turkmenistan in 1998. The establishment of the latter three has consolidated the presence of the OSCE in the region. Furthermore, Ambassador Wilhelm Höynck (former OSCE Secretary General 1993-1996), has been appointed as

3 The OSCE's partners for co-operation are Japan and Korea. Its Mediterranean partners for co-operation are Algeria, Egypt, Israel, Jordan, Morocco and Tunisia.

the Personal Representative of the Chairman-in-Office to work out a vision of further integration of the countries in Central Asia and the enhancement of OSCE's activities in that region. In his report to the Permanent Council of 15 July 1999, he underlines a need for a regional dimension, while taking into account the individual needs and the differences between the various countries.⁴

In Tajikistan, the OSCE - as a political and moral guarantor of the implementation of the General Agreement for Peace - is actively contributing to the peace process along with the United Nations. The Mission recently contributed to overcoming the stalemate in the political dialogue in Tajikistan, which opened the way for a major step forward in the peace process with the completion of the second stage of the Protocol on Military Issues. The successful completion of this part of the Military Protocol led to the Supreme Court decision to lift the ban on the activities of four political opposition parties. The Mission is also actively encouraging the issuing of licenses to media outlets. The next steps in the process are the referendum on the amendments to the Constitution which is scheduled for 26 September, to be followed by presidential elections in the autumn and parliamentary elections in early 2000, marking the end of the transition period envisaged by the General Agreement.

But also in other parts of Eastern Europe and the Caucasus, the OSCE supports democratization and development of civil societies. In Belarus, President Lukashenko stated in July 1999 that he is willing to enter into a dialogue with the opposition and NGOs. The Organization is the linchpin in bringing the two sides together, with the aim of eventually creating conditions necessary for holding free and fair general elections in the year 2000, meeting OSCE standards. In Armenia, the process of opening an OSCE Office in Yerevan is now well underway. This Office will promote the implementation of OSCE principles and commitments as well as the co-operation of the Republic of Armenia within the OSCE framework. It will facilitate contacts with the OSCE Chairman-in-Office and other OSCE institutions. It will also establish and maintain contacts with local authorities, universities, research institutions and NGOs. It is hoped that an OSCE Office in Azerbaijan will follow.

The former OSCE Mission to the Ukraine is a good example of the successful implementation of a mission's mandate: the Mission was closed, following the completion of its mandate. A qualitatively new chapter of pragmatic co-operation and assistance has begun with the establishment of the Project Co-ordinator in the Ukraine.

A significant feature of the OSCE is that its participating States consider it as truly "theirs." The consensus rule which gives each participating State a voice, is vital - especially for smaller countries and those that are not part of

4 In early 2000, Secretary General Kubiš was appointed as the successor of Ambassador Höynck.

major integration and co-operative structures. They too must have access to a forum on European security, where their voice can be heard. The OSCE is an indispensable institution offering the possibility for dialogue and participation by all. It is thus also capable of dealing with effects on certain participating States through the enlargement of other organizations that are not currently offering those countries membership. The OSCE must remain both a political and an operational organization. This is also for that reason that the Organization must focus on all dimensions of security - according to its principles and design. Its philosophy indeed reflects a comprehensive approach to security, which focuses on traditional security aspects as well as on the human dimension, democracy-building, and the economic and environmental dimension. The Organization must maintain its very flexible inventory of instruments, which corresponds to its broad definition of security.

The OSCE is actively involved in early warning, conflict prevention, crisis management and post-conflict rehabilitation. As such, it must focus on all phases of the conflict cycle, but with a natural orientation to soft, non-military approaches and in areas where it has been traditionally active and had a comparative advantage. The current focus of the international community on post-conflict rehabilitation does not distract the Organization from other vital tasks, especially in early warning and conflict prevention, even though the latter does not give the Organization the kind of exposure and visibility that post-conflict rehabilitation does.

The OSCE must find ways of strengthening its support for the implementation of commitments by participating States. The OSCE, as a co-operative security framework, seeks to accomplish its purposes through international consent; it relies on the creation of international norms, values and principles, whose implementation is monitored. Violations of fundamental human rights and freedoms, ethnic cleansing, oppression of minorities and other atrocities have occurred in the OSCE area. Often these threats and challenges reflect fundamental problems of putting into practice OSCE norms and values. Currently the participating States are intensively discussing the ways in which they could assist and be assisted in their efforts to implement their OSCE commitments. The Document-Charter for European Security, first introduced at the 1994 Budapest Summit as the Common and Comprehensive Security Model for Europe for the twenty-first century, is an attempt to provide a macro political evaluation of European security. The Charter was adopted at the OSCE Istanbul Summit in November 1999.

In its activities, the Organization must increasingly co-operate with other international institutions and organizations. Pragmatic, non-hierarchical co-operation has come to characterize many of its activities already. Reflecting the new realities in Europe following the end of the Cold War, organizations like the European Union, the Council of Europe and NATO have greatly changed and are in the process of expanding their membership as well as their activities. The UN has become increasingly involved in European security matters.

New subregional organizations have emerged, among others the Council of the Baltic Sea States, the Barents Euro-Arctic Council, the Black Sea Economic Cooperation and the Central European Initiative, but also the South-east European Cooperative Initiative (SECI), and the Royaumont process. Interesting sub-regional activities are also promoted in other regions, e.g. Central Asia. In order to avoid competition and duplication of efforts, operational links must be developed between all of these bodies with their specific expertise and memberships. The OSCE must contribute further to the creation of an architecture of mutually reinforcing co-operation between international organizations.

In fact, the OSCE's contacts, especially with the Council of Europe and the United Nations Secretariat and agencies (in particular the UN High Commissioner for Refugees, UN High Commissioner for Human Rights, UN Economic Commission for Europe, UN Development Programme), and also with the North Atlantic Treaty Organization, the European Union, the European Commission, the Western European Union, the International Committee of the Red Cross, the International Organization for Migration, and subregional groupings have developed significantly in the past few years. Already in 1992, the participating States declared the CSCE to be a regional arrangement of the UN in the sense of Chapter VIII of the Charter of the United Nations. At the headquarters level, a framework for exchange of information and regular joint meetings and consultations has evolved (so called 2+2 Meetings with the Council of Europe, Tripartite Meetings with the UN and the Council of Europe, Target Oriented Meetings of experts in tripartite format, bilateral consultations, and mutual participation in events and seminars). Still more important, co-operation in the field has led to considerable development of exchanges and has translated into practical interaction and complementarity between international organizations. Specific operations, as in Bosnia and Herzegovina, where the Organization co-operates with SFOR and the Office of the High Representative, or in Albania, where the OSCE provides a co-ordinating framework within which other international organizations can play their part in their respective areas of competence, in support of a coherent international strategy, show that states, international institutions and organizations recognize the need to pursue this objective. Kosovo provides another significant example of close co-operation of the OSCE with international organizations.

The goal of further strengthening the interlocking and mutually reinforcing nature of co-operation between international institutions, and organizations concerned with the promotion of comprehensive security within the OSCE area, is reflected in the discussion of the Platform for Co-operative Security. This is one of the elements of the Charter. The aim of the Platform is to develop a concept for pragmatic synergies between the OSCE and other organizations in a non-hierarchical manner, also associating other international organizations and institutions with its work.

Non-governmental organizations, as well, have come to play a more active role in European security. The OSCE attaches great importance to its contacts with non-governmental organizations. For the Organization, NGOs are an important source of information on developments, particularly the human rights situation, but also environment, economy, and security matters. Simultaneously, the OSCE, through its commitment to development of civil societies, provides support to grass-roots organizations working on a wide variety of issues.

Since 1992, the OSCE has built its presence on the ground, assisting participating States in implementing OSCE commitments. OSCE field operations, one of the Organization's most important instruments, have been dispatched to deal with a wide range of issues, starting with assistance to the host country in dealing with specific questions, e.g. in the field of human rights, to reacting to early-warning signals, and to problems in areas of past, potential or actual conflicts. They offer an effective, timely and flexible response, according to their specific mandates. Currently the OSCE has missions and other field activities deployed in some 20 countries.⁵

At the same time, the OSCE has avoided creating a large permanent administration; it has a lean infrastructure and limited financial and human resources, and missions in the field are the main beneficiaries of those resources. The OSCE employs some 250 persons in its institutions and currently some 2,500 international employees working in the field. The proportion of funds for field missions in the OSCE budget lies at about 90 per cent. While holding on to the concept of flexibility and the emphasis on activities in the field, OSCE experience and the new challenges underscore the need to strengthen the operational capabilities of the OSCE. The new tasks and responsibilities the Organization takes on, and the sheer number and scope of its field activities, must be matched by the capacities of its permanent structures. This, of course, is a real balancing act: what is needed is strengthening without jeopardizing the flexibility that characterizes the Organization. Existing institutions should be strengthened to correspond to workload and responsibilities. With its existing framework of institutions the Organization can already address a wide range of issues from security issues pertaining to economic and environmental matters, to freedom of the media, human rights and democratization and minority issues, as well as arms control and confidence- and security-building measures. The process of strengthening the operational capability of the OSCE, including its Secretariat, which supports the

5 The Organization has missions deployed in Skopje, Georgia, Estonia, Moldova, Latvia, Tajikistan, Bosnia and Herzegovina, Croatia, and is building its Mission in Kosovo. In addition, an Assistance Group to Chechnya (Russian Federation), the OSCE Presence in Albania, the Advisory and Monitoring Group in Belarus, the Central Asia Liaison Office in Uzbekistan (an outpost of the Secretariat), and the OSCE Centres in Kazakhstan, Kyrgyzstan and Turkmenistan established in 1998, as well as the OSCE Project Coordinator in Ukraine (established in July 1999 after termination of the previous OSCE Mission to Ukraine, which completed its mandate), and the new OSCE Office in Yerevan, Armenia, carry out field activities.

work of the Chairman-in-Office and the OSCE missions, to enable it to cope with the new tasks has already begun. To ensure the Secretariat's preparedness with regard to the establishment of new missions, and to initiate and co-ordinate preparations and planning for specific missions at short notice, an *ad hoc* Co-ordination and Planning Group has been created. With the start of the KVM, a Situation Centre has been established, providing 24-hour a day support for the missions, while serving as a permanent link between them and the Secretariat, and a source of information for delegations of OSCE participating States. Other measures taken to strengthen the operational capabilities of the Secretariat include, for example, the development of an Information Systems Strategic Plan and a Strategy for Capacity-Building through Training, as well as the normalization of employment conditions for the OSCE staff.

The nature of tasks, and the large number of personnel in the field seconded by participating States for relatively short periods of time, point to the need for adequate preparation of staff members for their tasks. Induction training for new mission members has been developed. Follow-up mission-specific training for mission members takes place in the respective field operations, with specific focus on the main tasks outlined in their mandates and thus shaping their activities. Training is also a promising area for co-operation with other international organizations. Already in the Kosovo Verification Mission, a number of organizations have contributed to the induction training programme, by explaining their own mandate and role, but also in assisting in training on specific aspects such as human rights issues. A successful pilot project on training, the Joint Workshop on Human Rights Training of Field Missions, was co-organized by the Office of the United Nations High Commissioner for Human Rights, the Council of Europe, the European Commission, and the OSCE in July 1999.

The OSCE is indeed facing a great challenge in Kosovo. But it is not the only great challenge for the Organization - its broader regional role in South-eastern Europe, Central Asia and, eventually, in the Caucasus, its potential role in addressing democratization needs in Serbia, its role in dealing with "frozen conflicts" in other regions, and its role as a political forum for all countries, acting as equal partners, are among its many tasks. The Organization, active in all phases of the conflict cycle and in many geographical regions, has already proven its political and operational value. Its further development will depend on the willingness of the participating States to make it the instrument of choice when addressing threats and risks to security in Europe, while at the same time keeping it so maintained to be able to perform its task.

Crisis Prevention in Europe and the Strengthening of the OSCE

Lessons from the Kosovo Conflict for Crisis Prevention in Europe

Historians may think it premature to draw conclusions at this early stage from the Kosovo conflict. They will rightly point to the fact that we still lack much information needed for a full understanding of the dynamics of this conflict. But politicians must act and there is particularly great pressure to do so in South-eastern Europe if a new outburst of war and violence is to be prevented. And thus I am making the effort to examine the conclusions to be drawn from the Kosovo conflict for crisis prevention in Europe, although I am aware that the answers can only be incomplete and provisional in nature. In a number of respects the Kosovo conflict represents a decisive point in post-Cold War European policy. For the first time NATO, and as a part of it the *Bundeswehr*, have carried out a combat mission outside of Alliance territory without a mandate from the United Nations. The military intervention of the Alliance in the Kosovo conflict signifies, at the same time, the failure of civil-political crisis prevention. This is the case although numerous early-warning signs have been apparent for over a decade. Anyone seeking to learn lessons for European crisis prevention must first look into the causes of this failure. The containment strategy of the international community with respect to the post-Yugoslav crisis area has also failed once and for all. It was a mistake to think that the crisis spot could be cordoned off and then controlled from the outside allowing the international community to avoid substantial involvement - especially of a financial kind. Finally, the military intervention of NATO in Kosovo triggered what has probably been the most serious crisis in relations with Russia to date. And even though it proved possible - mainly through German initiative - to overcome this crisis and include Russia in a common strategy, it would be irresponsible to trivialize the differences between the Western Alliance and Russia after the fact.

The Kosovo conflict laid bare in ruthless fashion the weaknesses and limits of the European Union's ability - or, better, that of its member States - to achieve consensus and to act. It simply cannot be denied that the EU, without the leadership of the United States, is not (yet) in a position to practise pre-scient crisis prevention and effective crisis management, even in its own immediate neighbourhood. Taken together, these developments have led to a decisive point at which we can scarcely say "let us continue" down this path. The need for political change can be seen at many levels - in the Common Foreign and Security Policy of the EU, in the Transatlantic relationship, in the military dimension. In this paper I shall limit myself to drawing a number

of conclusions from the Kosovo conflict for crisis prevention in Europe and the activities of the OSCE.

Containment Is not a Fitting Instrument for Crisis Regulation

Containment policy means an effort to encapsulate a conflict, to cordon it off and push it to the side in the hope that it will at some point solve itself. Containment policy means keeping oneself out of a conflict as far as possible or keeping one's involvement in it as limited and indirect as possible. Containment is value-neutral in a negative way and therefore has no relationship to jointly held OSCE principles. Containment policy is motivated by the narrow self-interest in avoiding those short-term costs that arise from intervention, in whatever form. For almost a decade, containment was the dominant strategy of the international community vis-à-vis the post-Yugoslavia crisis region. It must have become clear, at the latest as a result of the Kosovo conflict, that this strategy was a tragic mistake that has cost many thousands of human lives as well as an enormous amount of money. Even the narrow-minded selfish idea we could save money in the short term was deceptive. Now we are going to have to pay substantially more and over a long period of time. Incidentally, members of the Greens Parliamentary group in the German Parliament warned against a containment strategy back at the beginning of the nineties, demanding instead that the successor states to Yugoslavia be given a positive European development perspective - in other words, precisely what is provided for now in the Stability Pact for South Eastern Europe.

The alternative to containment has been labelled intervention, although this says nothing about the character of the intervention. The legitimization of political-preventive intervention can be found in those OSCE norms which state that gross and continued violations of human and minority rights are not exclusively an "internal affair" of the country where they are committed. They are a matter of the legitimate interest all participating States have in stability and security. By making this almost revolutionary connection between the human and security dimensions, the CSCE/OSCE has created a new normative basis for peaceful and civil intervention which over the long term will have an important influence on the development of international law. At the same time, this fundamental innovation - which today still belongs to the field of "soft law" which is only politically binding under international law - reflects a state of affairs that can hardly be denied - that observance of basic human and minority rights in an age of explosively expanding trans-national ties can no longer be regarded as the exclusive domain of national sovereignty. We can even go a step farther and say that a strategy of intervention is today quite simply indispensable for the maintenance of both internal stability and stability in relations between states. Thus the question is no longer *whether* intervention is legitimate but *which strategies* of intervention, based

on common values of co-operative security, are likely to be the most effective on a lasting basis.

And it is exactly at this juncture that the failure of the international community in the face of the post-Yugoslavia conflict can be found: because we could not see our way clear to issuing an unambiguous invitation to the Yugoslav successor states to join Europe - which would undoubtedly have changed the motives and calculations of the political actors there in fundamental ways - we were forced a decade later, at a much higher level of escalation and in the face of significantly greater risks, to resort to the use of military force. From the start the failure of the international community, especially the European Union, to prevent the post-Yugoslavia conflict lay in its determination to follow a containment strategy. From this we can now draw the general conclusion that containment is not a suitable means of crisis prevention.

Stability and Security Are a Function of the Combined Efforts of all Dimensions of the OSCE

The importance of the human dimension in maintaining peace and stability is today generally recognized by all; a number of preventive instruments build on this connection. Regrettably, the same cannot (yet) be said of the economic dimension. The Stability Pact for South Eastern Europe of 10 June 1999¹ for the first time made it absolutely clear that the economic dimension is of central importance for crisis prevention and post-conflict rehabilitation. Unhappily this point was not understood until a long and bloody conflict had run its course, and we have not yet eliminated the danger that it will only be applied to post-conflict rehabilitation in a specific case and not to crisis prevention generally or to other regions. The economic dimension has been inadequately integrated into the preventive instruments developed earlier, both within OSCE institutions and in the relationship between the OSCE and the European Union. And yet it has always been clear that the key motive underlying EU expansion was not just to promote economic prosperity but in the extension of the European stability zone to the East and South-east for preventive purposes. To be sure, the European Union can only admit countries which already enjoy a fair measure of stability. That is why the prospect of admission can only be effective in preventing crises if the country in question has a real chance. But we have so far been negligent about including the economic dimension in preventive strategies for countries whose chances of admission are non-existent, negligible or distant. The first and most immediate lesson to be learned from the Kosovo conflict is to implement the Stability Pact for South Eastern Europe with great determination and, in doing so, to include all countries of the region to a significant degree. Second, the re-

1 Reprinted in the present volume, pp. 551-564.

lated lesson - that without effective integration of the economic dimension there can be little or no effective crisis prevention - must be applied to prevention strategy generally. This calls for the development of new forms of institutional co-operation and division of labour, both within the OSCE and between the OSCE and the EU.

Military Crisis-Intervention and Civil Prevention Cannot Be Combined at Will

In a superficial view, civil prevention failed in the Kosovo conflict while military intervention led to success. However, nothing could be more wrong than to draw from this the uninspired conclusion that we ought now to rely mainly on military means. For one thing there was never any consistent crisis-prevention effort in Kosovo appropriate to the magnitude of the threat. For another, military interventions are always more expensive and entail greater losses than civil ones and - what is equally important - they put the chances for future crisis prevention at risk. Thus the military actions of the Western Alliance, first alone and now together with Russia on the basis of a UN resolution, did lead to success, but only against the background of the spectacular failure that had occurred before. Military action alone cannot secure this success, nor will it ever be able to do so. It was only the political re-inclusion of Russia, which came about largely as a result of German pressure, that led to a UN resolution and thus to a clear mandate. If this had not worked, the latitude for political prevention in future crises would have been drastically reduced.

The Kosovo conflict provides a good opportunity to analyse the interaction within the power triangle constituted by the EU, the United States and Russia, on whose ability to co-operate stability and security in the OSCE area largely depend. The weaknesses of the European Union in achieving a consensus and finding the will to act became especially clear because, in contrast to earlier situations, action was really taken. These weaknesses are not primarily related to military capacity but, rather, to the ability to build a political consensus - the willingness to go beyond traditional "national" interests and define a European position. Until this can be done the European Union will always act too late, not at all, or only on the initiative of others. The Kosovo conflict demonstrated that crisis management in Europe, even in a region adjacent to the European Union, is today not possible without the leadership of the United States. Nor do I intend this statement to refer primarily to the undoubted military superiority of the United States but to the ability to lead in a political sense. This may strike some Europeans as a bitter truth, but it is the consequence of their own inadequacy. The experience garnered from the Kosovo conflict ought to be an occasion for the EU and its member States at least gradually to rethink their "national" prerogatives in foreign policy. I put

the word "national" in quotes here because in my view the rational definition of a foreign policy interest, to an ever greater extent, can only have a European orientation. The objective is to strengthen the European Union's ability to act on foreign policy matters, especially with regard to the preventive stabilization of the territory surrounding it, both near and far. The objective is not to do this without the United States of America, whose co-operation and involvement in European policy we continue to view as desirable. However, the relationship between the EU and the United States must be continuously developed and kept in balance to ensure that changing interests and capabilities are appropriately attuned to one another.

The fact that Russia belongs to Europe should not be limited to the province of solemn declarations but must prove itself, especially in those situations or crises in which the EU and NATO, on the one hand, and Russia, on the other, have different initial positions. In order to bring Russia into the common effort to solve the Kosovo conflict, it was necessary not only to overcome differences of position but also a crisis of confidence that had emerged from differing approaches. The German government and Foreign Minister Fischer, in particular, made a vital contribution to overcoming this difficulty. If it had not been possible once again to find a common course with Russia, the military success in Kosovo would in the long term have been surrounded by political uncertainties. At that time and under the prevailing circumstances there was no alternative to NATO's actions in the Kosovo conflict. Alternative approaches to a solution would have had to be started at a much earlier time. Nevertheless - or, better, precisely for that reason - military action of the kind taken in Kosovo offers no model for the future but, rather, represents an exceptional case which ought not to be repeated. This is particularly true considering that future crisis spots in the OSCE area could well be in CIS territory where a military intervention by NATO would in any case be out of the question.

*If We Want to Avoid Military Crisis Intervention We Have to Practise
Political Prevention on Time*

With the conclusion of the Stability Pact for South Eastern Europe, a large number of European countries and international organizations have made a solemn promise to combine post-conflict rehabilitation in Kosovo with long-term crisis prevention for all of South-eastern Europe. The first donor conference in Sarajevo in July 1999 was a hopeful initial sign that this time words will be followed by deeds - i.e. financial resources. This undertaking constitutes a political innovation in the field of conflict management both with regard to its financial magnitude and the complexity of the task of co-ordinating a large number of extremely varied political actors. To an important degree the long-term prospects of European crisis prevention depend on it. By

assigning Bodo Hombach as Co-ordinator of the Stability Pact, Germany has assumed central responsibility for the project.

The success of the Stability Pact will depend largely on whether the individual actors succeed, for and between themselves in their interaction, in designing and carrying out a co-ordinated strategy that includes all countries of the region. The Chairman-in-Office of the OSCE in 1999, the Norwegian Foreign Minister Knut Vollebæk, has given the Head of the OSCE Mission to Bosnia and Herzegovina, Ambassador Robert L. Barry, the job of working out a common strategy for the OSCE Missions active in South-eastern Europe. This kind of strategy has hitherto existed only in the embryonic stages and its future implementation will present new challenges both to the Chairman-in-Office and the OSCE Secretariat. Other actors, whether countries or international organizations, will have to ask themselves self-critically whether and to what extent they have an integrated strategy for the entire region.

Notwithstanding the vital role of the Stability Pact, we cannot lose sight of other, more distant regions or the general development of our preventive instruments. There are a number of EU programmes devoted to problems of prevention, some of them limited to candidates for admission, others going beyond that group. Under the future "Mr. CFSP", the former NATO Secretary General Javier Solana, the EU plans to establish its own early-warning and strategy-planning unit. The Council of Europe also carries out many different preventive tasks. All of these activities call for substantially more effective co-ordination - and not just at the leadership level but in day-to-day work on the local scene. Here, too, the Stability Pact for South Eastern Europe, which pulls together a large number of different actors in a joint effort, could turn out to be an important learning experience. Co-ordination alone will not be sufficient for the long term; farther-reaching and more creative solutions are called for. Why, for example, couldn't certain international organizations work out a regional or functional division of labour that might even lead to their giving up some of their past activities? Or why might it not be possible for activities that in the past have been pursued on a parallel basis to be handed over to a joint "subsidiary enterprise" rather than simply "co-ordinated" in a non-committal way?

What applies to the relationship between the different international actors also holds true for the internal relationship between various OSCE institutions. The OSCE was not designed on a drawing board but was the result of a series of institutionalization incentives that arose from very practical challenges. The decisions of the Helsinki Summit of 1992, for example, created a number of preventive instruments. These decisions were made under pressure from the conflict between Serbia and Croatia and the inability of the international community to come up with an appropriate response. This step-by-step development of OSCE structures led to the establishment of a number of OSCE institutions including the ODIHR, the missions and other field activi-

ties, the High Commissioner on National Minorities, the Representative on Freedom of the Media and the Co-ordinator of Economic and Environmental Activities, whose work is to be synchronized by a Chairmanship that rotates annually and a relatively weak Secretariat under the direction of the Secretary General. To clarify this with a few figures: in early 1999 the 5,459 people (including local workers) engaged in local, on-the-scene activities of the OSCE were matched by a Secretariat with a staff of just 230. Under these circumstances, anyone who favours stronger co-ordination of OSCE regional activities - and this affects not only South-eastern Europe but also the Central Asian and Caucasian areas - can hardly deny that the Secretariat needs to be better equipped, not only materially but also in terms of its organizational and political capabilities. This calls for a consensus of all participating States, including those that have in the past taken a sceptical view of strengthening the Secretariat and the Secretary General. But if the common goal of effective crisis prevention and post conflict rehabilitation is not to be put at risk, steps to strengthen the OSCE, both organizationally and politically, are indispensable.

The OSCE Requires the Initiative of Its Participating States

An organization with relatively weak structures and resources like the OSCE is particularly dependent on contributions from its participating States. This is true regarding the provision of qualified personnel and voluntary financial contributions as well as the level of political commitment and initiative that a country is prepared to invest in the organization. The two governing parties in Germany, in their coalition agreement of October 1998, emphasized repeatedly their determination to do more for conflict prevention generally and for the OSCE in particular. The facts show that the government has kept its word, even under the strict pressure to economize no government department can escape. Since 1 July 1999 the German Foreign Office has had a co-ordinator for the training of personnel for OSCE and UN civil peace missions. A pilot course, especially geared to the requirements for future members of the Kosovo Mission, was held in July 1999. In the year 2000 a 14-day course of this kind is to be held once a month for 20 participants. In the long term, this training concept, to whose development research institutes and non-governmental organizations have contributed, is to be given more varied content and opened up internationally. The objective is to build up a reserve pool of qualified personnel that can be drawn on in future preventive missions.

A prevention policy is not limited to training, as important as this aspect is. What is important for the longer term is to reshape the political decision-making process in such a way that early-warning signals are fed in at a very high level in the hierarchy. This requires specific steps to prepare for future

prevention missions, but these will only reach their full potential when we have achieved a higher level of awareness of the advantages of civil prevention over military crisis management. To create this awareness - and also in order to make specific and differentiated information available - we need research of a practical kind on prevention issues and on the activities of the OSCE. For that reason the German government welcomes the initiative to set up an OSCE research centre in Hamburg. It will help promote the kind of efforts under discussion here.

In Today's Europe War Is not Inevitable Destiny

War is a spectacular event, one which in a perverse sense is "made for the media". Crisis prevention is not in the same category. War and civil war exemplify a reactive pattern of engaging in conflict which has been practised for millennia and is still regarded as the *ultima ratio*. Prevention is something new which is based on a new set of values and calls for foresight and pro-active behaviour. This is more difficult than just reacting. Nevertheless, ten years of experience with a series of bloody conflicts following the end of East-West confrontation ought to be enough to enable us to take this hurdle. After all, no one denies the truism that prevention not only saves much human suffering but is quite simply cheaper and therefore represents a good investment from a purely economic standpoint. Moreover, it is well known where the potential sources of crisis in Europe lie. What we need to do - and this is the most important lesson from the Kosovo conflict - is to manage the leap from knowledge to preventive action.

After the Bombing: The OSCE in the Aftermath of the Kosovo Crisis

The impact of the recent crisis in Kosovo has been the equivalent of a powerful earthquake in the heart of South-eastern Europe. Both the NATO air campaign and the Yugoslav military offensive against the Kosovar Albanians have resulted in a profound upheaval in the region's political and social landscape, and the shock-waves will continue to reverberate across the region for some time to come. Picking up the pieces once the earth stops shaking will require many years, and a co-ordinated, consistent, and sustained international effort. Even before the dust settles, therefore, it is imperative that we begin to think about the process of reconstructing the social and political infrastructure, not only of Kosovo, but of the entire region of which Kosovo is an integral part. The aim of the international community should be not simply to rebuild Kosovo, although this must of course be a priority, but to stabilize all of South-eastern Europe. In this paper, I want to address the question of the OSCE's role in this process, and suggest that it is in fact time for the OSCE to take on a stronger regional role in this deeply troubled corner of Europe.

In thinking through the international response to post-conflict Kosovo, and the OSCE's part in this response, it is important to draw from the lessons that have been learned from the international community's experience in Bosnia and Herzegovina over the past several years. While the conflicts in Bosnia and in Kosovo are clearly very different, there is much to be learned from the Bosnian experience, not only in terms of how we approach Kosovo but in terms of how we approach the region as a whole.

The Need for Regional Thinking

First, one of the most important lessons that we have learned in Bosnia and Herzegovina is the need for a region-wide approach to the challenges of building peace and stability. All parts of South-eastern Europe are intimately and irrevocably connected by history, by politics, by culture, and by geography, and there is no escaping the fact that events in one part of the region inevitably have impacts in other parts. Over the past several years, we have learned that Bosnia and Herzegovina cannot be insulated from the impact of political events beyond its borders, and that events in neighbouring states often have as great an impact on the peace process as events within Bosnia and

Herzegovina itself. Bosnia and Herzegovina has been, in many ways, a victim of its neighbours, and this is certainly no less true in the case of Kosovo. In South-eastern Europe, perhaps more than in any other region of the globe, it is a fact that peace and stability in one state depend on peace and stability in all states. This applies to issues such as the mobilization and co-ordination of the international reconstruction effort, since it makes no sense to focus all of our resources on one part of the region only to see conflict re-emerge in some neglected corner. It also applies to the challenge of reversing the trend towards further ethnic division in the region; from the return of refugees and displaced persons, to the challenge of fostering inter-ethnic reconciliation and tolerance, to the protection of minority rights, this is a task that requires simultaneous, co-ordinated and ongoing efforts on many fronts. In short, in the aftermath of the Kosovo crisis, the task of political stabilization, economic reconstruction, refugee resettlement and institution-building will be huge, and we cannot hope to overcome these challenges unless we approach them with a regional perspective.

We must, therefore, begin to think not in terms of self-contained missions to individual states, but in terms of a co-ordinated approach to the myriad of inter-connected and over-lapping problems in the region as a whole. It is this thinking that underlies the European Union's recent initiative on a Stability Pact for South Eastern Europe. The explicit aims of the Stability Pact, signed in Cologne in June 1999, are to reduce tension, promote democracy and respect for human rights, foster peaceful relations and create vibrant market economies across South-eastern Europe through a comprehensive and coherent approach to the region. While most of the major international organizations active in Europe will participate in the implementation of the pact, the OSCE will take on a leading role, and the Stability Pact is likely to become a key element of the OSCE's mandate.

Co-ordinating Command and Control

Another important lesson to be drawn from the Dayton implementation process in Bosnia and Herzegovina is the need for the international community to speak with a single voice on implementation questions. As the peace implementation process in Kosovo begins to unfold, and as we look towards a more comprehensive approach to the entire Balkan region, foremost in our minds must be the establishment of a clear chain of command and an integrated decision-making structure. The international community must not allow itself to speak in a cacophony of conflicting or even competing voices. Rather, the international community's efforts, from the work of individual

agencies in the field to the highest levels of political leadership, must be guided by a single vision and clear lines of authority.

The existence of a single, co-ordinated chain of command, with responsibility for managing international reconstruction efforts not only in Bosnia and Herzegovina and in Kosovo but across South-eastern Europe, would also enable us to more effectively carry out long-term planning. Experience in Bosnia and Herzegovina has taught us that rebuilding post-conflict societies is a matter not of months, but of years, and that a pre-occupation with exit strategies and short-term mandates undermines rather than contributes to the peace and reconstruction process. Until recently in Bosnia and Herzegovina, for example, looming deadlines for the withdrawal or reduction of the international presence have encouraged nationalist hard-liners to attempt to "wait out" the international community, in the hopes that once Bosnia and Herzegovina ceased to be the focus of international attention they could continue to pursue their various nationalist agendas. Only now, with the recognition that the international presence in Bosnia and Herzegovina will remain until a self-sustaining peace is established, are nationalist extremists beginning to understand that the full implementation of the Dayton Peace Accords is the only way forward.

The OSCE Role in South-Eastern Europe

Of all the international organizations currently active in South-eastern Europe, the OSCE is in many ways uniquely qualified to take on a greater role in co-ordinating international peace and reconstruction efforts throughout the region. The OSCE has a field presence and considerable institutional experience in all countries of the region, and our field personnel will be a vital asset as we look towards taking on a more prominent institution-building role under the Stability Pact. Similarly, since its inception the OSCE's *raison d'être* has been European peace and security, and with 55 participating States, the OSCE's membership includes all of the main players in the region - the United States, Canada, the European Union, the Russian Federation, and the states of Central and Eastern Europe. The latter states are particularly important, since they not only surround the Balkans, but they can also draw from their own recent experiences to help their neighbours make the difficult transition to democracy and market economies.

Now that the bombs have stopped falling in Yugoslavia, the shape of the international presence in Kosovo is beginning to come into focus. While the United Nations will have overall responsibility for overseeing the peace implementation process, the OSCE will have a major role to play in this effort, particularly in the area of institution-building. The creation of viable institu-

tions of governance will be essential to the broader task of restoring stability to Kosovo, and the challenges in Kosovo are in many ways even more daunting than those we have faced over the past several years in Bosnia and Herzegovina.

As the OSCE takes up its new responsibilities - both within Kosovo and regionally within the context of the Stability Pact - its own capacity for effective regional action will need to be reinforced. The OSCE is already well-placed, thanks to its considerable field presence, to identify and promote initiatives for regional co-operation and to assist the Stability Pact Co-ordinator in implementing programmes emerging from the Stability Pact process. The OSCE's regional capabilities need to be developed further, however, by strengthening the ties among its five field missions and among the more than 3,000 national and international personnel involved in these missions. Linkages between the field missions and the OSCE's central institutions - with their special focus on military security, human rights and institution-building, media, economics and national minorities - will similarly need to be reinforced. At the same time, the OSCE Chairman-in-Office needs a regional representative for South-eastern Europe who can act both as a focal point for Stability Pact issues and as a liaison with the Stability Pact Co-ordinator.

In the lead-up to the OSCE's Istanbul Summit in November 1999, the current Chairman-in-Office, Norwegian Foreign Minister Knut Vollebæk, has asked me to develop further the regional dimension of the OSCE's work. Among my responsibilities as the Chairman-in-Office's special envoy for South-eastern Europe will be to conduct a study on the OSCE's future role in the region as the Stability Pact process unfolds. It is my hope that this study will help map out the ways in which the OSCE can better co-ordinate its engagement in the region and most effectively contribute to the implementation of the Stability Pact.

Institution-Building

With the benefit of hindsight, it is possible to conclude that in the early days of the international community's involvement in post-Dayton Bosnia and Herzegovina, there was an over-emphasis on organizing elections at the expense of a deliberate and sustained institution-building strategy. At the time, the OSCE and the broader international community were bound by the Dayton timeline, which stipulated that elections were to be held no later than nine months following the signing of the Peace Agreement. While the elections did take place on schedule, and were as free and fair as possible under the circumstances, there were considerable costs involved in holding elections so soon after the end of hostilities. Most significantly, by the time elections

were held in September 1996, the process of return of refugees and displaced persons was just beginning, freedom of movement was still highly limited, and opposition political parties had only just begun to organize themselves. More generally, the institutional framework which is often taken for granted in Western democracies was largely lacking in Bosnia and Herzegovina at the time of the 1996 elections. Under these circumstances, the expectation that elections would allow for the early withdrawal of the international presence in Bosnia and Herzegovina, and for the full transfer of political authority to the country's newly-elected politicians, proved to be overly optimistic. As the international community embarks upon another post-conflict peace-building mission in the Balkans, this time in Kosovo, the recent experience of Bosnia and Herzegovina must be kept in mind. Kosovo will be much more clearly an international protectorate, something that Bosnia and Herzegovina has never been, and this will enable the United Nations to create viable institutions in advance of elections. Within Kosovo, this includes fostering free and independent media, supporting the emergence of strong and vibrant political parties, insisting on the rule of law and helping to create an effective and impartial judiciary, creating a professional and politically-neutral civil service, and nurturing elements of an re-emergent civil society.

On a broader regional level, while Kosovo's status as an international protectorate will provide time to sort out the territory's ultimate political status, and the mechanisms by which this status will be determined, work must begin immediately to think through Kosovo's future relations with the other political entities within the region. This will be a complex and delicate task, and one that will require careful planning and artful navigation. This is an area in which the OSCE can take a leading role, within the framework of the Stability Pact. It would involve not only helping to design the political architecture linking South-eastern Europe, but also making it clear to all relevant authorities that only through greater regional co-operation can the states of the region hope to eventually become integrated into broader European political and economic structures.

Economic Development

As part of its ongoing commitment to a comprehensive understanding of security, the OSCE has long understood the crucial relationship between economics, on the one hand, and peace and stability on the other. Generating sustained economic growth, reconstructing basic economic infrastructures, and re-establishing trade and commercial relationships are vital elements in any peace-building strategy. When efforts in these areas lag behind efforts in others, tensions among or within states can easily re-emerge.

In South-eastern Europe, the economic challenge is a dual one. Not only does the international community face the substantial task of helping war-torn states such as Bosnia and Herzegovina resurrect economies devastated by war, but it faces the further challenge of helping these states make the difficult transition to market economies. With the recent crisis in Kosovo, this dual challenge has been complicated even further by the widespread destruction and dislocation both in Kosovo and within the Federal Republic of Yugoslavia more generally.

Obviously, the economic dimension of post-conflict reconstruction cannot be isolated from the political dimension. This can be seen most clearly in the case of the international community's refusal to provide economic reconstruction assistance to Serbia while an indicted war criminal remains in power. It can also be seen in the case of the eastern Bosnian town of Srebrenica, where international reconstruction funds, long blocked by the intransigence of local political authorities, have now been released with the implementation of the results of the 1997 municipal elections in Srebrenica municipality. While it is clear that economics cannot be divorced from politics, and economic leverage can often be used effectively to achieve political objectives, the long-range goal must be to establish a viable economic framework on which the future prosperity of the entire region can be built.

As in other dimensions, the international community's role in rehabilitating the economies in South-eastern Europe must be both long-term and region-wide. While vital in the early stages of international intervention, humanitarian aid and funding for re-construction must be accompanied by a longer-term strategy for investment and economic development, aimed at the establishment of viable and self-sustaining market economies. In Bosnia and Herzegovina, for example, as the Peace Implementation Council noted at its Madrid meetings in December 1998, it is now time for local political authorities to focus on making the country less reliant on foreign aid and more capable of managing the economy in ways that generate jobs and a better standard of living for all citizens. The representatives of the international community also have a responsibility in this regard, especially to ensure that humanitarian aid and reconstruction money does not create relationships of dependency, but rather gradually restores to societies the power to manage their own affairs without the need of international assistance. This must also be accompanied by a recognition that such a transformation will not happen overnight, but will require sustained and co-ordinated support by international organizations and donor agencies.

At the same time, building viable and prosperity-generating market economies also means overcoming obstacles to transnational trade and investment across South-eastern Europe. Where politics has erected barriers to commerce, we must work towards dismantling these barriers, guided by an un-

derstanding of South-eastern Europe as a single economic zone. Indeed, economic growth across the region depends on the re-establishment of economic linkages both within states and across states, with an eye towards the eventual incorporation of the entire region into the broader economic structures of the European Union.

Restoring economic relationships can also serve the process of reconciliation, as the creation of mutually-beneficial linkages, between individuals as much as between states, can help reduce the fear, hostility and mistrust that have been built up over the last decade of conflict.

In contemplating a region-wide perspective on economic re-construction and development, it is clear that the Federal Republic of Yugoslavia is central to the success of such a project. The re-establishment of economic normalcy and the achievement of sustained economic growth will remain out of reach as long as Yugoslavia remains an international outcast. Much, therefore, depends on the prospects for political reform and regime change within Yugoslavia itself in the aftermath of the Kosovo crisis. If Yugoslavs can reject the politics of nationalist exclusivism and take concrete steps towards democratic transition and consolidation, then the prospects for economic progress, not only in Yugoslavia but in the entire region, will be vastly improved.

The Military Dimension

While the crisis in Kosovo has complicated the task of restoring peace and stability to South-eastern Europe, it will also create a number of opportunities for re-structuring relations across the region. This is particularly true in the area of military stabilization. Annex 1-B of the Dayton Peace Accords provides a framework for re-establishing military stability not only in the successor states of the former Yugoslavia, but in the broader Balkan region. The Annex established verifiable limits on weapons holdings by military forces not only in Bosnia and Herzegovina but also in Croatia and the Federal Republic of Yugoslavia. It also put into place a set of regional confidence- and security-building measures aimed at reducing tensions and establishing trust between military forces in the region, and it envisaged a future regional arms control agreement aimed at creating a military balance in and around the former Yugoslavia. Three and a half years after Dayton, this process, largely conducted under the auspices of the OSCE Mission to Bosnia and Herzegovina's Department of Regional Stabilization, has achieved considerable success. Predictably, however, the Kosovo crisis and the NATO airstrikes against Yugoslavia temporarily halted progress towards military stabilization in the region.

Now that the airstrikes have ended, and the Yugoslav military capacity has been reduced, we will be presented with new opportunities to create a stable military balance, reduce the overall level of armaments, and enhance military security in the region. The substantial NATO presence in Kosovo, which is likely to remain in place for a number of years, will provide a significant force for stability that will facilitate progress towards these ends. Achieving these goals will involve the exceedingly delicate task of attempting to manage and control the Yugoslav armed forces in what may prove to be a period of considerably political instability within Yugoslavia. It will also involve bringing the Kosovo Liberation Army (KLA) under control and ensuring its disarmament under the terms of the Kosovo peace agreement. Beyond the territory of the Federal Republic of Yugoslavia, however, this task should also involve bringing all states of the region together to hammer out an agreement on regional arms control. This last project, envisioned under Article V of Annex 1-B of the Dayton Peace Accords, should involve every state in South-eastern Europe, and it should aim at the creation of a stable military balance through arms control and confidence-building measures.

Over and above the provisions of the Dayton Accords, however, the shake-up in the regional military balance in the aftermath of the Kosovo crisis will provide significant opportunities to reduce levels of armaments on a region-wide basis. We should take full advantage of these opportunities to establish new limits on arms acquisitions, and should ensure, for example, that any future economic reconstruction aid that goes to the Federal Republic of Yugoslavia is not diverted into re-building the Yugoslav Army. Steps should also be taken to tie economic aid more closely with transparency in military budgets and caps on military spending, following up on the important progress made in this direction at the Madrid meetings of the Peace Implementation Council. Similar measures could also be taken towards eliminating special police units and paramilitary formations across the region.

At a more general level, the international community must also think through the ways in which the altered political landscape across the region can lend itself to new efforts to implement confidence- and security-building measures. Ultimately, the goal should be to establish the conditions in which military force can be eliminated as a means of resolving conflicts in the region. In the medium term, however, progress towards this goal can be made in the form of initiatives which contribute to reducing or eliminating large-scale mobilization by all militaries in the region. Again, the recently-signed Stability Pact, and in particular the "working table" on security issues envisioned under the pact, can play a key role in both reducing military tensions and furthering the cause of military disarmament throughout South-eastern Europe.

Conclusion

With the immediate crisis in Kosovo now behind us, the international community faces the long and arduous tasks of ensuring that all refugees and displaced persons are allowed to go home, of reconstructing the political, economic and social infrastructure of the battered province, and of laying the foundations for a peaceful Kosovo within the broader context of a stable South-eastern Europe. In approaching the task of re-building Kosovo, our ultimate goal must be to ensure that the recent Kosovo crisis is remembered as a turning point in the region's history, one that marks the end of an era of instability and insecurity and the beginning of an era of peace, security, and economic development. This is an ambitious goal, but its achievement is not beyond our reach. It will, however, require time and a commitment by the international community to take a co-ordinated and region-wide approach to the challenges of building peace and stability in this part of the world.

Within the framework of the recently-signed Stability Pact for South Eastern Europe, the OSCE will continue to play a key role in the region, and is well-positioned to take a leading role in restoring security and stability to this troubled corner of Europe. In approaching this task, the OSCE should build on its experience and on the expertise it has developed through its field missions throughout the region. It should also re-commit itself to working in close collaboration with other international organizations, in the understanding that only through a co-ordinated international approach can we hope to achieve our common objectives. The aftermath of the current upheaval in Kosovo will provide many opportunities to anchor the region in a more solid and stable foundation; we must ensure that these opportunities are not missed.

The OSCE Identity Crisis

Merriam-Webster's Collegiate Dictionary (Tenth Edition) defines identity crisis as "a state of confusion in an institution or organization regarding its nature or direction". Applied to an individual person, that would mean "personal psychological conflict, especially in adolescence, that involves confusion about one's social role and often a sense of loss of continuity to one's personality". That feature - a loss of continuity to one's personality - is a significant indication that can be projected onto an institution like the OSCE.

In more general terms, crisis means "an unstable or crucial time or state of affairs in which a decisive change is impending", especially: "one with the distinct possibility of a highly undesirable outcome (a financial crisis)".

Finally, there is one more interesting definition, that of a midlife crisis: "a period of emotional turmoil in middle age characterized especially by a strong desire for change".

Reading dictionaries is a useful activity. It sometimes throws a special light on the meaning of words and phrases that are used instinctively, enriching our understanding of ideas and phenomena which appear superficially not to merit study.

All of this applies to the OSCE. The notion of an OSCE crisis surfaced a while ago and became a tacit companion to all the rhetorical praising of its "key role" and "central importance" in European politics (*éloge funèbre*?). There is nothing new or extraordinary in such an approach. It may even be the standard in international relations. But the references to the crisis of the OSCE were the product of frustration on the part of certain nations or political groups more than the result of a conscious, sincere and meticulous analysis.

In general, the OSCE, this all-European process, is something very emotional and irrational that cannot be confined to the realm of reason. Nevertheless, that is what this paper attempts to do. We endeavour to reflect on the reality of an OSCE crisis and to support the conclusion that its identity crisis is natural to this political adolescent and to the specific stage of its evolution. A newly borne eagle had darted off the Helsinki cliff from on high, but has been unable to unfurl its wings. And so we observe a free yet exciting fall, with all the colourful visions of an illusive reality that will be hammered into a bitter or glorious future, depending on the diligence and combined effort of 55 stepfathers. They, however, do not seem to agree on whether they even want to let the eagle stretch its wings, much less on how to achieve that happy end. And some of them have visions not of an eagle, but of a locust determined to infest their cornfields. So much for their solidarity in providing assistance.

Clearly, we see the current development of the OSCE as a critical juncture that reveals the inability of the OSCE to live in faith with its principles as embodied in the Final Act of the CSCE, to realize its publicly announced political goals, to achieve the internal growth implied by its verbal transformation into an organization.

We could call all this a crisis. What is more, it is apparently a new vision of the European environment, the role and methods of OSCE involvement, that seems to be replacing the Organization's traditional values and norms. Something in between a midlife crisis and the dismay of an adolescent in his first painful contacts with the brutal reality of outside life, which breaks down his home-made ideals. The OSCE has to rethink its place within the structure of Europe, for it is obvious that solemn declarations about its significance and indispensability cannot conceal its inadequacy. The OSCE is in search of a commonly agreed-upon and sustained role in ensuring European security. It has to rethink its past slogans, acknowledge the dire reality and seek new and realistic assignments. The OSCE has betrayed its past, is at a loss in the present and cherishes mainly lunatic visions of the future. We can call that kind of lost personality an identity crisis.

It should be understood that we do not want to be too attentive to national attitudes and assessments. The fact that some important states may wish to perpetuate the current shape of the OSCE, being fatally satisfied with its record, does not mean that this organization is healthy vis-à-vis the formal requirements deriving from its official mandate. The latter shall be our source of guidance: we will try to look at the activities of the OSCE like the realization of its statutory principles and formally agreed-upon goals and tasks, and we will aim at judging the OSCE accordingly, including the prospects of overcoming its current identity crisis.

Broken Promises, Shattered Principles

The European process was born as a crystallization of détente and an augury of an unrealistically bright future of coexistence in a non-violent and mutually respectful environment, of forces that were repeatedly on the brink of war, but revealed themselves as civilized and intelligent enough opponents not to cross the Rubicon. An obvious need was felt in the early 1970s to adapt the principles of peaceful neighbourliness embodied in the Charter of the United Nations and open an avenue for peaceful settlement of disputes and problems outside the traditional political framework of bloc-to-bloc antagonism to the European environment of that time. The hope, later fully substantiated, was to achieve a status quo in the politico-military situation and legislate a new European order by means of uncontroversial, consensual norms applied equally throughout Europe.

That spirit dictated the 1973 Final Recommendations of the Helsinki Consultations, the first tangible input into pan-European security, and also the 1975 Final Act of the CSCE.

Thus, the CSCE was created as a political, mostly informal forum for considering acute problems and searching for consensual solutions outside the limitations of organized politics. Its strength lay in reliance on principles and activities that would seek to include everybody. The moral strength of CSCE decisions would be great because of its consensual character through which the genuine interests of every state were to be taken into account. Hence, decisions of the CSCE were elevated to the highest rank and outperformed numerous legal instruments. Europe as one, undivided whole - that was the message of the Helsinki creed.

None of that is valid today. Or, at least, priorities have changed, the meaning of notions has evolved, past understandings have been reinterpreted.

This applies in the first instance to the OSCE principles that were the reincarnation of the conscience of modern civilization. It was hammered out by the scourge of war, inhuman behaviour of human beings, and found expression in well-known provisions of the Charter of the United Nations. The fact that in the 1975 Final Act the CSCE succeeded in ensuring a return to those principles as the only sound foundation for the peaceful coexistence of nations, was and remains the greatest single achievement of the European process.

However, the end of the Cold War, the expansion of NATO, and the self-elevation of the United States to a position above-the-law in world politics inflicted an almost fatal blow to the Helsinki principles.

Equal and Sovereign

The Helsinki Decalogue is often referred to, but not every principle comes immediately to mind. Some of them have won favour, while others seem to have almost vanished. In a more succinct way those principles were set forth and thus determined in the Final Recommendations. There we read:

"(17) (a) The Committee/Sub-Committee is charged with the task of considering and stating in conformity with the purposes and principles of the United Nations those basic principles which each participating State is to respect and apply in its relations with all other participating States, irrespective of their political, economic or social systems, in order to ensure the peace and security of all participating States.

(18) The principles to be stated shall be included in a document of appropriate form to be submitted by the Committee for adoption by the Conference. It shall express the determination of the participating States to respect and apply the principles equally and unreservedly in all as-

pects to their mutual relations and co-operation, in order to ensure to all participating States the benefits resulting from the application of these principles by all.

(19) The reaffirmation, with such clarifications and additions as may be deemed desirable, and the precise statement, in conformity with the purposes and principles of the United Nations, of the following principles of primary significance guiding the mutual relations of the participating States, are deemed to be of particular importance:

- sovereign equality, respect for the rights inherent in sovereignty;
- refraining from the threat or use of force;
- inviolability of frontiers;
- territorial integrity of States;
- peaceful settlement of disputes;
- non-intervention in internal affairs;
- respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief;
- equal rights and self-determination of peoples;
- co-operation among States;
- fulfilment in good faith of obligations under international law."¹

The fate of the first Helsinki principle, the essence of the CSCE creed, "sovereign equality, respect for the rights inherent in sovereignty", is of particular interest. That was the foundation of the foundations of the CSCE. On that basis it was fully logical to establish the rule of consensus and declare "the right of every State to juridical equality, to territorial integrity and to freedom and political independence".² All States committed themselves to "respect each other's right to define and conduct as it wishes its relations with other States in accordance with international law and in the spirit of the present Declaration". In that light the Final Recommendations (in Rules of procedure) established that "(a)ll States participating in the Conference shall do so as sovereign and independent States and in conditions of full equality. The Conference shall take place outside military alliances."³

It is obvious that states are unequal in many physical, economic, military and other respects. What counts, however, is their juridical equality which constitutes the essence of modern international law and the basis of multilateral politics, especially international conferences and organizations. Today, OSCE practices are the negation of many of those aspects.

1 Final Recommendations of the Helsinki Consultations, Helsinki, 8 June 1973, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 121-140, here: pp. 123-124.

2 Final Act of Helsinki. Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Bloed (Ed.), cited above (Note 1), pp. 141-217, here: p. 143.

3 Final Recommendations of the Helsinki Consultations, cited above (Note 1), p. 133.

Gone are the days when the CSCE was able to bridge extremes in European politics, not least thanks to a significant contribution by the group of neutral and non-aligned states. That latter group has *de facto* ceased to exist. On the Eastern pole we find for the most part only Russia as a distinct counterpart to the consolidated West. NATO solidarity has emerged as a real factor and almost a foundation for the activities of the OSCE. The NATO war against Yugoslavia was especially revealing. 19 nations acted as one. NATO solidarity prevailed over the specific interests of the European Union or of its individual member states. The replies to Russian interpellations in accordance with valid OSCE mechanisms were written on the same typewriter, no one being allowed a free hand. The discipline among the 19 nations was so powerful that it was not even interesting to discuss basic problems of war within the OSCE, because representatives of NATO states did not have the freedom to discuss these issues and thus robbed the OSCE of its political role with respect to that war.

That means that in the OSCE the rule on military alliances has been forgotten. What is worse, Kosovo Verification Mission precedent, established in 1998-1999, linked the OSCE to NATO in such a way that in practice it was subordinated in certain military aspects to the political processes of the alliance (military reporting, intelligence data). Obviously, the OSCE Mission served as a cloak or cover for certain activities of NATO states that were part of the preparations for war.

As a consequence, NATO membership has become an influential factor for this or that state's pattern of participation in the OSCE. Moreover, security issues in the OSCE are being considered in the light of states' participation in military alliances in a way that makes the concept of equal security illusory. It is useful to recall that in the 1990 Charter of Paris for a New Europe, considered to be the second most important OSCE document, Heads of State or Government proclaimed: "Ours is a time for fulfilling the hopes and expectations our peoples have cherished for decades: steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all our countries."⁴ Yes, it was mentioned: equal security. And that was agreeable to the NATO states in 1990. But not today. The whole negotiation process on the Charter on European Security was marked by their unparalleled insistence (with Germany in the lead) to barring any reference to equal security. Clearly, NATO states no longer hide their determination to look at European security as being shaped by higher security standards within NATO, augmented by specific ties established by the Alliance with the outside world. Hence, the refusal to treat the OSCE participating States equally or to put them on equal footing, which would be tantamount to addressing security

4 Charter of Paris for a New Europe, Paris, 21 November 1990, in: Bloed (Ed.), cited above (Note 1), pp. 537-566, here: p. 537.

problems across the OSCE area directly rather than after their discussion within a military alliance.

Another aspect that can be taken into account when studying deviations from sovereign equality in the OSCE, is, naturally, its decision-making processes. The fact that all important decisions pertinent to the OSCE are reached outside its official framework has become so evident, that recently many have started to describe the OSCE as a "service organization". Here again, the end of bloc-to-bloc confrontation led to a situation in which small countries have become more and more marginalized. A vivid example is the functioning of the Contact Group for former Yugoslavia, whose decisions were always approved. The same is true for the G-8 and its decision on ending the war in Yugoslavia. We do not criticize this kind of politics. It may be a very valid reflection of the current world order. We just take note of it as a new feature today and as a state of affairs that may prevail in the future. And we note that this order, however efficient it may be, is formally inconsistent with basic imperatives of the OSCE, which may well have become obsolete.

What is less obvious, but even more serious, is the excessive freedom of action of the Chairman-in-Office. That institution was created by the Charter of Paris where (rectifying the Final Recommendations) it is stated that "the Chair throughout each meeting of the Council will be taken by the representative of the host country".⁵ As an institution, the Chairman-in-Office was formally established by the Helsinki Document 1992, in which one can find a description of very limited powers and functions that amount to co-ordination of current activities of OSCE institutions:

"(12) The Chairman-in-Office will be responsible on behalf of the Council/CSO for the co-ordination of and consultation on current CSCE business.

(13) The Chairman-in-Office will be requested to communicate Council and CSO decisions to the CSCE institutions and to give them such advice regarding those decisions as may be required.

(14) In carrying out entrusted tasks, the Chairman-in-Office may be assisted, *inter alia*, by:

- the preceding and succeeding Chairmen, operating together as a Troika;
- *ad hoc* steering groups;
- personal representatives, if necessary."⁶

However, the Chairman-in-Office has grown in strength and by virtue of his autonomy has become almost an independent political body with an imprecise but very important role. Not only does he co-ordinate the work of the

5 Ibid., p. 551.

6 CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Bloed (Ed.), cited above (Note 1), pp. 701-777, here: p. 712.

OSCE, but is able to make statements on the position of the OSCE without regard for the positions of individual states, and also to make practical decisions of primary significance. All of this reflects OSCE practices ("flexibility") and is not based on the Organization's statutory provisions. The most striking recent example was his decision in March 1999 to withdraw the Kosovo Verification Mission from (obviously) Kosovo, a decision he took on his own, thus practically opening the way for NATO bombardment of Yugoslavia.

It is interesting to read how that decision was justified:

"The decision has been made in the light of the unsuccessful negotiations in Paris and following extensive consultations with the foreign ministers of the Contact Group and the other members of the OSCE troika: Austria and Poland.

The OSCE Chairman-in-Office says that the situation for the unarmed OSCE verifiers has gradually deteriorated. Conditions have made it increasingly difficult for the Mission to carry out its tasks, and it is at present not justifiable to keep the personnel in Kosovo.

Vollebaek emphasizes the responsibility of the Yugoslav authorities for the safety of the OSCE personnel and calls on the parties to show restraint and refrain from any action that can put the personnel at risk. 'The OSCE Mission has made an important contribution to stability in Kosovo under very difficult conditions. But as OSCE Chairman-in-Office, responsible for the safety of approximately 1400 verifiers from many different countries in Kosovo, I have no other choice in the present situation than to withdraw the OSCE personnel', says Foreign Minister Vollebaek.

The Norwegian Foreign Minister deplored the negative outcome of the Paris negotiations. 'The Yugoslav authorities have taken on a heavy responsibility in refusing to sign the peace agreement', says Vollebaek. 'This may lead to a further escalation of the conflict, with much human suffering as a result.'⁷

The reference to consultations within the Contact Group is somewhat misleading, since the ministers there were consulting on the Paris negotiations. This means that the decision was formally taken on the individual responsibility of the Chairman-in-Office. However, the refrain in which he joined ("I have no other choice in the present situation ...") is too similar to statements of political leaders of NATO states justifying the attack against Yugoslavia to be a mere coincidence. Subsequent statements made by the Chairman-in-Office on Kosovo continued to reflect mainly the views of NATO countries without taking into account the position of the Russian Federation. Thus, on 1 April 1999 the Chairman-in-Office placed the entire blame for the war on

7 OSCE Press Release 24/99, 19 March 1999.

Yugoslavia, paying no attention, in particular, to Russian charges that NATO had violated OSCE principles. Naturally, the fact that the country of the Chairman-in-Office was a member of NATO and a participant in the war greatly reduced the independence of the office and its ability to speak on behalf of the whole of the OSCE. That is why on 28 April, returning to the OSCE after the NATO summit in Washington, the Chairman-in-Office persevered in his politically motivated public statements: "I reiterate what I said here last month: the responsibility for the disastrous humanitarian situation lies with the Yugoslav authorities, and is a result of their excessive use of force. President Milošević knows the conditions he must meet in order for the international community to ease its pressure. Only if these key demands are accepted in full, can we begin the process of finding a political solution to the conflict that takes account of the legitimate concerns of all parties."⁸ One can hardly see the difference between this statement and numerous statements made on behalf of NATO. For that reason, Russian public opinion began to ask questions about the real nature of the OSCE, as reflected in "Izvestia", a leading Russian newspaper: "The OSCE is an unwieldy organization, which lately seems to have forgotten that it consists of over 50 States, and not only the 19 who are members of NATO."⁹ It is therefore understandable that the statement of the Chairman-in-Office, while applauded by Western states, was dismissed by Russia, which stressed as the priority task "to stop and eliminate the consequences of NATO aggression", which had "shattered the very basic foundations of the global world order, put into question the survival of Helsinki principles, that seemed to become a sort of collective conscience of countries of our continent". The Chairman-in-Office was directly reproached for not taking account of Russian proposals "on operational strengthening of the OSCE".¹⁰

This extensive presentation was needed to illustrate that also in the decision-making process and in the functioning of its institutions the OSCE is moving away from the basics of the sovereign equality of states. The fact that even such an important state as the Russian Federation can feel itself diminished by certain OSCE practices, is a convincing demonstration of the present state of the OSCE, which is not in conformity with the spirit of its official creed. Again, we need to stress that we forego assessing the real situation which prevails in European affairs today, but limit ourselves to measuring the gap between officially proclaimed principles and the way they are practised in this organization, which moves us to conclude that such a disparity is evidence of an internal OSCE crisis.

One last blow to sovereign equality has been delivered by the field activities of the OSCE. Said to be the core function of the OSCE, its real strength, the

8 Statement by Foreign Minister Knut Vollebæk, OSCE Chairman-in-Office, Vienna, 28 April 1999, OSCE document CIO.GAL/45/99.

9 Izvestia, 20 April 1999 (translation by A.M.)

10 OSCE document PC.DEL.212/99, 28 April 1999.

field activities have tended to become more and more autonomous and independent of control by the collective bodies of the OSCE and even its Secretariat. Indeed, missions that are several hundred strong (in Kosovo, Bosnia and Croatia) can hardly be supervised by a handful of Secretariat members as talented, hard working and efficient as the latter may be. Nor can the limited staff of the Chairman-in-Office do this job. In such a situation missions tend to become fully autonomous, which makes them dependent on the administrative staff of each mission. And the reality shows that a very limited circle of states dominate both the overall composition of missions and their leadership positions, while others are technically ruled out, not least on financial grounds, from such responsibilities. This is one thing that has led some people to describe the OSCE as a service organization for the benefit of certain influential groups. But what counts for us, is the way in which such a practice confirms an excessively hierarchical relationship among participating States, which is to the detriment of the principle of sovereign equality.

The participating States were equal and sovereign, *de jure*, when they initiated the pan-European process and sought unreserved and equal application of the Helsinki principles. Today, the reality seems to be different. Those principles are not welcome everywhere and their application can be blocked. Some states consider themselves democratic *ipso facto* and hence exempt from OSCE control, but at the same time having extended responsibilities towards others. This kind of "Big Brother" practice is becoming institutionalized, even though it does not appear compatible with the spirit of sovereign equality.

A New License to War

We have analysed the basic features of the statics, i.e. normative assumptions in international relations in the OSCE region. So much for sovereign equality. Let us take a look at other components of the OSCE creed.

The most important, undeniably, is "refraining from the threat or use of force". This is the concrete result of the lessons learned by humanity from the suffering and atrocities of the Second World War. It is understood, therefore, that the dynamics of international relations must not allow for the acceptance in any form of the use of force. The whole body of existing positive norms of *jus gentium* is based on outlawing war.

The OSCE has developed an impressive stock of texts, beginning with the 1975 Final Act of the CSCE, that reconfirm this principle and enumerate the various obligations of states for ensuring its application. All the security- and confidence-building measures, from the Final Act to the current project of the Vienna Document 2000, are aimed at reinforcing the non-use of force.

We know well, of course, that force has been repeatedly used by many states in their international relations during the last few decades. However, the

OSCE region and the states situated here are very unique. Considering its evolution, the record of the OSCE is positive, if we begin with 1973 (Final Recommendations that introduced non-use of force as the basis for European relations): after the invasion of Cyprus by Turkey there were no more flagrant violations until the end of the Cold War - not even at the worst period of the crisis in détente in the early 1980s.

The situation began to change in the most fruitful times of a Europe overcoming its schism. At the moment when all avenues of partnership and harmony seemed to be open, something happened with regard to the basic assumptions of European politics. A very good intention to achieve rapid and lasting peace by all means, at whatever cost, prevailed over the limitations of international law and order. The motivation was extremely primitive: we cannot tolerate manifestations of evil, hence it should be combated. The evil was found in Yugoslavia (we do not want to ponder justifications of this finding - it is outside the scope of our current reflections). And suddenly the situation with regard to European values began to turn around drastically. Yesterday's fears and apprehensions of war were consigned to oblivion. War, which international law had ruled out as a possible means of international politics, became admissible again. As if we were in the 19th century, or in the Middle Ages, or in a barbarian state.

The war of 19 nations against Yugoslavia in 1999 was the most flagrant manifestation of a policy which violated the only rational foundation of international relations, i.e. the principle of non-violence. However, it was the culmination of a long-term strategy on the part of the Anglo-Saxon states, especially if one bears in mind that the principle treats the use of force and the threat of force equally. And that war is a portent of similar practices in future.

The OSCE is in no position to challenge such a situation. It was in fact serving, through its Chairman-in-Office, its autonomous institutions and field missions in the Balkans, the efforts of NATO. It does not seem to have answers today, after the end of open hostilities. Certain members declare openly that the recourse to force will continue to be an integral part of their politics. There was a revealing statement by NATO's Supreme Commander in Europe, Wesley Clark, who said: "The Alliance has succeeded in using force as a weapon of diplomacy."¹¹ The confirmation of NATO determination is contained also in the Alliance's Strategic Concept approved in April 1999, which, in particular, refers to NATO's "crisis response operations" that, according to the text, are not linked to any limitations of law or decisions by the United Nations or the OSCE.

Thus the war against Yugoslavia was not only a war between OSCE participating States. It rather augurs a qualitatively different state of relations within the OSCE in which armed force is yet another possible and admissible means of rectifying the behaviour of this or that State.

11 International Herald Tribune, 21 July 1999.

The above analysis also makes clear what has happened to the principle of "inviolability of frontiers". The case of former Yugoslavia, where newly independent administrative territories have been accepted as subjects of international law, i.e. as full-fledged states (including the elevation of administrative limits on the status of state borders without their being fixed in due form under international law) shows the real meaning of this principle.

The same can be said about the "territorial integrity of States". Here again the OSCE only perceives the political practices of certain States, admitting the secession of Bosnia (and thus denying the territorial integrity of Yugoslavia), but refusing to accept the secession of Republika Srpska (or that of Kosovo) and thus reconfirming the territorial integrity of Bosnia (or of Yugoslavia) within its former administrative borders. One is compelled to conclude that this principle is also susceptible to changing political influence.

The unhappiest fate has been that of the "peaceful settlement of disputes". It is here that the CSCE from the very beginning concentrated its intellectual potential and ingenuity, with inputs from really outstanding personalities. It was successful, after long and arduous work. In 1992 the Stockholm Ministerial meeting finalized a system of pacific resolution of disputes which was so elegant and comprehensive that it would be envied by any other regional organization.

It was completed and thereafter forgotten. There has been no recourse to that system. The OSCE Court of Conciliation and Arbitration is just a building and a list of legal and political celebrities. No life seems to exist there.

Instead, the OSCE quickly resolved to develop a parallel system in reality replacing the above-mentioned procedures. Its main feature is "flexibility", its title, "conflict prevention and settlement". Its actors are Personal Representatives of the Chairman-in-Office, various missions and other entities not restricted in their activities by the OSCE's rule of consensus. All indications are that this development will continue in the OSCE, with obvious consequences for the principle. The most recent Anglo-Saxon and German catchword in OSCE discussions is that there is no difference between pacific settlement of disputes between states under international law and conflict settlement activities of the OSCE aimed at informal involvement in intra-state crises. As a result, the whole body of this principle seems to have degenerated or mutated into a form that is, indeed, far from the commonly agreed international standards and, in the process, replaces OSCE mediation by OSCE domination over "transparent" states that have become the object of interest or otherwise the target of activities of certain influential states.

"Non-intervention in internal affairs" is something that is being formally challenged by a number of States (e.g. Germany). Its elimination is considered to be among the greatest *acquis* of the OSCE. A recent statement by the OSCE Chairman-in-Office about the Belarusian President is a blatant exam-

ple of the Organization's involvement in internal politics. Declarations and activities of the USA with a view to ousting the President of Yugoslavia are a practical manifestation of departure from that principle by an OSCE participating State.

"Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief" is undeniably among the OSCE's obvious achievements. The Organization was instrumental in setting pan-European standards on democratic values, especially with regard to the situation in the countries of Central and Eastern Europe, and also in helping to organize and conduct elections. This is the strength of the OSCE. However, it remains to be seen how the OSCE can manage a changing situation in Europe where a growing number of states are being admitted to the Council of Europe with its robust legal mechanism for protection of the rights of individuals (which objectively limits the field of instrumental activities of the OSCE - one could hardly argue that political advice and political agreement are more effective for the individual than open access to legal protection, unless we are speaking about a state where the rule of law is a mere fiction). The other negative trend is a change in attitude by the Anglo-Saxons, which was demonstrated by their use of force during the war in Yugoslavia and which consists in the very frivolous treatment of questions on human rights (e.g. the destruction of information facilities and making journalists legitimate targets). Moreover, the core of the disease is in the Anglo-Saxon double standard (mainly adopted by the European Union), which means the subordination of human rights questions to the political interests of certain states and sub-regions and the exemption of certain other states (i.e. all members of NATO, including Turkey, the United Kingdom with its Northern Ireland situation etc.). The fact that the OSCE, including its Chairman-in-Office and the ODIHR, have no practical possibility to even look at problems in the Western part of the continent does not add to the credibility of the OSCE in the East, especially after the dissipation of the enthusiasm in the first years of democratization. The Chairman-in-Office, in the person of Knut Vollebæk, may try hard to convince the parliamentarians of the OSCE Parliamentary Assembly that the OSCE is objective in its approaches towards all the participating States. Even he feels that "some countries believe that having an OSCE mission on their territory represents a kind of stigma: 'the view that as long as the OSCE is here, something must be wrong'. This is indeed an incorrect view, which must be overcome."¹² The Anglo-Saxons have been obstinate in ruling out any possibility of an OSCE presence anywhere outside the Balkans or the former USSR. For example, the OSCE was not even allowed to have positive information on the progress in the settlement in Northern Ireland. So, the poor Chairman-in-Office had an insurmountable task in trying to overcome the stigma problem. As long as it was based on mere words

12 Address on the occasion of the Eighth Annual Session of the OSCE Parliamentary Assembly, St. Petersburg, 6 July 1999.

and not supported by real attitudes and deeds, no sensible person would have faith in this wishful thinking. All of this augurs badly for the prospects of this most fortunate principle, even if we forget about the numerous problems of national minorities in this regard.

As for "equal rights and self-determination of peoples", the application of this principle to a region basically without colonial or dependent territories could form an object of a special study. Suffice it to say that during debates on possible provisions of a Charter on European Security it was stressed more than once that this principle is the main reason for instability in the OSCE area.

"Co-operation among States", in its application, has a very positive record. Indeed, in the 1970s and 1980s the CSCE provided a place for non-traditional gatherings setting the pace for pan-European co-operation in humanitarian, economic, scientific and other fields. Information and scientific forums, which today have fallen into oblivion, were among the central events of the period. The CSCE was instrumental in establishing standards for increased and facilitated co-operation in many fields. But today that role of the OSCE is quasi non-existent, especially if we leave aside its post-conflict rehabilitation activities and assistance to reconstruction, and its timid involvement in sub-regional processes. The reason why some people think that the OSCE is not up to the job of dealing with practical questions of all-European co-operation is simple: there are better and more efficient organizations. And also: the OSCE is not in possession of the necessary expertise and resources. So, we should not orient its activities towards active involvement there and we should not develop its expertise and resources.

Finally, let us consider the "fulfilment in good faith of obligations under international law". Recent history has shown convincingly enough that there are states, beginning with the US, that place themselves above the law where and when they deem necessary. The NATO Strategic Concept is a theoretical justification of this approach. But other states are not exempt from this practice. The trend today is the following: we (states, governments, people, etc.) are too civilized to tolerate behaviours and attitudes not in line with our democratic conscience, and if the law prevents us from doing good, to hell with law. That was the message of NATO propaganda on the eve of and during the war against Yugoslavia. But that was also the message of numerous decisions of the Contact Group when it was settling the fate of Balkan populations - political engineering sometimes in disregard of international law. The same message moved the members of the Security Council of the United Nations to establish the Criminal Tribunal for former Yugoslavia. The motivation of prosecuting war crimes, crimes against humanity was undeniably positive, but the means to achieve the goal were, legally, at least questionable (according to the articles of the Charter of the United Nations on which the establishment action was based, the Security Council simply did not have the authority to take such a decision). Too often we hear the refrain that "we have no other choice ...". This has become an excuse and justifica-

tion for not respecting specific rules of international law where there is an obviously countervailing political necessity. And nobody was willing to work out amendments to those rules. Well, in vulgar social theories law is created by the will of victorious or dominant classes, forces, nations. However, humanity seemed to have been reaching a qualitatively different stage in its political and spiritual evolution. Maybe, it was just an illusion.

The recapitulation of the Helsinki principles and past and current record of the OSCE as to their implementation confirms the conclusion that there is a widening gap between word and deed. At the same time, the plethora of arduous reaffirmations in all recent OSCE documents of its adherence to the Decalogue cannot puzzle anybody. (The holy inquisition believed itself in full compliance with the humanism of the Christian creed.) All of this reveals an internal crisis of an OSCE stopped in the middle of its development and not certain where to go or what to base its actions on. (Again, most states know well where they would like the OSCE to move, but the Organization as a combination of interests of individual nations and the crystallization of a collective will remains in methodological conflict with itself: reconfirmation of principles but the inability to act on the basis of them.)

The above conclusion would not be so desperate if we could witness an evolution of the OSCE, the coming into being of its next state, a qualitatively different one which would marry new trends in politics, the pan-European nature of the OSCE, the essence of its values, and the new quality of partnership and solidarity after the end of the Cold War. Indeed, there are indications that such an evolution might be under way. Decisions have been taken with a view to adapting the OSCE to new realities and reshaping its role in the new political environment. Therefore, it is necessary to look into details of that endeavour and assess the situation for today and tomorrow.

A Hybrid of Incomplete Mutations

In the early 1990s the participating States realized that in order for the CSCE to be effective they needed to restructure it with a view to creating permanently functioning bodies equipped with the necessary powers and attributes. Rather early and unanimously the participating States concluded that they had to create a permanent structure and develop a legal foundation for CSCE operations. An illustration of this is provided by the decision of the fourth meeting of the CSCE Council: "The Ministers reaffirmed the importance of enhancing the ability of the institutions to better accomplish their functions, while preserving the flexibility and openness of the CSCE process. They agreed that, in order to help achieve a firmer basis for security and co-operation among all CSCE participating States, the CSCE would benefit from

clearer administrative structures and a well defined operational framework."¹³ The same decision also reads: "The Ministers agreed on the usefulness of legal capacity being granted to the CSCE institutions in the territories of all the CSCE participating States, in particular the capacity to contract, to acquire and dispose of movable and immovable property, and to institute and participate in legal proceedings."¹⁴

That process culminated in 1994 in the transformation of the CSCE into the OSCE. However, the decision to establish an international organization was not free from certain contradictions and gaps:

"1. The new era of security and co-operation in Europe has led to a fundamental change in the CSCE and to a dramatic growth in its role in shaping our common security area. To reflect this the CSCE will henceforth be known as the Organization for Security and Co-operation in Europe (OSCE). The change in name will be effective on 1 January 1995. As of this date, all references to the CSCE will henceforth be considered as references to the OSCE.

2. The participating States are determined to exploit its potential to the fullest, and agreed in that spirit on the following goals and objectives along with structural changes needed to strengthen the CSCE and make it as effective as possible. The purpose is to strengthen the CSCE's contribution to security, stability and co-operation in the CSCE region so that it plays a central role in the promotion of a common security space based on the principles of the Helsinki Final Act (...)

29. The change in name from CSCE to OSCE alters neither the character of our CSCE commitments nor the status of the CSCE and its institutions. In its organizational development the CSCE will remain flexible and dynamic. Work will be continued on issues relating to further institutional development of the CSCE, including strengthening and rationalization of its instruments and mechanisms. The CSCE will regularly review its goals, operations and structural arrangements. The CSCE will review implementation of the Rome Decision on Legal Capacity and Privileges and Immunities and explore if necessary the possibility of further arrangements of a legal nature. Participating States will, furthermore, examine possible ways of incorporating their commitments into national legislation and, where appropriate, of concluding treaties."¹⁵

13 CSCE Fourth Meeting of the Council, Rome 1993, CSCE/4-C/Dec.2 (Decision on Legal Capacity and Privileges and Immunities), Rome, 1 December 1993, p. 1.

14 Ibid.

15 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: pp. 153 and 156.

Here one can see that the decision to establish an international organization has been taken, but it is unclear how and when its attributes are to be formalized. The reason was in a changed attitude of the US and other Anglo-Saxon states which later became more obvious when the Anglo-Saxons blocked any structural or legal strengthening of the OSCE. They prevented the finalization of the work on structural strengthening of the OSCE between the 1994 Budapest and 1996 Lisbon Summits (especially a very useful effort by a working group chaired by Ambassador Mario Sica which produced a consolidated text on OSCE structures and institutions following the decision by the Budapest Summit). They tried to block any progress in that direction within the negotiations on the Charter on European Security undertaken in accordance with the guidelines of the 1997 Copenhagen Ministerial Council. They obstructed the search for operational strengthening of the OSCE in any other form, regardless of the 1998 Oslo Ministerial Council's relevant decision. Their main argument was to stress the necessity of conserving the OSCE's "flexibility" - meaning the absence of general rules for activities of its institutions, missions, etc.

Most remarkable is their obstruction of the resolution of problems concerning privileges and immunities of the OSCE. On the one hand, there are plenty of demands to ensure total freedom for activities of OSCE representatives on the territory of participating States where OSCE missions are located, including granting them appropriate privileges and immunities. On the other, the Anglo-Saxon states block any legal solution to the problem of privileges and immunities. And yet this solution must be of a legal nature, as the possibility to grant a status which is different from the status of a normal citizen - with all the changes in the application of the law in the form of privileges and immunities - can only be realized legally. Certainly, they are reluctant to grant privileges and immunities in general. Suffice it to refer, as an illustration, to a British statement on this matter:

"In connection with the adoption of the Budgets for the year 1992 for the CSCE institutions, the delegation of the United Kingdom made the following statement:

"The United Kingdom recalls the statement it made in January 1991 when the report of the ad hoc group of experts on administrative, financial and personnel arrangements was adopted, concerning the granting of privileges and immunities. It wishes to reiterate that where national legislation does not allow privileges and immunities to be accorded to the staff members of CSCE institutions, including those engaged on a temporary basis, none will be granted. This applies not only to travel by such staff members but also, where relevant, to the Staff Rules for the

More important for them, however, is that a move towards an agreement on privileges and immunities might open the way for bestowing other attributes of an international organization on the OSCE. And that for them remains totally out of question.

So, we can see that the OSCE, despite its official name, does not have all the normal attributes of an international organization: no statutes and no fixed structure with a hierarchy and clearly defined competencies of organs - even international legal personality is denied. It is the absence of progress towards these ends that is noteworthy. This means that the goals set forth for the transformation of the CSCE into the OSCE will remain indefinitely unfulfilled or have already been tacitly revised. In either case the OSCE does not seem to live up to its promises.

Another aspect of the OSCE machinery, which we touched upon earlier, is the malfunctioning of its procedures and mechanisms, in particular those for peaceful settlement of disputes. The main feature (of a very important set of mechanisms in various fields) is that they are either not solicited at all or are used very rarely. Moreover, the last examples of their utilization by the Russian Federation during the NATO attack against Yugoslavia met with an almost flat refusal of 19 states to co-operate in good faith within the framework of those provisions to consider the crux of the problem. Incidentally, the fact that NATO used force instead of the OSCE dispute settlement procedures is enlightening as to the practicability and functionality of those mechanisms. It means that they are not adapted to the real exigencies of European politics and that, consequently, the OSCE objectively has failed here as well.

One must be astonished that in spite of all its deficiencies the OSCE continues to function and even becomes more energetic with every year. This is probably due to the fact that the gap between words and deeds is not only wide in itself, but is somehow welcomed by participating States that seek, individually or jointly, certain benefits for themselves in such an unstable environment.

The Unbearable Challenge of Time

The OSCE has grown in importance and strength, becoming one of the prime actors of European politics. The transition from a negotiating forum to more or less structured and organized conglomerations of institutions and bodies has assured its permanent presence - especially in field operations related to

16 Interpretative statement under paragraph 79 (Chapter 6 of the Final Recommendations of the Helsinki Consultations), in: CSCE Fourth Meeting of the Committee of Senior Officials, Prague 1991, Journal No. 3, p. 4.

the acute problems of the Balkans. It also plays a certain role in the development of modern legislation in some states of Central and Eastern Europe. Its influence is growing in Central Asia and the Caucasus. At the same time the role of establishing standards for the behaviour of states in internal and external affairs, in which the CSCE was so efficient and active from the 1970s on, seems to be vanishing. No progress is noticeable in the internal evolution of the OSCE. The goal of becoming a full-fledged international organization appears to have been definitely forgotten. This means that all of its obvious (and rather old) functional problems will remain unresolved, being a matter of constant dissension among participating States. As for the basics of European architecture, which were the traditional focus of the CSCE, the current OSCE would have rather limited prospects as shown by the (so far unfortunate) outcome of the goals solemnly proclaimed in 1994 in Budapest and in 1997 in Copenhagen of working out a European Security Model and a Charter for the same purpose. A general vision has been replaced by fragmented field responses to crisis situations. This would be a plausible summary of the present state of the OSCE's evolution. There is, in any case, a real change in the OSCE, in its nature and functioning, in which one can see the reflection of internal struggle among interested influential states with opposing views on the future of the Organization.

Basically, the contradictions can be reduced to the clash between the Russian Federation and the Anglo-Saxon states, with Germany and France sometimes having particular views of their own and dissenting from Anglo-Saxon positions on matters of less than primary importance.

For Russia, the OSCE remains the only pan-European organization in which it can participate on the same footing with Western states in considering political and security issues. The importance of the OSCE for Russia is obvious and natural, since there is quite simply no substitute for the Organization. The Russia-NATO mechanisms that yesterday seemed to have some credibility have today revealed themselves as inefficient. Indeed there are no tangible results of that co-operation, even if one does not take into account the war in Yugoslavia. It has involved lengthy, repetitious and mainly empty discussion of agenda and procedure - for years. What is worse, at a critical juncture, on the eve of NATO's attack against Yugoslavia, those mechanisms did not function at all; this includes all the provisions of the Founding Act on information exchange, consultations and norms to be followed by the parties.

On the other hand, practical co-ordination within the Contact Group also turned out to be of dubious value when, in Rambouillet, the Western partners made major amendments to the proposals of the Contact Group without even consulting the Russian party. According to the Russian Foreign Minister Igor Ivanov, "to my surprise, the American representative, Ambassador Christopher Hill, presented two additional documents. One was on unleashing a NATO military operation and the second was on the deployment of police force (in Kosovo). And they were to be appendices to the main (political)

document. Neither the first nor the second document had ever been discussed with us. Based on how thorough those documents were, it was obvious that it had taken several months to prepare them. And (NATO commander) Gen. (Wesley) Clark admitted at a recent hearing in Congress that the preparation for the military operation began at least in June 1998. Therefore, this step in Rambouillet was made practically behind our back, behind Russia's back."¹⁷ Thus, the Contact Group was undermined by this perfidy that was only accentuated by repeated Western powers' statements invoking the "international community" as the source of demands (meaning consequently that according to Western views Russia is not part of the "international community").

Fortunately, there exists another mechanism for similar consultations - G-8, the credibility and robustness of which is guaranteed by direct participation of the heads of state or government of major nations. It is obvious, however, that for now the G-8 cannot act as permanent consultation and co-ordination network. So, again, all the roads lead to the OSCE.

On the other end of the European political equation one can observe that the US together with its Anglo-Saxon partners has developed an attitude towards the OSCE which is radically different from the Russian one, but which also makes the OSCE a very important part of their European designs.

Unlike Russia, they do not see a general political role for the OSCE, but rather a very practical role in dealing with concrete assignments in rigorously defined areas of Europe. This means a tool for internal restructuring (democratization and conflict settlement) in countries of the Balkans and the former Soviet Union that the US calls "European periphery". In doing so, the OSCE has to be a rival of the Council of Europe (since the US has no direct influence on that organization) and, in a way, a supplement to the leading role of NATO. If the OSCE is to be an instrument of intervention in internal affairs, then it is better for the Organization not to be limited by rules and procedures since its flexibility opens the way for the US to directly influence in the most efficient way the current situation in the field. The best example was provided by the Kosovo Verification Mission, invented and designed by the US, governed by an American Ambassador, charged with preparing data, propaganda, etc. for the use of force by NATO, and withdrawn from Kosovo under the responsibility of one of the members of NATO that happened to be the Chairman-in-Office of the OSCE. The US is therefore one of the champions of the OSCE. And there is no indication that its support will fail in the future.

The continental members of the European Union have to a certain degree maintained the legacy of the OSCE. They continue to view this organization as a political body for inter-state consultation and co-operation, and not only as a means of interfering in internal affairs. They support the concept of comprehensive and indivisible security. They agree more or less on building up relations with Russia and others on the basis of OSCE norms and to use OSCE machinery. The best illustration is their support for the Court of Con-

17 Newsweek, 28 July 1999.

ciliation and Arbitration (the Anglo-Saxons rule out any possibility of agreeing to legal proceedings where they would be on the same footing with other states, like Russia, and subject to general rules that would limit their options to settle any international problem from the position of force, including free use of force). The Europeans continue to consider the OSCE as a multifunctional body with a role in general political affairs, including even its involvement in peacekeeping (which the US rules out, since it views NATO exclusively in this role). In many other respects the Europeans are much more flexible and open-minded, however, the war in Yugoslavia has greatly reduced their field of manoeuvring and their overall influence on the development of the OSCE.

All of these profound contradictions show that the avenues of development for the OSCE are not clear. Moreover, this means that there is no agreement as to the past promises that one can find in abundance in its numerous acts and decisions. Especially after the burst of enthusiasm in the early 1990s, attested by the really important Helsinki Document of 1992, one must limit oneself to looking only at the rhetorical but much less significant decisions of the Summits in 1994 and 1996, and possibly the last substantial OSCE decision taken in 1997 in Copenhagen. All the rest is of no interest for posterity or even contemporary observers.

When a structure is not at peace with its past and has no clear vision of its future, something is wrong with it. The radical Russian view made known in the OSCE in 1999 is the conclusion that the Organization is in crisis, and energetic efforts are needed to overcome it, namely by going back to the sources (Helsinki principles) and by strengthening the OSCE in all its aspects. The conservative Anglo-Saxon view is that "everything is fine", and there should be no substantial change. The Europeans want a moderate change, not being completely satisfied with the OSCE's performance and not being ready to definitely forget about the Helsinki Decalogue.

The situation is not likely to change in the near future. All the major actors have been inclined to maintain their attitudes and this will perpetuate the identity crisis of the OSCE, "a state of confusion in an institution or organization regarding its nature or direction". One can expect the OSCE to expand its field activities and assist local change (in most cases this is uncontroversial). Under these circumstances, however, a number of important problems regarding the internal evolution of the OSCE and the overall basics of European security architecture will remain unsolved and continue repeatedly to give rise to tensions and contradictions among the participating States.

Kosovo - A Missed Opportunity for a Peaceful Solution to the Conflict?

The Kosovo Verification Mission was a big challenge for the OSCE - the most difficult operational task that it has had to deal with since its founding. Linked to this Mission was the hope for a peaceful solution of the Kosovo conflict. Did it have any chance at all of meeting the expectations attached to it? Was the use of military force in the final analysis inevitable in order to prevent a humanitarian catastrophe?

This article undertakes to provide answers to these questions. Of course it represents no more than an initial effort, written mainly from an OSCE perspective. There must be further studies if we are to have a full picture of the development of this conflict.

The Holbrooke-Milošević Agreement

Background

For a long time the Kosovo conflict stood in the shadow of the war in Bosnia-Herzegovina. It was not dealt with in the Dayton Peace Agreement of 14 December 1995 because at that time it was not yet so virulent, no quick solution seemed possible and any attempt at one would have put at risk the urgent ending of the Bosnian war.

Resistance on the part of the Kosovo Albanians against Serbia's policy of oppression, for a long time peaceful, had enjoyed no success. At the beginning of 1998, the "Kosovo Liberation Army" (KLA, also known as UCK) began to carry out attacks against Serbian security forces and civilians and against Albanian "collaborators". Their goal was to win Kosovo's independence from the Federal Republic of Yugoslavia (FRY) through guerrilla warfare. The KLA carried out its operations from villages located in the vicinity of the Albanian border and in central Kosovo inhabited mainly by Albanians. The Yugoslav security forces struck back, often with disproportionate violence. The civilian population as is customary in this kind of warfare were misused as living shields by the partisans and thus suffered as well. They fled from the areas where fighting was going on. In June 1998 the KLA had 30 to 40 per cent of the territory of Kosovo under their control. The Serbian special police who were brought in, occasionally supported by the army, intensified their operations in summer 1998 and drove the KLA back.

The United Nations Security Council intervened in the conflict through its Resolution 1160 of 31 March 1998. In this Resolution it condemned both the

excessive force used by Serbian police forces and "all acts of terrorism by the Kosovo Liberation Army". Both parties to the conflict were called upon to enter into a political dialogue without preconditions. With a wealth of initiatives and conversations at the highest level, the OSCE tried to stop the violence and promote a political solution. However, the attempt to establish an OSCE mission in Kosovo failed due to resistance from the FRY. It wanted first to renew Yugoslav participation in the OSCE, which had been discontinued in 1992. But the United States and Albania opposed this with particular vehemence in Vienna. The Balkan Contact Group, the European Union and Russia also joined the search for a political solution. NATO, too, had taken up the Kosovo problem in early 1998 and over the summer had produced a barrage of threats which, however, were directed exclusively against the Yugoslav leadership.

In September and at the beginning of October 1998 the situation reached the crisis point. In mid-September and later in that month the number of refugees was estimated at 300,000 of whom about 50,000 were living out in the open, mostly in forests. On 23 September 1998 the United Nations Security Council passed Resolution 1199. What was new in it was a sharper condemnation of the violence being used by the Yugoslav side, concern over an impending humanitarian catastrophe, and the assertion that the worsening of the situation in Kosovo constituted a threat to peace and security in the region. This meant that the conflict had taken on a new character for the UN.

In the United States pressure was being applied by the media at this time to bring about a military intervention in Kosovo. But Russia had declared unambiguously that it would not vote for any UN resolution that provided for the use of military force. A number of European countries also had reservations about NATO action without a mandate from the UN Security Council. And in Bonn a change of government was about to take place.

In this situation, the American diplomat, Richard Holbrooke, the master builder of the Dayton Peace Agreement, undertook along with his colleague Christopher Hill a final effort to work out a political solution with the Yugoslav leadership. During his talks in Belgrade he urged NATO to increase the military pressure on Yugoslavia by threatening to intervene. Indeed, on 24 September 1998 NATO had already threatened Yugoslavia with air attacks in unmistakable terms. On 13 October 1998, the day on which the Holbrooke-Milošević agreement was concluded, the NATO Council authorized the Secretary-General of the Alliance to begin "air strikes" against the FRY, in other words to start a war. In the opinion of participants at the negotiations in Belgrade these impending air strikes were an unmistakable threat of war causing the Yugoslav leadership to concede to the agreement.

The Most Important Provisions of the Agreement and Its Further Development

The Holbrooke-Milošević agreement is a political framework agreement that sets forth certain essential points. The most important results of this agreement were:

- The deployment of an OSCE mission, the Kosovo Verification Mission (KVM), with up to 2,000 unarmed, international "verifiers" (this concept was important to Holbrooke in order to emphasize the more active role of verifiers as compared with simple observers). The Mission was to be responsible for verifying compliance with UN Resolution 1199, supervising elections in Kosovo, and providing support in building institutions and setting up a police apparatus. Not specified in the agreement but important for developing a climate of trust and security, the ubiquitous presence of the OSCE in Kosovo was supposed to create an international public in Kosovo and persuade the refugees to return.
- The creation of an air surveillance system to supplement the observation activity of the OSCE using manned aircraft and unmanned spacecraft. This system, to be operated by NATO, was supposed to be stationed outside of Yugoslavia, in Macedonia.
- A declaration of commitment by Belgrade to conclude an agreement with the Kosovo Albanians by 1 November 1998 providing for extensive self-government of Kosovo within the Yugoslav state in accordance with the terms of Resolution 1199.

This basic agreement had to be supplemented by separate specific understandings in order to be implemented. Thus agreements were concluded in quick succession on 15 October 1998 between NATO and the FRY, with regard to the air surveillance system, and between the OSCE and the FRY on 16 October, with respect to the OSCE Mission. The Yugoslav side turned out to be co-operative in these follow-up negotiations, so that the agreements were reached in a very short time. During the negotiations, the Yugoslav side repeatedly demanded that NATO's threat of war be withdrawn. But the threat potential remained and may well have hastened the negotiating process.

Assessment of the Agreement

The agreement of 13 October 1998 was the last chance to avert a war. Without an accord, NATO would have started the air war against the FRY on 17 October 1998. Now there was widespread relief that it had once again proved possible to prevent a war. And so, many participating States at the meeting of the OSCE's Permanent Council on 15 October expressed a favourable view of the agreement. Albania also gave its approval in principle on this occasion

but pointed out that the Albanian government still regarded the stationing of NATO troops in Kosovo as a necessity. The Kosovo Albanians were dissatisfied because they had not been involved in the negotiating process and the result seemed to push their goal - a Kosovo independent of the FRY - a long distance away. They had hoped that NATO military action, which they still favoured, would hasten the move towards independence. The United States had demonstrated once again that it could also get results at the negotiating table; it saw its view confirmed that a credible threat of military action could bring about desired political results and all in all it welcomed the fact that NATO had emerged stronger from this crisis.

Holbrooke had indeed managed to extract substantial concessions from the Yugoslav President. Milošević accepted a strong OSCE presence in Kosovo, something which he had always made dependent on certain conditions in the past, even when much smaller numbers of personnel had been involved. The verifiers were assured of complete and unimpeded freedom of movement. The FRY accepted responsibility for their security. It undertook to provide administrative support to the OSCE Mission in carrying out its responsibilities, to set up liaison offices and to co-operate with the Mission. The army and the police were to inform the OSCE of troop movements. Military forces and special police in Kosovo were to be reduced to a certain strength. This was worked out in detail on 25 October 1998 in a special agreement between NATO and the Yugoslav General Staff.

This new responsibility represented a quantum leap for the OSCE with regard to operational tasks. For a long time it had established and led only small missions of up to 25 members. With the Missions to Bosnia and Herzegovina and to Croatia the number of personnel went up to 400 for the first time. The deployment of up to 2,000, and occasionally even more, international staff, along with several hundred local employees, far exceeded the planning and leadership capacity of the OSCE's small staff in Vienna. And time was of the essence! The OSCE had to show the flag quickly in Kosovo and cover the region with a dense surveillance network. This would only be possible if the OSCE participating States quickly reinforced the Vienna staff with qualified personnel, speedily provided experts and verifiers for use in Kosovo, supplied equipment and vehicles, and expanded the Organization's financial resources. It is a simple fact that the OSCE does not - as NATO does - have troops available on short notice and experienced leadership staffs; rather, it has to ask the participating States for the personnel in connection with each operational task individually, select the people and train them. This is no big problem for small missions, but in the case of one the size of the Kosovo mission it would take months if the normal routine were used. There was general agreement, however, that the time immediately after conclusion of the agreement would be of decisive importance for any lasting success.

Thus the OSCE was at a crossroads. If it succeeded in mastering the terribly difficult task in Kosovo it would emerge strengthened and with enhanced

prestige from this test. A failure of the OSCE Mission would inevitably result in a lessening of the OSCE's significance in the system of international organizations.

Organization and Increase in Staff at the Kosovo Verification Mission

The basic outline of the organizational structure of the OSCE Mission was set forth in the agreement between the FRY and the OSCE. However, the agreement provided for enough organizational flexibility so that the structure could be adapted to the requirements of the task. The Mission was divided into:

- a headquarters in Priština,
- five regional centres in fairly large cities,
- field offices in small towns and communities,
- groups of verifiers working out of the field offices,
- a training centre, and
- a liaison office in Belgrade to maintain contact with the Yugoslav government.

There were Yugoslav liaison officers to facilitate co-operation between the Yugoslav government and the OSCE.

The United States had already presented its views on the Mission's structure and working methods on 16 October in Vienna. This unexpectedly rapid presentation of their standpoint caused a certain unease amongst a number of countries. Although the American speakers described their ideas as suggestions, the polished and detailed presentation gave a clear indication of the American desire to control proceedings for which the other countries had as yet no definite conception. American resolve was further reflected in the fact that on 17 October 1998, i.e. before the OSCE Permanent Council had even officially adopted the decision to establish the Mission, and without prior consultation with other countries - which is the usual practice in making such appointments - the American diplomat William Walker had been named Head of the Verification Mission by the Chairman-in-Office of the OSCE, the Polish Foreign Minister, Bronisław Geremek. The Europeans, who had also been interested in the top job, were left with the deputy positions. A Frenchman, Gabriel Keller, became First Deputy. An Englishman, a Russian, an Italian and a German were chosen as additional Deputies.

On 17 October a 13-man OSCE delegation was already in Belgrade to work with the Yugoslav side in preparing the deployment of the Mission. NATO started its air surveillance on the same day.

On 25 October 1998 the Permanent Council of the OSCE made its formal decision on the establishment of the Kosovo Mission, the way having been

paved by the adoption of Resolution 1203 by the UN Security Council on the previous day.

Under the circumstances, it was clear that it would not be possible for the verifiers to show up on the scene immediately. In order to have limited monitoring, an agreement was reached with the FRY to temporarily expand Diplomatic Observer Missions that had been set up in summer of 1998. They were to carry out surveillance activity on behalf of the OSCE and later be absorbed into the OSCE Mission. Thus there was a limited international presence on the scene, at least for a transitional period.

On 16 November 1998 in Kosovo, there were 60 OSCE employees in the headquarters and in the training centre as well as nearly 300 members of the Diplomatic Observer Mission, of whom about 60 per cent were Americans. A month later the Mission had grown to 803 members although almost half of them were local employees (drivers, interpreters, secretaries and the like). Approximately one third of the international personnel were verifiers in the area to be observed. Taken together with the remaining 200 diplomatic observers, they were still far too few to ensure a permanent presence even at the most critical points. On 16 February 1999 - i.e. five months after conclusion of the agreement between the OSCE and the FRY - the number of international OSCE workers had climbed to 934, still less than half of the target figure. Shortly before the Mission was withdrawn, on 18 March 1999, about 65 per cent of the agreed-upon maximum number of members had been reached. This unsatisfactorily slow growth in personnel corresponded to delays in other areas. The security of OSCE personnel was of major concern to the countries that sent them and to the OSCE itself. Yugoslavia had, to be sure, agreed to guarantee the security of this personnel. But their rescue system was not very efficient in emergencies. Hence Switzerland made a rescue helicopter available to the OSCE, but despite intervention at the highest levels the Yugoslav government refused to let the helicopter enter the country, pointing instead to its own rescue system. Appeals by the OSCE to participating States for a mobile medical core and medical vehicles went unanswered for a long time. A team of German medics was the first to arrive, but not until 7 December.

Armoured vehicles, which because of the danger of mines and of armed attacks provided important protection to personnel, represented a further problem. From the beginning diplomatic observers had had such vehicles - about one for every three people. The OSCE Mission did not receive its first vehicle of this kind until the end of November 1998 and by the end of December had about 40 of them - one for every seven verifiers!

On 2 December, at the OSCE's Ministerial Council in Oslo, the German Foreign Minister criticized the OSCE in unusually sharp terms. Fischer stated: "We are not unaware of the difficulties in setting up the KVM. Nevertheless, we are worried about its slow progress, its lack of transparency and the application of unequal standards in the choice of personnel. The planning proc-

ess has scarcely begun for some of the core responsibilities of the KVM. This is particularly true with regard to the police." In principle the Foreign Minister was right. However the German government had only a few days before that, i.e. on 25 November, decided to deploy 40 police officers!

There is no doubt that there were organizational gaps and other weaknesses in the staff organs of the OSCE. Nor was the leadership style of the American Head of Mission particularly helpful to the rapid construction of the Mission. He did not arrive in Kosovo until three weeks after his appointment. Because he had reserved all decisions on organization and personnel for himself, there were repeated delays. Experienced candidates often had to spend some weeks waiting before finally being accepted. Even so, the main problem lay with the participating States themselves where there was often a huge gap between verbal support for the OSCE and the contributions actually made in personnel, material and financial resources. Nor did the new German government give the impression that it attached top political priority to the Kosovo Mission. Governments which later sent thousands of soldiers to Kosovo with heavy equipment obviously had problems making a few hundred unarmed verifiers rapidly available.

Events in Kosovo from October 1998 until March 1999

The objective here is not to provide a chronological account of all events. Rather, our attention will be focused first on the initial weeks after conclusion of the Holbrooke-Milošević agreement, because key accents were set during that time. Second, we shall attempt to provide an accurate picture of the immediate pre-war period, i.e. from the beginning of March 1999 until the outbreak of war. The highly detailed daily reports of the OSCE are the main source.

On 29 September 1998 the Serbian leadership declares that the KLA has been defeated. On 6 October 1998 the picture in Kosovo is as follows: Police control points have been reduced in number; the special police are hardly visible; the military forces have been almost entirely withdrawn into their barracks; army units not belonging to the Priština-Corps, which is permanently stationed in Kosovo, are being transferred to barracks outside of Kosovo. Refugees are returning to their villages, hesitantly thus far, and are beginning to prepare for winter there. Only a few refugees are still seen out in the open, although the supply situation remains critical. However, in those places where the Serbian military and police have pulled back the KLA are returning. They are using northern Albania as a base for attacks against the Serbs and also as a place for withdrawal. The Yugoslav side has obviously started to meet the requirements of UN Resolution 1199. The KLA, with word and deed, is working against it.

After conclusion of the Holbrooke-Milošević agreement the picture does not change much. On 17 and 18 October the KLA carry out a number of raids against Yugoslav security forces. Four policemen and two soldiers are killed in the process. On 20 October the KLA abducts two Tanjug correspondents. KLA leaders call for a continuation of the armed struggle. Yugoslav troops from Priština are transferred to the areas where KLA operations are concentrated. The Serbian police remain present in many places, but they are less visible. At the end of October the situation continues to be ambiguous. The Yugoslav side still appears to be on course in fulfilling UN requirements. The Yugoslav army has withdrawn a large portion of the troops that were to leave Kosovo. Police forces have also been reduced. Their control points are now manned only by traffic police. Refugees are returning to their places of residence in larger numbers. But the KLA is filtering back as well, using refugee camps for protection; it continues to attack Yugoslav security forces and has regained control over a number of villages. Members of the KLA express their disappointment that NATO has not yet intervened but are confident that they can still bring this about. On 23 October, after pressure has been put on him by EU ambassadors, the Albanian leader Ibrahim Rugova speaks out publicly for the first time in favour of the Holbrooke-Milošević agreement and calls on the armed Kosovo-Albanian groups to exercise restraint.

In mid-November the overall situation is outwardly calm but there is tension in certain regions. Most of the refugees have returned. The Yugoslav side is obviously determined to observe the agreement for the most part while the KLA is expanding and reinforcing its positions, again and again attacking the police and the army in guerrilla warfare style. By this time the KLA is better armed and equipped, has reorganized itself and is taking over sovereign responsibilities in the areas it controls. The Serbian side complains that there are still no OSCE verifiers on the scene. Representatives of the Serbian security forces warn that they cannot tolerate the present situation much longer. They themselves have to comply with the limitations of the agreement while the KLA is operating without interference.

A tense calm continues to prevail until the end of November with scattered incidents in very limited areas. As of 20 November there are no more refugees living in the open; international assistance has begun to arrive on a large scale. The KLA is continuing to mount attacks from the protection of villages. The diplomatic observers, who are still the only OSCE presence on the scene, are much more than passive onlookers. Their presence strengthens the sense of security of the civilian population; they exercise a moderating influence on the parties to the conflict and mediate in the event of disputes. Cooperation between the diplomats and the Serbs and Albanians is generally good.

After the beginning of December developments, which have hitherto been for the most part favourable, no longer continue that way. On 2 December Belgrade sends a memorandum to the OSCE charging that international organi-

zations and representatives of certain countries are maintaining contact with "terrorists, killers, kidnappers and other criminals calling themselves KLA". On 5 December the general staff of the KLA declares that they stand firm to their commitment to "the just fight towards the creation of our independent and democratic state". Rugova states at a press conference that the stationing of NATO troops in Kosovo would ensure lasting security. The armed encounters between the Serbian police and the KLA grow in number. The Serbian civilian population in Kosovo becomes hostile towards international assistance organizations, which they reproach for giving one-sided help to the Albanians. The deputy commander of police in Kosovo on 15 December expresses his growing disappointment. He says he is trying to keep the "terrorists" under control but the international community is reinforcing them.

The American Christopher Hill and the Austrian Wolfgang Petritsch are not making headway in the political negotiations they are trying to conduct. On 18 November Hill had declared in Vienna that it was realistic to expect Belgrade and the Kosovo-Albanian side to find a provisional political solution before Christmas. On 7 December Hill's proposal is rejected by the Albanians as unacceptable. In the Permanent Council of the OSCE Petritsch expresses the view on 16 December that the prospects for substantial steps towards a political solution are not good at the present time. According to Petritsch, the central problem remains the divisions on the Kosovo-Albanian side. And this is not so much a question of arguments over substance as of personal differences. Petritsch also asserts, all Kosovo-Albanian representatives continue to stand uncompromisingly for independence.

On 11 December the OSCE carries out its first weapons inspection of the Yugoslav army without finding anything significant to take exception to. More inspections follow.

On 14 December there is a serious incident in the vicinity of the Albanian border. The Yugoslav army stops 140 armed Albanians on their way into Kosovo, shoots 36 and takes nine prisoners who are later freed. On the same evening two men shoot indiscriminately in a bar frequented by young Serbs in Peć, killing six students and seriously wounding three.

At this time protests by Kosovo Serbs against the OSCE begin. It and, in particular, the United States are accused of supporting the KLA and of doing nothing to clear up the whereabouts of 2,000 Serbs the KLA is supposed to have abducted and imprisoned. These protests are later directed against the leadership in Belgrade as well; the Yugoslav and the Serbian President are given an ultimatum to come to Priština.

The time from mid-December 1998 until the end of February 1999 is characterized by stagnation in the political negotiating process in Kosovo and by a growing number of armed encounters - for the most part initiated by the KLA and met by the Yugoslav police and army with a disproportionate use of force. Working conditions become more difficult for the OSCE verifiers. There are new movements of refugees in the fighting zones. Both sides com-

ply less and less with the Holbrooke-Milošević agreement. Again and again the OSCE is able to intervene and de-escalate the situation, stabilizing it to a certain - although very tense - level. But in the absence of a political solution there does not appear to be any likelihood of lasting control over the conflict. But there are many encouraging events as well. On 25 January 1999, Head of Mission Walker reports in Vienna that the people in Kosovo are coming more and more to realize that the Mission is a useful institution. For example, it had protected Serbian electricians when they were carrying out necessary repairs on the destroyed electrical facilities in Kosovo-Albanian villages. And it had mediated in the question of whether to open schools. On 15 February 1999 the buildings of the colleges of law, economics and pedagogy are given back to the Albanian academic authorities in Priština. (Albanian students had been excluded since 1991.) Clear progress in ensuring the due process of legal proceedings is ascribed to the presence of OSCE human rights experts.

In the middle of January 1999 NATO had already started to give thought to how pressure on the Yugoslav side could be increased. The use of NATO ground troops in Kosovo was discussed in the North Atlantic Council as was the possibility of an ultimatum tied to a threat of air attacks. On 1 February, in the Permanent Council of the OSCE, the United States called for arrangements to withdraw the OSCE observers quickly in the event of threatened NATO strikes. France opposed such measures, however, since negotiations were still determining the logic of events. On 6 February, negotiations begin in Rambouillet.

At the end of February and the beginning of March 1999 increased preparations for war by the Yugoslav army are detected. Reservists are called up, weapons are issued to civilians, bridges are primed to be blown up, troops are regrouped and transferred out of barracks to field exercises and stationed in the regions near the borders to Albania and Macedonia. There is no doubt that these activities are a violation to the agreement. The Serbian justification - that these were measures to protect against the threat of a NATO attack - cannot from a military point of view be denied. As a consequence of a growing military presence and increasingly frequent heavy fighting the Albanian civilian population start to leave their villages again. There are reports from Albanian villagers on the plundering of their houses by Serbian soldiers.

The final reports of the OSCE Mission in Kosovo between 15 and 18 March 1999 permit the following summary: the armed disputes are local and of limited duration; they are concentrated in the areas around Priština and Mitrovica. The Yugoslav army is bringing in new troops and expanding the defence positions on the border to Albania and Macedonia. The Kosovo-Albanian civilian population leave territory being fought over but return to their villages when the danger is past and start reconstruction work. There has been considerable violation of the October agreements by both sides. Developments are again moving towards a crisis. On 19 March 1999 the negotiations in Paris are broken off.

On the same day the OSCE Chairman-in-Office, now the Norwegian Foreign Minister Knut Vollebæk, decides on the recommendation of Head of Mission Walker to withdraw the OSCE Mission from Kosovo. The justification is that the security of Mission members can no longer be guaranteed and the Mission can no longer fulfil its responsibilities. The actual situation in Kosovo does not support this rationale, however. For example, the OSCE reports on 18 March: the situation in the region remains generally tense, but calm. On this day the OSCE carries out 120 patrols with no difficulty. The main reason for the decision to withdraw the Mission before NATO air attacks began was no doubt to protect international verifiers from exposure to Serbian violence. President Bill Clinton also explains the planned air attacks in a speech on 19 March. The decision had obviously already been made. On 18 March, in Vienna, Russia had continued to argue that the Mission should remain in Kosovo because it was the only stabilizing factor there. But the withdrawal on 20 March 1999 begins anyway. At 12 o'clock the last OSCE vehicle crosses the border into Macedonia. Following the example of the OSCE, the employees of other international organizations also withdraw from the province. Kosovo is largely free of international control and assistance.

Unused Opportunities for Peace?

The events show that there certainly were opportunities for a peaceful solution of the Kosovo conflict. The opportunity was ready to be grasped between the middle of October and the beginning of December 1998. During those weeks the Federal Republic of Yugoslavia had been steering a course towards peace. The doves in that country had obviously got the upper hand. The Kosovo Albanians ought to have been brought or forced onto the same course. A rapid and omnipresent deployment of the OSCE Mission would have been able to secure the path to peace. Neither succeeded.

But even thereafter there were frequent periods of relative calm and opportunities for a peaceful solution of the conflict still existed. Beginning in December 1998, however, the hawks were circling once again. Both parties to the conflict escalated their use of force. The KLA felt that it was close to the goal that it had so doggedly pursued - a NATO attack against the Federal Republic of Yugoslavia. The Yugoslav hard-liners had been seeking to eliminate the KLA and its entire infrastructure. Neither had much consideration for the civilian population, which was used for the purposes of each side. However, there is no evidence that a carefully prepared and systematic plan to drive out the Kosovo-Albanian population existed before the beginning of the air attacks. The OSCE had always been able to contain the conflicts and, on a case-by-case basis, to bring about a fragile stability.

After the end of January 1999, however, the pressure for a military solution through NATO, with the United States in the lead, became ever stronger. It is

clear that the United States wanted to end the conflict quickly. NATO's credibility appeared to be at stake. And all of this just a few weeks before the NATO summit in Washington celebrating the 50th anniversary of the Alliance. This was another reason why the time for a negotiated solution became very short. What happened afterwards was, more and more, determined by the logic of war.

Those who ultimately decided to begin the air attacks must have known that the Yugoslav leadership would do everything possible to destroy the KLA, using all resources and without regard for the civilian population, and that the Yugoslav army, police and bands of soldiers who were no longer under international observation - and even more inflamed by the air attacks - would commit acts of violence against the Albanian civilian population. It ought to have been equally clear that the NATO air attacks would require weeks in order to bring about a real weakening of the Yugoslav military potential. A horrible humanitarian catastrophe following the beginning of the air attacks was in fact quite predictable.

In view of this predictability, the question remains why the small risk of continued negotiations and of giving peace a chance was not taken and why, instead, the high risk that war necessarily entailed was chosen. This question, however, will have to wait some time for a convincing answer.

The Interests and the Commitment
of the OSCE States

Georgia and the OSCE

The attitude of Georgia towards the OSCE is determined, on the one hand, by the main activities generated by OSCE structures and institutions. On the other, it is defined by the possibility of utilizing OSCE capabilities in the interests of my country in resolving the most acute problems that Georgia is facing. This is nothing new and extraordinary, as the attitude of all states towards different international organizations is the same - that they are pragmatic and rational. But our attitude towards the OSCE is somewhat special, taking into consideration that the most acute problems of Georgia - restoration of violated territorial integrity, return of hundreds of thousands of refugees and displaced persons, resolution of "frozen" ethno-political conflicts, facilitation of the extremely painful process of developing democratic institutions, "Georgian" aspects of the CFE Treaty adaptation, etc. - are the primary subjects of OSCE "specialization". It is impossible for countries that recently regained independence after quite a long period of time to solve these problems without maximum involvement of the international community and international organizations. My country looks at the UN and the OSCE from this point of view. We were guided by these very principles when we became a member of the then CSCE in 1992.

It was the then CSCE Council of Ministers that admitted Georgia as a participating State on 24 March 1992. According to the terms of admission a CSCE Rapporteur Mission, led by former Belgian Foreign Minister Mark Eyskens, visited Georgia. The Mission's mandate was to "report to the participating States on progress in the Republic of Georgia toward full implementation of CSCE commitments and provide assistance toward that objective".¹

The situation in the country deteriorated seriously during the period immediately after the visit of the fact-finding mission, leading to a decision of the 17th Committee of Senior Officials (CSO) taken on 6 November 1992 to establish a long-term CSCE Mission to Georgia. The Mission started to work in December 1992. According to the modalities of the Mission, as approved by the 18th CSO in December 1992, the objective of the Mission was "to promote negotiations between the conflicting parties in Georgia which are aimed at reaching peaceful political settlement".² In practice, the Mission concen-

1 Helsinki Additional Meeting of the CSCE Council, 24 March 1992, Annex 2, in: CSCE First Additional Meeting of the Council, Helsinki 1992, p. 17.

2 For the decision see CSCE, Eighteenth Meeting of the Committee of Senior Officials, Stockholm 1992, Journal No. 1, Annex 1; wording of the modalities of the Mission to Georgia: CSCE Permanent Committee, Journal No. 14, 29 March 1994, Annex 1.

trated on the conflict in the Tskhinvali region/South Ossetia. It has helped to facilitate a dialogue between the authorities in Tbilisi and Tskhinvali. We do not have the leeway here to analyse in detail the OSCE's activities in Georgia since its admission. That would be a subject of special research. Instead we shall limit ourselves to a more general description of our attitudes and co-operation with the OSCE.

Human Dimension

The main sphere of the OSCE's interests and activities in Georgia is human rights and the building of democratic institutions.

The human dimension is at the core of the OSCE's comprehensive concept of security. Respect for human rights and fundamental freedoms, democracy and the rule of law are direct and legitimate concern for all participating States, Georgia among them.

Although Georgia faced great challenges after the restoration of its independence, positive tendencies in the field of human rights and democratic institutions are obvious today. And the Mission's work was of great help here. A new Constitution of Georgia has been adopted, under which the protection of human rights and rights of national minorities as embodied in international law is guaranteed. The building of democratic institutions and establishment of civil control mechanisms over the armed forces continue on an intensive basis. The OSCE Mission played a clearly positive role in monitoring and assessing the results of all elections held in recent years in Georgia. The Mission contributed significantly to the development of a legal framework and improvement in the work of law-enforcement bodies. With active assistance and participation of the OSCE Mission, the institution of an Ombudsman was established.

Despite a certain amount of progress in the development of democratic institutions, Georgia is plagued with many problems, but the most painful among them is the problem of refugees. Ethnic cleansing and forced expulsion of the Georgian population from the Abkhazian region of Georgia is a characteristic tendency and a part of the phenomenon known as "aggressive nationalism" with its worst and most extreme manifestation: "aggressive separatism". It does not respond either to moral or to legal categories and tends to ignore fundamental principles of international law.

About 300,000 refugees and displaced persons from Abkhazia are now scattered all over Georgia.

We strongly believe that the OSCE must be more outspoken and clear on this matter. These 300,000 displaced people have become refugees in their own homeland. For the world today, caught up in the flames of numerous ethnic

conflicts, 300,000 may not be much of a figure, but for the tiny country of Georgia, it is a real tragedy. It has been witness to the helplessness of the weak and not too vigorous peace efforts of the international community which has eroded people's confidence in the effectiveness of international mechanisms and could precipitate a disastrous outbreak of uncontrolled actions.

It is very difficult to explain to our refugees why the suffering of Kosovar refugees is a humanitarian disaster and tragedy, while their own tragedy, which has been going on for six years, is almost completely ignored by the international community. Having said this, we do not underestimate the problems faced by Kosovar refugees. Quite the contrary. In view of the rapidly growing flow of refugees and displaced persons in the OSCE region, we deem it important to undertake concerted and decisive measures to eliminate these flagrant and mass violations of human rights.

In this regard, we hope that the OSCE and all its institutions, all its participating States, will not only reconfirm once and for all the declarations that national, ethnic, racial or religious cleansing - whether committed in time of peace or in time of war - is a crime under international law, which they are undertaking to prevent and reacting to adequately. Furthermore the OSCE should intervene vigorously with all its resources to achieve a real solution to this problem.

In the field of human rights, Georgia's co-operation with the Office for Democratic Institutions and Human Rights (ODIHR) is continually growing. The importance of the activities of the ODIHR for Georgia is hard to overestimate. The ODIHR's recommendations contribute substantially to the process of stabilization and democratization in our country. Today Georgia and the ODIHR are working together on the following five projects:

- (1) technical assistance to the Public Defender of Georgia;
- (2) civil society/public awareness;
- (3) training programme on registration of permanent residents of Georgia;
- (4) civic diplomacy and election assistance project; and
- (5) training of district level election administrators.

Undoubtedly, these projects will contribute significantly to the democracy-building processes in Georgia and strengthen the co-operation between ODIHR and the government of Georgia.

Several ODIHR fact-finding missions have visited Georgia during the last few years. They had an opportunity to get a first-hand impression of the ongoing events in the field of democratization and human rights, which are now truly based on legal and constitutional guarantees.

These problems deserve the serious interest of different organizations. Several international organizations are now working simultaneously on the same problems. We think that more co-ordination of their activities is needed and this role could be taken over by the ODIHR. And we appreciate that ODIHR is also ready for such a role. This, undoubtedly, will help us to avoid overlap and duplication.

During a visit of ODIHR to Georgia a common understanding was reached that the government of Georgia and the ODIHR should co-operate in the process of developing a legal basis for the repatriation of refugees and displaced persons, further strengthening the institution of an Ombudsman and election-monitoring activities.

A Memorandum of Understanding was signed in October 1998 by the then OSCE Chairman-in-Office, Minister Bronisław Geremek, and the President of Georgia, Mr. Eduard Shevardnadze, to further promote the establishment of democratic institutions and respect for human rights in Georgia by implementing a number of technical assistance projects.

An ODIHR delegation has also visited the Abkhazian region of Georgia. Lack of democracy and violation of human rights have become the normal sequence of events in this region. We are confident that ODIHR can and will contribute substantially to the work of the joint UN/OSCE Human Rights Office in Sukhumi.

Another important OSCE institution with which Georgia co-operates is the OSCE High Commissioner on National Minorities (HCNM). Mr. Max van der Stoep visited Georgia twice in 1998. The HCNM had the opportunity to get an objective picture of the rich historical traditions of peaceful coexistence between different nations in multiethnic Georgia which, along with other democratic values, are now based on legal and constitutional guarantees.

The Georgian authorities found Mr. van der Stoep's visits important and beneficial in the context of peaceful settlement of ongoing conflicts. Regarding Abkhazia, we hope that the High Commissioner's eminence, his impartial and objective attitude, will help all parties to correctly interpret international norms and principles and eliminate differences in their positions.

My government is also thankful to the High Commissioner for the organization of the meetings in The Hague and Vienna on the problems of people deported from the Meskhetian region of Georgia.

The Security Model

For a long time and for well-known reasons, Georgia did not participate in discussions and negotiations on European security issues, which started in

1945 and are still going on. Georgia joined these negotiations only recently, in Helsinki in 1992, and since then has been trying to ensure that its national interests are reflected in all European documents. In our view, there are several factors which play a key role in determining the fate of these negotiations and documents. The most important of them is the end of the open and extremely acute contradictions between two military blocs, although, we believe that these contradictions and the end of the Cold War during recent years had a somewhat ostentatious character. Internal tensions were also clearly perceived against this background of loudly expressed pathos.

"Post-Cold War Europe" has often been characterized as anarchy and chaos, or by the words: "The end of the Cold War is also over", or "the honeymoon is over" etc.

No less significant are the differences and contradictions between the geopolitical interests of the great powers, which are especially obvious in connection with regional conflicts. It is an open secret that these conflicts are often used as a tool for the maintenance of old or new spheres of influence.

The work on the Security Model for the 21st century and particularly on the Charter for European Security has been going on against this background, which puts small countries in quite a difficult position.

In our understanding, the future Charter should not be another document of a general and purely conceptual character. Indeed, the OSCE is not suffering for lack of this sort of document. Instead, the Charter should become the basis for a new European architecture, a new security system which, in addition to its theoretical content, will have certain practical implications as well.

Georgia's interest in the Charter is entirely determined by its interest in the OSCE. Georgia is not a member of any military alliance. Some months ago, Georgia ended its CIS Collective Security Treaty membership, because the Treaty did not respond to the main aim of our membership, that is, restoration of our territorial integrity and inviolability of internationally recognized borders.

The security of Georgia is still extremely fragile and vulnerable. Under these circumstances, we consider that, more so than any other international organization, in the short term the OSCE could be the best guarantor of our security. In reality, it is the only organization that is universal with respect to its composition as well as its comprehensive spectrum (e.g. the OSCE is involved in conflict management, disarmament issues, and social and economic problems).

There is not any other organization which for the foreseeable future could be more involved in the resolution of our problems than the OSCE. But here we should be honest and say that, regrettably, the OSCE is today very weak and unable to address the most pressing issues. This applies particularly to its operational capabilities - until now it has failed to develop its own peacekeep-

ing function. It does not react adequately to cases of non-compliance with OSCE norms and principles by certain participating States or to those by self-proclaimed regimes. It has failed to develop a well-defined and non-contradictory relationship between two operationally discrepant and mutually exclusive principles: territorial integrity and the right of self-determination.

Georgia, together with other countries and mainly with the GUUAM group, is vitally interested in strengthening the OSCE because the OSCE is committed to and should create firm security guarantees for all of its participating States and establish truly equal co-operation among all of them.

It is also well known that a number of organizations are or claim to be involved in the sphere of European security. Among them are organizations which really do not deserve this status considering their reputation. In our view, in Europe as a whole, this prerogative should belong to the OSCE, although we understand at the same time that the European security system should be based on the co-operation and mutual reinforcement of international organizations, taking into consideration their specific functions and resources.

We do not accept the division of the geographic area of the OSCE into spheres of responsibility or influence by certain organizations (or, especially, states). We also cannot understand the division of labour between the UN and the OSCE - in many cases this is the main reason for negligence, ineffectiveness and inactivity, while one organization is waiting for the other to act. We cannot understand the unjustified caution to intervening in each other's affairs, which has been the case in Georgia. Meanwhile, years pass and separatists benefiting from this long-lasting misunderstanding, have been able to legalize their "victory" and strengthen the effects of "ethnic cleansing". Hundreds of thousands of Georgian refugees still remain under the open sky or, at best, in refugee camps.

We believe that the Platform for Co-operative Security presented by the EU member states should reflect what has been said above and create a firm system for co-operation to solve these problems.

This brings us to another important problem for the Charter: conflict management and peacekeeping operations.

The OSCE, as a regional arrangement in the sense of Chapter VIII of the UN Charter, is the primary organization for the peaceful settlement of disputes within a region and its effectiveness to provide early warning, conflict prevention, crisis management and post-conflict rehabilitation, including peacekeeping operations, should certainly be reinforced. We view the need for peace enforcement as an integral part of a peacekeeping operation.

We think that conducting peacekeeping operations under the OSCE flag would be most acceptable and welcomed in many regions of the OSCE. The time has probably come to strengthen seriously the OSCE's own peacekeep-

ing potential, *inter alia*, by strengthening its institutions and mechanisms. To reach this goal, the OSCE should develop its previously adopted decisions further.

Another important aspect of the work on the Charter could be the elaboration of mechanisms to monitor compliance with OSCE principles and implementation of OSCE decisions and commitments, especially with regard to conflict prevention and settlement within the OSCE region. The OSCE still has the unfinished task of dealing with violations of sovereignty and the territorial integrity of some of its participating States.

These violations are often committed not only by participating States but also by self-proclaimed regimes, and it is an open secret that these regimes receive extensive support from the governments and non-governmental structures of certain participating States. This aspect of the problem is not being properly addressed and adequately reflected in the existing documents of the OSCE. The situation should be rectified. In this context, all discussions on "consensus" and "consensus minus one" seem quite astonishing. Consensus is a truly golden rule, but we have witnessed more than once the deliberate misuse and exploitation of this rule. It is not hard to imagine that non-compliant states will always refuse to form a consensus on decisions to be adopted against them.

We face a clear contradiction when one side of a conflict - for instance, Georgia - remains faithful to international norms and commitments while the other side - the rebellious Abkhazian regime - seriously violates international humanitarian law by conducting "ethnic cleansing" and terror against the Georgian population without any proper response from international organizations. The "impunity syndrome" (the phenomenon to be able to do such things with impunity) is widespread in Abkhazia and this is a serious threat not only for Georgia but for the whole region as well.

What assessment can we make of the situation when Abkhaz separatists, in the security zone controlled by the "peacekeepers", are mending fences and building a Soviet-style border system, which, on the one hand is an attempt to make the ethnic border between Georgia and Abkhazia permanent and, on the other, seriously hinders the process of repatriation of refugees and the whole political settlement of the conflict?

In this situation, the most extensive possible involvement by the international community could be the only way out. And here, once again, we have to indicate the problems in the implementation of already existing decisions and assessments. Here numerous resolutions of the UN Security Council, decisions of the Budapest OSCE Summit and the Oslo Ministerial, the Lisbon OSCE Summit Declaration, recommendations of the Chairman-in-Office reflected in the Copenhagen Document, as well as decisions of the CIS summits come to mind. This problem has led us to the recent tragic events in the

Gali region where the Abkhaz have repeatedly conducted "ethnic cleansing" against the Georgian population.

The problem of the "free" interpretation of the two main mutually exclusive principles of international law mentioned above - territorial integrity and self-determination - that is at the root of all conflicts in the region, still remains unresolved. Up to the present time the international community has failed to find a proper formulation, which could establish the obligations and responsibilities of states with regard to national minorities while at the same time defining the obligations and responsibilities of national minorities with regard to states and central authorities, in order to preserve their territorial integrity by not violating their internationally recognized borders. We are convinced that without a solution to this problem it will be impossible to create a real security environment within and outside the OSCE area.

In the human dimension of the Charter, our preference is to develop mechanisms for the protection of the rights of refugees and forcibly displaced persons. As stipulated in the Lisbon Document: "Our States will facilitate the return, in safety and in dignity, of refugees and internally displaced persons, according to international standards. Their reintegration into their places of origin must be pursued without discrimination."³

Thus, a lot needs to be done in drawing up the provisions of the Charter. Only the common will and collective efforts of all participating States will enable us to achieve a common and comprehensive security environment in Europe - free of dividing lines and conflicts, irrespective of whether they are ongoing or "frozen".

Conflict Settlement

Our main interest in the OSCE is conditioned by the two so-called "frozen" conflicts which still exist and our desire for the maximum possible involvement of the OSCE in the conflict resolution process.

Firstly, with regard to the Tskhinvali region/South Ossetia, there is a clear and positive tendency in the conflict resolution process, although much still needs to be done to achieve a real breakthrough. There is still a great need to undertake concrete steps, especially towards a definition of the political status of this region.

In November 1998, the Georgian side handed over the draft of an "Intermediary Document" on political settlement which, together with its Ossetian

3 Lisbon Document 1996, Lisbon 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, here: p. 421.

version, will be discussed within the framework of regular meetings. We very much hope that opinions will merge in the near future.

The first meeting of Georgia's State Minister Vazha Lordkipanidze with the Ossetian leadership in January 1999, produced some promising decisions: both parties intend to proceed vigorously on the "Intermediary Document"; revitalization of the Joint Control Commission (JCC); and strengthening the post-conflict economic rehabilitation, *inter alia*, via the new Georgian-Russian Agreement.

The problem of returning refugees to their homes is still acute. Georgia has stated repeatedly that while the process of the spontaneous return of the Georgian population to the villages of the Tskhinvali region is going more or less smoothly, this cannot be said of the officially organized return of refugees to Tskhinvali and other cities of the region. It should also be mentioned that the last visit of representatives of the Migration Service of the Republic of North Ossetia to the Lagodekhi region of Georgia, showed that 25 per cent of registered Ossetian refugees from this region had already returned to their permanent residences. In the near future, the same joint visits will be conducted in other parts of Georgia.

The work of the Joint Control Commission, hampered for a year and a half, not through any fault of Georgia's, has been renewed. Accordingly, the process of political negotiations has also started. Two meetings of an expert group have already been held. Bilateral co-operation in the socio-economic sphere is in progress as well. A recent meeting of the JCC has established a special working group on the return of the housing and other property of refugees and internally displaced persons of both Georgian and Ossetian nationalities.

We are grateful to the EU for the allocation of 3.5 million ECUs for the economic rehabilitation of the region. The OSCE in general, and its Mission in particular, contributed significantly to these positive trends. Unfortunately, financial investment still remains insubstantial. It should be stressed that there is a dire need for more attention, more active involvement, and more practical steps from donor organizations. Their reluctance to become involved in previous years was based on their lack of political initiative and a weakness in the political process, but now there are realistic prospects for a complete resolution of the Georgian-Ossetian conflict if it gets more financial support. We urge all interested organizations and countries to make their contribution.

As for the Abkhazian conflict, the fully stagnating nature of the peace process is obvious. It is ironic that during the last six years, while we have been talking about the same insoluble problems, we did not manage to strengthen the joint UN/OSCE Sukhumi Office, the OSCE and the UN cannot find four officers to perform permanent work there. The OSCE and the UN did not

manage to open the OSCE office in Gali although we witnessed several times how the OSCE made an effort to establish an OSCE presence where there was no willingness for it; we have not been able to end an OSCE presence where there was no need for one any more and not been able to establish one where it is obviously necessary. We have not managed to change the format of peacekeeping operations where peacekeeping is often interpreted as the right to keep this or that piece (of land). We have not managed to establish international control over the uncontained heavy weapon arsenal in Abkhazia. Establishment of international monitoring of the process of the return of refugees appeared to be impossible as well. And so on and so forth.

In our view, the problem lies in the general approach. Unfortunately, we must reiterate again that we have witnessed clearly different treatment and reactions towards different conflicts. We understand that an even simplified comparison with Kosovo may not be correct, but nevertheless, we see a lot of obvious parallels. The Kosovo scenario very much reminds us of the Abkhazian, but with different players and different roles.

We have almost the same number of refugees and internally displaced persons and they have spent their sixth winter out in the open. But we did not have our Albania, Macedonia or Montenegro: the whole burden of our catastrophe was taken on solely by Georgia. We also were subject to ethnic cleansing, which continues, and we do not understand why, unlike Kosovo, ethnic cleansing in our country can be so easily neglected or tolerated. It is also evident that the international community's reaction varies in different cases. So, regrettably, we have had to recognize that there is a principle of "geographic determinism" in the attitudes towards different conflicts. Apparently, some conflicts are central, privileged, and deserving of a great deal of interest while others are forgotten, "frozen", and marginalized. These, according to recent assessments, are the conflicts on the peripheries of Europe. We could hardly accept this approach, even if it were only geographic in meaning; but if the attitude is also politically charged, then it is absolutely unacceptable.

In conversations "on the side" we often hear that the reluctance of international organizations to be more active in our part of the world is conditioned by the fact that the West is preoccupied with the Balkans. Again, we fully understand the importance of Kosovo, but it cannot be a justification for overlooking Abkhazia. God forbid, but if the conflicts in the Balkans or elsewhere last decades or "forever", then we could not even hope to reach a solution to our conflicts. We cannot accept this philosophy of a "selective" classification of conflicts.

While recognizing that international organizations do make a certain political and financial contribution, we must state that their monitoring or registration of facts is followed only by recommendations and appeals that both sides

compromise, engage in a dialogue, and expand contacts. We have serious doubts about their real impact since, first, from the legal point of view, such recommendations have been addressed not to subjects of international law, but to an illegitimate leadership which came to power by military force in one of the autonomous regions of Georgia. Abkhazian separatists, backed by certain foreign forces, do not feel the need to abide by these recommendations. Second, a protracted and complex negotiation process showed a complete lack of desire on the part of the Abkhazian side to implement decisions by international organizations as well as commitments given by the Abkhazians themselves to return forcibly displaced persons to their homes.

Instead the Abkhazian separatists state that they are ready to receive displaced persons only when these people become citizens of the so-called Republic of Abkhazia and renounce their ethnic origin. Recently they announced they would be ready to receive people in the Gali region evicted from there by this very same regime in May 1998. What can the Georgian government do under these circumstances? How and where can Georgia compromise?

We still believe that international organizations, with the OSCE among them, have many resources that could be used to resolve this deadlocked conflict. And the key could be in the implementation of already adopted decisions. Otherwise, the UN and the OSCE will be even weaker and incapable of dealing with these burning issues.

In this respect, we often recall the OSCE Budapest Summit decision, the OSCE Lisbon Summit Declaration, the OSCE Chairman-in-Office's summary at the Copenhagen Ministerial and the OSCE Oslo Ministerial Council decisions. In Budapest, for instance, Heads of State or Government of the OSCE participating States expressed their "deep concern over 'ethnic cleansing', the massive expulsion of people, predominantly Georgian, from their living areas and the deaths of large numbers of innocent civilians".⁴

In Lisbon, Heads of State or Government condemned "the 'ethnic cleansing' resulting in mass destruction and forcible expulsion of predominantly Georgian population in Abkhazia. Destructive acts of separatists, including obstruction of the return of refugees and displaced persons (...) undermine the positive efforts undertaken to promote political settlement (...)".⁵

In Copenhagen, Ministers stressed that "the peaceful settlement of conflicts in Georgia requires additional measures of transparency on military armament and equipment in the conflict areas".⁶

4 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. 158.

5 Lisbon Document 1996, cited above (Note 3), p. 424.

6 Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1998*, Baden-Baden 1999, pp. 431-457, here: p. 435.

In Oslo we managed to adopt a truly action-oriented decision, which stipulates that the OSCE "appeal(s) to the United Nations and the Group of Friends of the United Nations Secretary-General, as the initiators of the Geneva process, and the Russian Federation, as a facilitator, to activate their efforts with a view to implementing already adopted decisions and undertakings".⁷ Ministers also expressed readiness in assisting in "establishment of a joint local administration in the Gali District with the participation of the returnees (...)".⁸ They also asked "the OSCE Chairman-in-Office to conduct with the United Nations Secretary-General, and within the OSCE, appropriate consultations exploring the utility of the establishment of an OSCE office in the Gali District".⁹

We are far from the idea that the international community in general, and the OSCE in particular, should solve all our problems, but it is natural to hope and expect more active, effective involvement and decisive steps for the implementation of OSCE norms and principles. We would also hope for the implementation of already adopted decisions - with the same intensity and at the same level as the Organization has applied in other cases, especially in the Balkans.

Thus one of the main reasons for the lack of progress in the conflict settlement process is the non-implementation of already adopted decisions of international organizations. We believe that the OSCE and its Mission should concentrate their efforts in this direction as well. Opening an OSCE field office in the Gali region will be the first step towards the implementation of the Oslo Ministerial decisions on Georgia.

We also believe that the upcoming visit of the Chairman-in-Office to Georgia, following the Istanbul OSCE Summit, will help to deal with this very problem. We understand that the conditions and overall situation in the OSCE area are not favourable to a focus on the conflicts in our country and the whole region, but nevertheless, we hope that the OSCE Chairmanship, in co-operation with the Mission to Georgia, will not allow our problems to be forgotten.

7 Seventh Meeting of the OSCE Ministerial Council, Oslo, 2-3 December 1998, in the present volume, pp. 455-549, here: p. 460.

8 Ibid., p. 461.

9 Ibid.

The Ukraine and the OSCE¹

Establishment of Relations

The first attempts of Ukraine's governmental institutions to establish contacts with the OSCE dates back to the final years of the USSR. On 16 July 1990 the Supreme Council of Ukraine adopted a Declaration on State Sovereignty which proclaimed the general foreign policy principles of the state: "The Ukrainian Soviet Socialist Republic as a subject of international law, maintains direct relations with other states, enters into treaties with them, exchanges diplomatic, consular and trade representatives, participates in the activities of international organizations to the extent required for adequate assurance of national interests of the Republic in the spheres of politics, economics, ecology, information, science, technology, culture and sports. The Ukrainian SSR is a full member of the international community which actively promotes the strengthening of universal peace and international security, and participates in the all-European process and European structures."²

It is significant that this first official document, which marked the beginning of the formation of Ukraine foreign policy, accurately outlined its European orientation.

However, Ukraine acquisition of sovereignty was a protracted process. Thus, in autumn 1990 (19-21 November 1990) the delegation took part in the Paris CSCE Summit of Heads of State or Government as part of the USSR delegation, unlike the representatives of Estonia, Latvia and Lithuania who, notwithstanding the official protests of Soviet diplomacy, were permitted by the leading Western states to participate in the Paris Summit with the status of informal observers.

It is indicative that just at that time, on 19 November 1990, the Ukraine entered into its first inter-state treaty of the contemporary period - a treaty dealing with the basic principles of inter-state relations with the Russian Federation, officially valid until spring 1999.

Before the Ukrainian Independence Referendum of 1 December 1991, followed by the official demise of the USSR, the Ukrainian aspiration to be-

1 The author is grateful to the staff of the Ukraine Ministry of Foreign Affairs for useful discussions of Ukraine policy towards the OSCE. The views expressed in this article, however, do not necessarily represent the government position.

2 Deklaratsiya o gosudarstvennom suverenitete Ukrainskoi Radianskoi Sotsialistichnoi Respubliki [Declaration on the State Sovereignty of the Ukrainian Soviet Socialist Republic], in: Vidomosti Verkhovni Rady Ukrainskoi Radianskoi Sotsialistichnoi Respubliki 31/1990, p. 429 (henceforth quoted as: The Bulletin of the Supreme Council of the Ukraine; all quotations from the Bulletin of the Supreme Council of the Ukraine are translated by the author).

come a participant of the Helsinki process with equal rights did not have the support of most NATO and EU member states. Even following the official demise and abolishment of the USSR through the Minsk accords and the creation of the Commonwealth of Independent States on 8 December 1991, Ukraine was not automatically recognized as a legal successor with the international obligations of the former USSR. Its membership in international organizations (except for the United Nations, whose founder and full member Ukraine had been since 1945) required submission of special applications.

In a letter dated 28 January 1992, from Anatoli Zlenko, the then Minister for Foreign Affairs of the Ukraine, to Jiří Dienstbier, the Chairman-in-Office of the CSCE Council of Ministers, the Ukrainian government officially proclaimed its adoption of the Helsinki Final Act, the Charter of Paris for a New Europe, and all other documents of the CSCE. The letter contained the following notions: "Concerning the Vienna Document on Confidence and Security-building Measures, the Government of Ukraine agrees to apply all the provisions of the Vienna Document on CSBMs, and to an understanding that the geographic scope of its application should be revised as soon as possible in order to ensure full effect of the rules of transparency, predictability and conflict prevention on its territory. Specific provisions on the above matter will be negotiated in the CSBM Negotiations and included in the 1992 Vienna Document. The Government of the Ukraine recognizes the requirement for prompt entry into force of the Treaty on Conventional Armed Forces in Europe. To that end, the Government of the Ukraine underlines the need for States with territory in the CFE area of application to undertake to move forward promptly with the ratification of the CFE Treaty and to assume, in co-operation with other relevant newly independent States, all CFE obligations of the former Soviet Union."³

The Ukraine joined the CSCE on 30 January 1992 at the Second Meeting of the Council of Ministers in Prague (30-31 January 1992) simultaneously with Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan and Uzbekistan. In 1992 the Ukrainian President, Leonid Kravchuk, signed the Helsinki Final Act and the Charter of Paris for a New Europe.

The documents of Ukrainian national legislation reflected the legal approach presupposing direct adoption of international commitments of the former Soviet Union. As far back as late summer of 1991 the Supreme Council, then the highest authority of the Ukraine, formulated the principle of adoption of international treaties and OSCE documents signed by the USSR which "do not run counter to the Constitution of the Ukraine or the interests of the Republic" by the Ukraine.⁴ The Statement by the Presidium of the Supreme

3 Official letter by Anatoli Zlenko, Minister of Foreign Affairs of Ukraine, to Jiří Dienstbier, Chairman-in-Office of the CSCE Council, 28 January 1992.

4 Ukrainian Law "On succession to rights and obligations", 12 September 1991, in: The Bulletin of the Supreme Council of the Ukraine 51/1991, p. 748.

Council of Ukraine "On the 1990 Treaty on Conventional Armed Forces in Europe" (22 November 1991) contained a full recognition of the CFE Treaty's validity on the territory of the Ukraine. This recognition of the CFE Treaty's validity as well as the Ukraine's readiness to acknowledge the Helsinki Final Act, the Charter of Paris and other OSCE documents were declared in the address of the Supreme Council of Ukraine "To the Parliaments and Peoples of the World" of 5 December 1991.⁵

The Ukraine formally joined the CFE Treaty at the Meeting of the CIS Heads of State or Government held in Tashkent on 15 May 1992. The CFE Treaty together with the Agreement on the principles and procedures for its implementation was ratified by the Supreme Council of the Ukraine on 1 July 1992.

Taking into account the existence of territorial claims on the part of some neighbouring states and conflicts regarding the establishment of Ukrainian armed forces under the absence of clearly negotiated conditions for the division and subordination of the former Soviet Army on its territory, the Ukraine, being a newly independent state, was vitally interested in the fullest possible implementation of OSCE norms and principles guaranteeing its rights.

The difficulties in the Ukrainian international situation from 1992 until the beginning of 1994 - caused by complications in the nuclear disarmament process, the Ukrainian-Russian dispute over the Black Sea Fleet of the former Soviet Union and the uncertainty of its relations with Russia because of the Crimea and Sevastopol issues - meant that the Ukrainian presence in the OSCE and the UN was of vital importance because it would allow Ukrainian diplomacy to take part in the processes of multilateral international co-operation and to forestall any threat of international isolation of the state. This experience was decisive in the traditionally high evaluation of CSCE/OSCE activities by the Ministry of Foreign Relations of Ukraine and its striving for maximum application of multilateral diplomacy to protect the fundamental interests of the state. Consequently, Ukraine experience in participating in multilateral diplomacy has played an important role in the formation of its foreign policy.

Foreign Policy Concept

According to the Ukrainian Constitution, establishing the conceptual basis of its domestic and foreign policy lies under the jurisdiction of the national Parliament. The resolution of the Supreme Council "On the basic principles of the foreign policy of the Ukraine" which was adopted on 2 July 1993 and is still valid played a decisive role in establishing the principles of Ukrainian foreign policy. This conceptual document considered the CSCE to be "the

5 Reprinted in: The Bulletin of the Supreme Council of the Ukraine 8/1992.

main regional direction" in the Ukrainian foreign policy. It states that "the Ukraine speaks in favour of further extension of the scope of CSCE activities, strengthening and increasing the efficiency of the activities of this international forum's structures and organizations, establishment within its framework of new mechanisms to facilitate creation of an efficient international system of regional security, operational resolution of problems related to the maintenance of military and political stability on the European continent, and extension of constructive and fruitful inter-state co-operation in the spheres of economics, science, technology, culture and humanities."⁶

At the same time, the conceptual provisions of the parliamentary resolution "On the basic principles of the foreign policy of the Ukraine" reflected the objective features and vulnerability of the Ukrainian position in foreign affairs as a state with an intermediary role in the European international security set-up: the Ukraine is not and in the near future will not be a member of the leading Western institutions like NATO, the EU and the WEU. However, through persistent efforts which were frequently not very beneficial from the economic point of view, the Ukraine has managed to a considerable extent to leave Russia's zone of military and political influence. In particular, the Ukraine is not a full CIS member and its status within the Commonwealth can be described rather as that of a partial or associated member. National legislation forbids executive authorities to participate in supra-national CIS institutions and military or politico-military structures created within its framework.

However, Russia's military presence in the Ukraine in the form of a long-term deployment of the Russian Black Sea Fleet in the Crimea remained, even after the break-up of the USSR. On the other hand, since 1995 the Ukraine has been co-operating more and more actively with NATO and takes part in exercises within and outside of the Partnership for Peace programme.

In the early 1990s the CSCE was the only European international organization in which the Ukraine enjoyed full membership, and so it was not surprising that its 1993 foreign policy concept emphasized the upgrading of the CSCE's status in the European security system and turning it into one of the key elements of its architecture. The concept underlined that: "the Ukraine will extend its participation in the North Atlantic Cooperation Council and the North Atlantic Assembly. The Ukraine will promote gradual transformation of these institutions into elements of the new European security system in conjunction with the Helsinki process."⁷

Further extension of Ukraine participation in the European security system was made dependent upon realization of the current tasks and was linked to

6 Resolution No. 3360-XII of the Supreme Council of the Ukraine "On the basic principles of the foreign policy of the Ukraine", in: The Bulletin of the Supreme Council of the Ukraine 37/1993, p. 379.

7 Resolution No. 3360-XII of the Supreme Council of the Ukraine "On the basic principles of the foreign policy of the Ukraine", in: The Bulletin of the Supreme Council of the Ukraine 37/1993.

the prospective aim of becoming a member of "European Communities and other Western European and all-European structures provided that this did not affect its national interests". From this, the rather important conclusion was drawn that it was necessary to adapt the foreign policy principles and orientations of the Ukraine to changing conditions based on full-fledged participation in the new pan-European security system: "In view of the disappearance of bloc confrontation in Europe, the problem of establishing an all-European security system based on the existing international institutions such as the OSCE, NACC, NATO and the WEU is acquiring priority importance. Direct and full membership of the Ukraine in this structure will provide necessary external guarantees of its international security. Taking account of the fundamental changes that occurred during the break-up of the USSR which determined the present geopolitical position of the Ukraine, its previously declared intention to become a neutral and a non-bloc state in the future should be adapted to the new realities and cannot be considered as an obstacle to its full-scale participation in the all-European security structure (...) The military doctrine of Ukraine is defensive in character and envisages (...) the establishment of politico-military co-operation with others, first of all with the neighbouring states and international organizations, and in particular with NATO and the WEU (...) Creating its national armed forces, the Ukraine will use its best efforts to (...) the co-ordination of practical steps in realization of its defence doctrine, with the dynamics of the process reflecting the formation of European and universal security structures."⁸

The 1993 concept influenced the development of tasks and principles of foreign policy of the state up to the end of the decade. At the same time, many declarations by high state officials on European and Transatlantic affairs frequently reflected exaggerated expectations regarding the creation of a *collective security* system on the basis of existing international institutions - in particular the OSCE. Generally, Ukrainian foreign policy of the 1990s reflected the continuous process of adapting the country to its present-day role in European and world politics as a nation of moderate size and relatively limited potential, which does not participate in collective defence alliances and politico-military arrangements.

General Priorities of Activities

The position of Ukraine on the main OSCE activities was strongly influenced by the general development of European transformation processes after the Cold War and has been guided by OSCE decisions and discussions within the framework of this multilateral forum. The official Ukrainian position within the OSCE was aimed at developing the Helsinki process into a strong and, what was even more important, effective organization that could play a

8 Ibid.

central role in European security co-operation and would be able to defend and represent the common and particular interests of all participating States. The status of the Ukraine in the European security architecture could be defined as that of a non-nuclear state which does not participate in military alliances and collective defence arrangements. Its position within the context of multilateral security co-operation, however, cannot be described as "non-alignment". Since the 1990 Declaration on State Sovereignty, the governments and the Parliament of the Ukraine have never overestimated the option of neutrality, frequently regarding this principle as an anachronism in post-Cold War European and Transatlantic affairs.

During the 1990s Ukraine activities within OSCE were directed towards:

- perfecting the mechanisms and institutions of the Organization;
- supporting the institutionalization of the OSCE while preserving its nature as a unique structure based on principles of co-operative security; and
- increasing the preventive and peacekeeping potential of the Organization.

For these purposes, Ukrainian diplomacy, on procedural questions, pressed for:

- preservation of consensus as the basic decision-making principle (except for certain cases requiring decisions without the consent of the parties to a conflict);
- extension of mandates and powers for the Chairman-in-Office, the Secretary General, the Troika and the High Commissioner on National Minorities, and closer co-operation between the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities and the Council of Europe;
- increased efficiency of the OSCE missions;
- preservation of the OSCE's non-hierarchical structure;
- extension of Ukrainian presence in OSCE structures and offices.

Through the expansion and correction of its functions, the institutionalization and variation of its activities on the basis of decisions approved by the Summits of Paris 1990, Helsinki 1992, Budapest 1994 and Lisbon 1996, the OSCE reinforced its status as the only security institution or organization in Europe that is considered a regional arrangement in the sense of Chapter VIII of the UN Charter. It is thus the primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in its region.⁹

9 Cf. Secretariat of the Organization for Security and Co-operation in Europe (Ed.), OSCE Handbook, Third Edition, Vienna 1999, p. 3.

From a Ukraine standpoint, one of the predominant OSCE objectives and tasks lies in creating a uniform area of common and comprehensive security with no dividing lines. The importance of the OSCE for the Ukraine, which is a state that has no additional security guarantees through participation in defence alliances, lies in its equal rights status, which allows it to:

- introduce questions on the emergence of threats to international security to OSCE bodies for consideration;
- call for the investigation and discussion, in accordance with valid procedural norms, of cases in which OSCE principles and norms have been violated;
- obtain support from the OSCE in restraining the violating (i.e. infringing) state.

In defining conceptual scenarios for European security co-operation, one of the central problems in the multilateral diplomacy of the participating States since 1994 has been the discussion and clarification of the new Security Model for Europe for the twenty-first century. The Lisbon Summit (2-3 December 1996) adopted a general political declaration and endorsed the *Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first century*, which outlined the security challenges facing the participating States and the possibilities for co-operative approaches in meeting them. It is quite obvious, that the active participation of the Ukraine in discussions on the Security Model and preparation of the OSCE Charter on European Security opened direct opportunities for the implementation of its national interests.

Within the discussion on this final document the most important issues were:

- (1) the design of a "Platform for Co-operative Security" as a part of the Security Model, and its main component - the "Common Concept for the Development of Co-operation between Mutually-Reinforcing Institutions" including the OSCE, NATO, the EU, the WEU and the Council of Europe under the appropriate role of the UN, and
- (2) an effective system to guarantee the implementation of OSCE principles, norms and commitments by the participating States through the application of advanced and newly established mechanisms and procedures of the Organization.

Ukrainian diplomacy believed that this system should also provide for general and co-ordinated measures and sanctions, to be applied in cases of evident, gross and lasting violations of OSCE principles and norms or in cases of the threat or use of force by any state against the sovereignty, territorial integrity and independence of another state. If these concerns are adequately reflected in the text of the Charter on European Security, its adoption and im-

plementation will substantially enhance the security of every participating State, including the Ukraine.

Current Views on OSCE Aims and Obligations

Certain principles related to the widening of co-operation and co-ordination of activities between European and Transatlantic security organizations, and on the definition of the terms of co-operation between the OSCE and other organizations and institutions backed by the Ukraine have found sufficient reflection in the *Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first century*.

The Ukrainian delegation succeeded in introducing into the Lisbon Declaration on the Security Model the following provisions: the presence of foreign troops on the territory of an OSCE participating State is permissible only if it is based on international law, the freely expressed consent of the host state, or a relevant decision of the UN Security Council. Within the OSCE no state, organization or group of states can have superior responsibility for maintaining peace and stability in the OSCE region, or regard any part of the OSCE region as its sphere of influence.

Some other aspects of the Ukrainian position were also made part of the Declaration. They included:

- the recognition of the existence of serious challenges and threats to security and state sovereignty in the OSCE area;
- the necessity of strict observance of fundamental OSCE principles and norms and the need, in the event of non-compliance with OSCE commitments by a participating State, to enhance the instruments of joint co-operative action, including a joint decision on the involvement of the UN Security Council;
- the expediency of using such effective instruments of interaction as regional "round tables" in the interest of preventive diplomacy.

The Lisbon Summit decisions cleared the way for development of the essential foundations of the new European Security Model. According to the Ukrainian position the new security system should be constructed with a "co-operative approach" which means the co-operation of states and both interaction and co-operation of security organizations on the basis of equality, partnership and solidarity. The political foundations of "co-operative security" should be OSCE principles and norms, and also the adherence to such common values as democracy, respect for human rights and fundamental freedoms, the rule of law, market economy and social justice. The task of security co-operation lies in creating a common and comprehensive security

zone without dividing lines and is linked with the observance of such basic principles as common and indivisible security.

The *Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the twenty-first century* confirmed the right of each OSCE State to choose or freely change its way to protect its security, including treaties of alliance, and approved the commitment not to strengthen one's own security at the expense of the security of other states.

Though the Lisbon Summit did not support the Ukraine proposal on non-deployment of nuclear weapons on the territory of the countries of Central Eastern Europe, this idea was *de facto* accepted by NATO. The North Atlantic Council at the level of Foreign Ministers in a Final Communiqué of 10 December 1996 declared that their governments do not intend to deploy nuclear weapons on the territory of the new NATO members either now or in the future. This notion was also reflected in the Charter on a Distinctive Partnership between NATO and the Ukraine and in the Founding Act on Mutual Relations, Cooperation and Security between the Russian Federation and NATO signed in 1997.

The Ukraine's call for additional security guarantees on behalf of relevant "primary security organizations" for the states which do not participate in collective defence alliances didn't find support at the Lisbon Summit and was not reflected in its decisions. The only concept proposed on behalf of the EU at the preparatory meeting held on the eve of the Summit and included into the text of the Lisbon Declaration was the commitment of the OSCE Heads of State or Government to attach importance to security concerns of all participating States irrespective of whether they belong to military structures or agreements. However, the Charter on a Distinctive Partnership between NATO and the Ukraine included a provision that NATO member states "will continue to support Ukrainian sovereignty and independence, territorial integrity (...) and the principle of inviolability of frontiers, as key factors of stability and security in Central and Eastern Europe and in the continent as a whole". The Charter stipulated that the Ukraine and NATO develop "a crisis consultative mechanism to consult together whenever Ukraine perceives a direct threat to its territorial integrity, political independence, or security".¹⁰

NATO also declared its support of the fact that Ukraine, as a non-nuclear weapon state, received security assurances from all five of the nuclear-weapon states parties to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT).¹¹

Ukraine priorities in the OSCE after 1996 were determined by the agenda of the Lisbon Summit. The position of the Ukraine was focused on the need for strict observance of the ten main principles guiding relations between partici-

10 Charter on a Distinctive Partnership between the North Atlantic Treaty Organization and the Ukraine. Issued in Madrid, Spain, on 9 July 1997, in: NATO review 4/1997, Special Insert - Documentation, pp. 5-6, here: p. 6.

11 Cf. Ibid.

pating States proclaimed in the 1975 Helsinki Final Act. The Ukrainian approach paid special attention - in comparison with other basic principles of the Final Act - to the necessity of complete and strict implementation of the principles of respect for sovereign equality and for the rights inherent in sovereignty, refraining from the threat or use of force, inviolability of frontiers and territorial integrity of states.

Ukrainian diplomacy considered that the document on the new Security Model should unambiguously confirm the principle of the inviolability of existing state borders in the OSCE area. As for the frequent attempts to use the principle of equality and the right of peoples to self-determination as justification for militant separatism, the executive authorities of the Ukraine consistently argued for the maintenance of territorial integrity of states in the OSCE area and viewed the principle of equality and the right of nations or peoples to self-determination as a condition which ought not to be opposed to the territorial integrity principle.

This position was based on an understanding that the notion of self-determination is not equivalent to secession or separation. Contemporary processes of self-determination, as a rule, occur within the framework of states which have undergone deep democratization of their domestic affairs and support human rights and fundamental freedoms along with real equality and free development of peoples and individuals belonging to national/ethnic minorities. Thus the intentional kindling of separatist aspirations among a population of well-defined peoples and national minorities for the purpose of doing damage to the state in which they live and of which they are citizens is absolutely inadmissible behaviour.

In the contemporary international situation, in which new states can emerge only on the territory of already existing states as a result of disintegration, association, or secession, such phenomena are of extreme complexity and can pose serious threats to the peace and safety of peoples. Proceeding from this it is evident that such state-building processes may be treated as admissible only if they take place on peaceful terms, in accordance with national legislation and international law, and under the control of the international community.

Now that the Lisbon Summit has recognized the indivisibility of European security and a commitment "to attach importance" to security concerns of all participating States irrespective whether they belong to military structures or agreements, a logical development of this thesis would be the establishment of appropriately negotiated mechanisms or procedures guaranteeing within the new security system the irreversibility of state borders and territorial integrity of those states that require it because they do not participate in the existing defensive alliances. Such mechanisms could provide for and regulate concrete measures, actions and conditions of their application against a state that seriously violated OSCE principles and commitments. In this connection, Ukrainian diplomacy concluded that the implementation of the Lisbon Sum-

mit decision on drawing up a catalogue of measures to strengthen confidence and security may also become an important step promoting regional stability. Taking into account the leading role of NATO and some other Euro-Atlantic and European organizations in maintaining all-European security, the Ukraine considered it expedient to include in the document on the European Security Model a provision calling for close interaction of the OSCE with NATO, the WEU, the EU, and the Council of Europe, with appropriate participation of the UN, as an important feature of the future European security system. According to the norms of domestic legislation, the Ukraine consistently opposed the inclusion of the CIS in this list.¹²

According to the foreign policy concept of the Ukrainian government, the OSCE can function as an international forum supporting development of co-operation and reinforcing mutual co-operative interaction between NATO, the WEU, the EU and the Council of Europe. Such co-operation should be based on partnership principles and be of a non-hierarchical nature. The continuation of uncertainty in OSCE relations with other security-related institutions was not considered a positive phenomenon. At the same time the idea of granting the OSCE a right to co-ordinate the activities of mutually reinforcing and co-operating organizations which could, however, contain a latent attempt to discharge NATO from playing the key role in the European security architecture, was considered unrealistic.

International Peacekeeping Issues

The problem of international peacekeeping activities in general and the conduct of peacekeeping operations in the post-Soviet area was an issue of special importance for Ukrainian diplomacy in connection with the attempts of Russian governmental circles to obtain international recognition of Russia's leading and supervisory role in the CIS area. As the Ukraine did not participate in the military and politico-military structures of the CIS such as the Tashkent Treaty on Collective Security, the CIS international peacemaking forces etc., the polemics and disputes on this matter took place within appropriate international organizations, especially the UN and the OSCE.

Ukrainian diplomacy strongly opposed Russia's claim to delegate to the CIS a UN or CSCE/OSCE mandate for peacekeeping operations in the post-Soviet area. In this connection, the Ukraine objected to proposals to include recognition of unilateral approaches towards peacekeeping activities in the text of the document "On further development of the CSCE's capacities in conflict pre-

12 Cf. Reservations of the Supreme Council of the Ukraine on the occasion of the ratification of the Agreement on the creation of the Commonwealth of Independent States, 10 December 1991, and the Statement of the Supreme Council of the Ukraine "On the participation of the Ukraine in the Agreement on the Commonwealth of Independent States", 20 December 1991, in: The Bulletin of the Supreme Council of the Ukraine 13/1992.

vention and crisis management", which was discussed within the CSCE in summer 1994.

In 1993/1994 the Ukraine's position towards "regional approaches" favoured the extension of responsibility of the CSCE and the development of its complementary collaboration with the NACC and the Partnership for Peace programme. Ukrainian diplomacy treated "regional approaches" to peacekeeping operations as a very sensitive issue. From its standpoint, care should be taken to ensure that "no individual State is given special responsibility for preserving peace and stability in a specific region. There is always the danger that unilateral efforts of a State in the field of peace-keeping might turn into a policy of regional domination because of the of State's military, strategic and economic potential."¹³

The principal position of the Ukrainian government towards CIS peacekeeping was summarized in a Memorandum of the Ukrainian Ministry of Foreign Affairs in February 1994. It stated that in connection with the problems of conflict management on the territory of the former Soviet Union under direct participation of the Russian Federation as a "third party", the Ukraine regarded such attempts as a reflection of the growing globalization of Russia's national interests.

The Memorandum commented, that "unilateral activity of Russia posed a threat not only to the Ukraine. Unilateral attempts of particular states in peacekeeping operations ultimately turn into a policy of regional domination and capturing a specific role in international relations as a result of their strategic, military and economic potential. Thus '*unilateral peacekeeping operations*' were a direct instrument of intervention in the internal affairs (of other states, S.T.)."¹⁴

The general approach of Ukrainian diplomacy, then, can be formulated in several precise provisions.

Firstly, UN and the OSCE multilateral peacekeeping is the principal basis for maintenance of peace and stability.

Secondly, the CIS should not in any way achieve a status of a legal person under international law, nor should it obtain supra-national or superior state functions comparable to the executive power of a confederation or a federation.

In 1993 the Ukraine was a co-author of an initiative discussed within the NACC which envisaged the creation, on the basis of NATO's Combined Joint Task Forces, of a multinational peacekeeping force acting under an OSCE mandate. Later on, in 1994/1995, the Ukraine proposed forming a "provisional working group" composed of representatives of the UN, NATO, NACC, the EU, the WEU and the Council of Europe. The task of this group

¹³ UN Doc. GA/PK/122 of 31 March 1994, pp. 3-4.

¹⁴ Ministry of Foreign Affairs of the Ukraine, Memorandum "On the position of the Ukraine concerning the execution of peacekeeping operations of the territory of the former USSR", Kyiv, February 1997, pp. 1-4.

could have been to enhance the CSCE/OSCE's preventive and peacekeeping potential and to extend its security co-operation with other European and Euro-Atlantic structures. Thus the Ukraine intended to promote the development of appropriate mechanisms for co-operation and to clarify the probable spheres for applying the specific potential of each of these structures and institutions.

In the eyes of the Ukrainian government, the "Partnership for Peace" programme will play an important role in the practical preparation of military detachments of the OSCE participating States for peacekeeping operations. After the Lisbon Summit, the Ukraine proposed sending an official request from the OSCE to NATO asking for the official inclusion of the PfP programme in the new Model of European Security as an original component.

In Ukraine's view, peacekeeping operations in the OSCE area should be carried out on a multinational basis and without prejudice, on the basis of a clear mandate and under the strict conditions of precise observance of the peacekeeping principles as formulated in the Helsinki Document of 1992, "The Challenges of Change", and later OSCE decisions. The Ukraine advocates enhancing the efficiency of OSCE activities aimed at strengthening stability and security in the region. This relates, in particular, to the political settlement of ongoing regional and local conflicts. The Ukrainian position is based on the indivisibility of European security and the application of uniform standards to various disputes and different parties involved in the conflicts. In this connection, Ukrainian diplomacy is strongly opposed to attempts to impose the assistance of "third parties" in the conduct of peacekeeping and suggestions to transfer OSCE powers to other regional or sub-regional international organizations.

While recognizing the importance of OSCE peacekeeping activities in the Balkans, the Ukrainian Ministry of Foreign Affairs seeks in every possible way to draw attention to the urgency and priority character of conflict resolution in the post-Soviet area, where the states caught up in these conflicts have become vulnerable actors in the European security architecture. This is why the Ukraine aspires to pursuing a line aimed at expanding OSCE peacekeeping activities, and also at increasing its own presence in sub-regional mechanisms of multilateral interaction whose purpose is to supervise the conditions of armistices, cease-fires, and reconciliation between the parties to conflicts as well as working out effective conditions for the final settlement. This position is typical of the Ukrainian government with regard to the conflicts in the Transdniestrian region (Republic of Moldova) and in Abkhazia (Georgia); activation of Ukraine participation in the Minsk Conference on Nagorno-Karabakh and in the Kosovo Verification Mission of 1998/1999 etc. was also envisaged.

One might say that the long-term position of the Ukraine towards the OSCE is based on the expectation that its role in the European security system has prospects of being strengthened. This expectation assumes that gradually,

within the framework of the OSCE, significant practical experience can be gained in a co-operative approach to conflict prevention, peaceful management of disputes and the mutually advantageous resolution of humanitarian and economic problems. In that case, the OSCE, providing a general framework or "umbrella" for European and Euro-Atlantic structures, might expand its competence and provide general legal supervision over the activities of other institutions, including those of a politico-military character. The OSCE's ability to control the running of peacekeeping operations executed under an OSCE or a UN mandate will be of primary importance.

Clarification of provisions for OSCE peacekeeping operations in the new Security Model will also help to reinforce their multilateral, impartial and unprejudiced character.

Implementation of OSCE Principles

The Ukrainian position is based on the belief that complete and strict implementation of basic OSCE principles and commitments by the participating States is highly relevant to its national security. This position assumes that the development of a new European Security Model will help to perfect the Organization's functional mechanisms and procedures.

This demands the development of a system of *permanent control* over the implementation of the principles and commitments, approved by the OSCE participating States, as well as an appropriate and adequate reaction to their infringement. The evaluation of the implementation process on a regular basis should be carried out by the Conflict Prevention Centre (military and political dimensions of security), the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities, the OSCE Representative on Freedom of the Media (human dimension of security) and the Co-ordinator of OSCE Economic and Environmental Activities (economic and ecological dimensions of security). The effective functioning of the OSCE negotiating and decision-making bodies assumes that the OSCE Chairman-in-Office will be kept informed on the current state of affairs and the emergence of challenges and threats.

In the debates on the improvement of OSCE operational instruments, Ukraine stressed the importance of:

- (1) developing confidence-building measures;
- (2) adopting a "Code of Conduct" in economic relationships between the OSCE participating States; and
- (3) a thorough evaluation of the events experienced by OSCE long-term missions and development of precise criteria for their use as the key instruments of the OSCE's involvement in conflict prevention, crisis management, conflict resolution and post-conflict rehabilitation.

The necessity of increasing the OSCE's peacekeeping potential is the reason why the Ukraine wants to speed up the development of a concept to regulate the management of OSCE peacekeeping operations and to create an appropriate and effective mechanism within the Security Model. Ukraine insisted on including a provision in the Security Model that all peacekeeping operations in the OSCE area should be carried out only under OSCE's aegis or mandate. This reservation does not apply to the UN Security Council, which assumes the main responsibility for the maintenance of world peace and security. According to the Helsinki Document of 1992, "The Challenges of Change", it would be expedient for the OSCE, in preparing and conducting peacekeeping operations, to rely on the special knowledge, experience and institutional resources of international organizations and institutions co-operating in the creation of a new security system, including NATO, the WEU and the EU. This would call for appropriate decisions and the conclusion of special agreements on the mechanisms of interaction between the OSCE and other security-related organizations.

Procedures to Warn against Threats and Challenges to Security

Since its inception, the OSCE has worked out a set of rather efficient mechanisms in response to the threats which arise in the human and military dimensions of security. However, the response mechanisms to threats in the political and economic dimensions of security require further development. The steps proposed for this purpose should prevent the participating States from violating OSCE principles and ensure early warning in order to avoid disasters similar to the 1999 crisis in Kosovo.

The Ukrainian diplomatic concept considered that OSCE measures to achieve these goals might include the following stages:

a) At an early stage of violations:

- active contacts between official representatives - the Chairman-in-Office, the Secretary General and the OSCE institutions - and a violating state, both directly and through various missions; these contacts could include consultations, advice, recommendations and other assistance, including proposals on intermediary services, and other mechanisms of affirmative action and peaceful settlement of disputes;
- granting a right to any OSCE participating State to demand explanations from a violating state directly or within the framework of regular sessions of the Permanent Council or the Forum for Security Co-operation, and if necessary, arranging bilateral consultations with a possibility of using the services of the OSCE Chairman-in-Office as intermediary.

b) If violations continue, notwithstanding the application of these measures:

- convocation at the request of the OSCE Chairman-in-Office or any OSCE participating State of an extraordinary session of the Permanent Council or the Forum for Security Co-operation to make necessary decisions with respect to the violations and to give appropriate notice and a statement of requirements to the violating state. These steps could be carried out according to the formula "consensus minus the violating state".

c) If there are crude violations of fundamental OSCE principles, a danger of the use of force between states, a threat to the inviolability of borders and the territorial integrity of states, serious violations of human rights and fundamental freedoms, and threats to the democratic foundations of states:

- convocation of an extraordinary session of the Permanent Council or the Forum for Security Co-operation to make decisions about political and material support to the victim-state, the possibility of carrying out peacekeeping operations, and - when all peaceful measures to adjust the political crisis or conflict are exhausted - to turn to the UN Security Council with a proposal for applying coercive measures to the violating state (the decision could be made according to the formula "consensus minus the violating state").¹⁵

In case of an armed attack on an OSCE participating State, it, along with the other OSCE participating States in accordance with Article 51 of the UN Charter, can resort to either individual or collective self-defence before measures have been undertaken by the UN Security Council. It is clear that once the OSCE, as a regional arrangement in the sense of Chapter VIII of the UN Charter, has received permission from the UN Security Council to take compulsory action, it will need a set of concrete measures appropriate to conflict situations which it can propose to the UN Security Council. During discussions within the framework of the OSCE similar arguments were also put forward by the representatives of Poland.

Position on Politico-Military Co-operation

Ukraine initiatives related to politico-military problems focused on the implementation of corresponding provisions of the two key decisions - "A Framework for Arms Control" and "Development of the Agenda of the Forum for Security Co-operation", included in the Lisbon Document 1996.

¹⁵ Cf. Ministry of Foreign Affairs of the Ukraine, The Concept and Programme of Ukraine's Activity in the OSCE for 1997-98, Kyiv 1997.

In this context the most important thing for the Ukraine was improving the efficiency of multilateral accords related to the military dimension, such as the 1990 CFE Treaty, the 1992 Treaty on Open Skies, and the Vienna Document of 1994.

The interests of the Ukraine were to actively participate in negotiations on adaptation of the CFE Treaty so that the adapted document would reflect as fully as possible the new European politico-military realities and the national security interests of the Ukraine, especially with regard to its current non-bloc status.

Ratification of the Open Skies Treaty is important for the Ukraine, not only for the sake of transparency and openness in the military sphere within the OSCE, but owing to the security requirements of a state which does not participate in collective defence alliances.

Ukrainian diplomacy regards adaptation of the Vienna Document of 1994 on Confidence- and Security-Building Measures to contemporary European conditions as a key conceptual politico-military component of the new Security Model. Despite numerous amendments to the Vienna Document of 1994, it is still based on the notion of a two-bloc division of Europe. In this connection Ukrainian diplomacy believes that the following aspects are particularly important:

- (1) further development of the Vienna Document of 1994 by expanding and making clearer the provisions related to bilateral and regional confidence-building measures;
- (2) perfection of the mechanism and diversification of inspection activities;
- (3) development of a mechanism for applying the measures foreseen in the Vienna Document of 1994 in case of bilateral or regional crises, so as to prevent their escalation into large-scale conflicts;
- (4) elaboration of new commitments by participating States on additional confidence-building measures and the extension of existing measures to other types of armed forces, in particular naval forces;
- (5) perfection of a mechanism to regulate the annual exchange of military information between the OSCE participating States.

Debates on the Powers of Decision-Making Bodies

Since 1996 the OSCE States have debated on ways of improving decision-making mechanisms. Several participating States (Russia, Germany and some others) supported by the 1996 Chairman-in-Office (then, the Foreign Minister of Switzerland) proposed to establish a "Committee on Security Affairs" as a new decision-making body similar to the UN Security Council. It was suggested that it might be made up of permanent and non-permanent members and be based on a rotation mechanism. Though the proposal to establish a co-

ordinating structure with limited membership never got the approval of a majority of the participating States, this question was never removed from the agenda. From a Ukrainian point of view, the creation of such a body would have a negative impact and could be considered as a violation of consensus principle.

In the debates on the OSCE Charter on European Security the Ukraine spoke in favour of its politically binding character, as approved by the Sixth Meeting of the Ministerial Council (Copenhagen, 18-19 December 1997).¹⁶

On this issue Ukrainian views were closer to the position of the USA, the UK and the majority of participating States - which objected to granting the OSCE legal powers to co-ordinate activities of other security-related structures - and not to the proposals of France and Russia.

At the Lisbon Summit and thereafter the Ukraine supported the "Platform for Co-operative Security" proposed by Britain and backed by the EU countries, which argued that this politically binding document would constitute the basis of the new Security Model for the twenty-first century. In this context Ukrainian diplomacy, supporting the EU's ideas of "co-operative security", insisted on unambiguous acknowledgement of the basic principles proclaimed in the Helsinki Final Act, the Paris Charter, the Budapest Code of Conduct and other OSCE decisions related to politico-military aspects in the text of the basic final document on the new European security system.

Concluding Remarks

During the Kosovo crisis in 1999 the Ukrainian Parliament, which was sharply critical of NATO's military operations against the Federal Republic of Yugoslavia, nevertheless did not, in its foreign policy resolutions and statements, vote for the breaking of Ukraine-NATO relations. Recognition of the fact that NATO is the most influential and effective military and security organization in the OSCE area turned attempts of leftist factions in the Parliament to initiate debates on anti-NATO principles of foreign policy into a noisy demarche rather than a serious and realistic conceptual approach. Thus the gap between the two possible options of Ukrainian foreign policy in post-Cold War Europe is too narrow. Accordingly the Ukrainian position may vary between closer co-operation with NATO, aimed at future membership, and a policy of "non-alignment" or, to be more exact, a "non-bloc" policy, in the sense of non-participation in defence alliances and politico-military agreements, like that of Sweden, Austria, Finland or the Irish Republic.

16 Cf. Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, in: Institute for Peace Research and Security Policy/IFSH (Ed.), OSCE Yearbook 1998, Baden-Baden 1999, pp. 431-457, here: p. 431; see also: Guidelines on an OSCE Document-Charter on European Security, *ibid.*, pp. 444-448, here: p. 445.

In this connection Ukraine's activities and initiatives in the OSCE institutions frequently reflect real contradictions arising out of the specific position of the state in contemporary European geopolitics and international relations.

Azerbaijan and the OSCE

Azerbaijan's collaboration with the OSCE began on 30 January 1992 when, at the second meeting of Foreign Ministers of the Conference on Security and Co-operation in Europe (CSCE) in Prague, the decision was made to admit the Republic of Azerbaijan into the CSCE.

This article will attempt to examine fundamental issues in relations between Azerbaijan and the CSCE/OSCE. At the end the author's conclusions will be presented.

The Settlement of the Armenia-Azerbaijan Conflict in the OSCE

The conflict has been on the agenda of the CSCE/OSCE since 1992. This article cannot deal with all aspects and elements of the settlement. Nor does it seek to describe the positions of the two sides. To do that would require a separate treatise. This article merely attempts to evaluate in general terms the work of the Co-Chairmen in the light of their observance of OSCE decisions on the conflict, and to consider several dimensions of the settlement.

OSCE Decisions on the Conflict

To begin, we will briefly describe the decisions. The first was adopted at the CSCE Council of Ministers meeting on 24 March 1992 in Helsinki. The Council decided to convoke a conference on Nagorno-Karabakh in the Belarusian capital of Minsk as a permanent negotiating forum on conflict settlement. Armenian and Azerbaijani representatives of Nagorno-Karabakh could only be invited by the Chairman of the Conference when the countries participating in the negotiating forum agreed.¹

The CSCE Summit which was held on 5 and 6 December 1994 in Budapest decided to create the institution of Co-chairmen of the Conference. The result was to consolidate all mediation efforts within the framework of the CSCE. It was the task of the Chairman-in-Office to ensure that negotiations were begun to sign a political agreement aimed at eliminating the consequences of the armed conflict, thus making it possible to call the Minsk Conference to-

¹ Cf. Helsinki Additional Meeting of the CSCE Council., 24 March 1992, Summary of Conclusions, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 841-844, here: pp. 842-843.

gether. The participating States declared their readiness, following signature of a political agreement, to make peacekeeping troops available.²

At the Lisbon OSCE Summit on 2 and 3 December 1996 only Armenia rejected the principles of settlement proposed by the Co-Chairmen of the Minsk Conference and the Chairman-in-Office which provided for the territorial integrity of Armenia and Azerbaijan, the highest degree of self-rule for Nagorno-Karabakh within Azerbaijan and guaranteed the security of its population. These principles found their way into the Lisbon Document in the form of a statement by the then Chairman-in-Office of the OSCE, Flavio Cotti.³ The United States, the European Union (EU), Russia, Finland and Turkey supported this statement.

Activities of the Co-Chairmen of the Minsk Group

The present arrangement for a three-fold Chairmanship of the Minsk Group (Russia, France and the United States) was made in 1997, following the Lisbon Summit. During the negotiations that preceded this, about 75 per cent of the document proposed by the previous chairmanship of the Minsk Group were agreed upon, a document that received the title "Agreement on Cessation of the Armed Conflict". Withdrawal from certain areas, the return of refugees, restoration of communications and the deployment of peacekeeping troops were treated as military-technical issues and constituted the largest part of the Agreement's content. The implementation of these points was regarded as a necessary condition for convening the Minsk Conference where the political issues, including the status of Nagorno-Karabakh, were to be settled. A number of problems associated with the Agreement remained unsolved, however. These were termed "key issues".

The negotiations had been suspended since April 1997 making it possible for the Co-Chairmen to travel to the region. On 1 June 1997 the Co-Chairmen presented a draft of a comprehensive agreement to resolve the Nagorno-Karabakh conflict which for the first time contained elements dealing with the status of Nagorno-Karabakh. Azerbaijan accepted this proposal in principle but Armenia did not.

On 19 September 1997 the Co-Chairmen presented new proposals for ending the military conflict. They recommended that as a first step those portions of the political agreement that had already been accepted should be implemented. In a second phase the "key issues" were to be solved and prepara-

2 Cf. 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: pp. 156-158.

3 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, here: Annex 1, p. 430.

tions begun for the convening of the Minsk Conference for the purpose of achieving a final comprehensive settlement.

The Presidents of Armenia and Azerbaijan announced in a joint declaration on 11 October 1997 in Strasbourg that these proposals represented a promising basis for resuming negotiations within the framework of the Minsk Group. This was the first time that proposals by the Co-Chairmen had been supported by both Armenia and Azerbaijan. However, Armenia's new leadership rejected these proposals in 1998. Thereafter the Minsk process was for all practical purposes at a dead end.

Over a year later, on 7 November 1998, the Co-Chairmen presented new proposals based on the concept of a "common state" according to which Nagorno-Karabakh would have the status of a state and a territorial structure in the form of a republic that would, together with Azerbaijan, constitute a common state within its internationally recognized borders. Azerbaijan rejected these proposals because they violated its sovereignty and were contrary to the Lisbon principles. This was the last proposal of the Co-Chairmen to date.

With regard to the settlement of this conflict one must first point to its various dimensions because they are of considerable importance. The foundations deserve first mention. The United Nations (UN) Charter, the resolutions of the UN Security Council on the conflict, the Decalogue of Helsinki, the CSCE decisions of Helsinki in 1992 and of Budapest in 1994, along with the Lisbon principles, constitute the basis for a settlement under international law. But the Co-Chairmen, with their contradictory proposals, have departed from these underlying principles. Although they were still non-partisan with regard to political decisions, they later turned out to be prejudiced and tried to accommodate the side that rejected the peace proposals corresponding to the political decisions.

A second dimension of settlement can be seen in what I call its "formula" or the sequence of its constituent parts. A political problem led to armed disputes. The settlement of the whole conflict requires that the consequences of military conflict first be eliminated so that the political aspects of the conflict can then be solved at the conference table. This sequence constitutes the formula for a settlement. The resolutions of the UN Security Council on the conflict as well as the Budapest decision assumed this kind of step-by-step sequence for a settlement, i.e. they provided first for a settlement of all military issues, which would then create the conditions for solutions to political problems. From the beginning of the settlement process onward, all proposals by the Chairmanship of the Minsk Group proceeded in principle in this sequence.

Through their proposals the Co-Chairmen upheld the Minsk process of peaceful settlement, which was of enormous positive significance. At the same time, however, their last proposal departed completely from the above-mentioned decisions, which provide the political basis for a settlement and

establish its sequence. Moreover, the Co-Chairmen displayed indecision and lack of principle by failing to defend those proposals, which had been keyed to the political decisions already accepted. Their lack of steadfastness with regard to decisions already adopted represents a serious deficiency in their work.

A second grave mistake on the part of the Co-Chairmen can be seen in their inability or unwillingness to marshal convincing arguments for the adoption of a peace plan. In connection with other conflicts we have seen how the mediators, with the utmost persistence, brought the side, which had not accepted peace proposals finally to agree to them. When proposals were rejected, the mediators showed the necessary determination and insisted on the implementation of provisions in the relevant resolutions of the UN Security Council. By their efforts, which were in violation of resolutions of the UN Security Council and decisions of the OSCE, to make concessions to the side that rejected proposals already presented, the Co-Chairmen manoeuvred themselves into a position bordering on loss of trust and authority and practically brought the Minsk process to a stop.

In looking at this conflict it is vital to consider the question of a framework for its peaceful settlement. In 1992 responsibility for settlement was put in the hands of the OSCE with the objective of finding a solution within a multi-lateral framework and on the basis of the norms of international law. At the same time the so-called "interested third party" became involved in the conflict, outside of the OSCE framework. This party was made up at different times of one or another country which other countries joined in various phases of the process. Thus it became, so to speak, a trilateral or regional framework. Nevertheless, the conflict has still not been settled. Nor has the possibility of negotiations within a bilateral framework been exploited beyond a certain point.

Finally, there is another dimension of the settlement that must be emphasized, namely the approach to it. Throughout all these years there has always been an individual approach to each of the various conflicts in the region of the Southern Caucasus. But there are other issues that could be the subject of joint discussions between the countries of the Southern Caucasus. These countries already have institutionalized relations with NATO and the EU. They are participating in the TRACECA project (for a Eurasian transportation corridor) and could become involved in other regional projects. These countries are closely linked and their linkage could in future be given an institutional basis. That would be of enormous geo-political importance for the entire region.

The existence of conflicts and other problems constitutes an obstacle to regional co-operation as well as to collaboration with other international organizations. It is bad for the stability of the region and impedes the democratization of society, the creation of market economies and, in the final analysis, the prosperity of the people. Perhaps it is time to change our approach to

settling conflicts in the countries of the Southern Caucasus - but this will have to be on the basis of equality and a fair approach to each individual country.

Participation in the Discussions on a Security Model

The 1994 CSCE Summit in Budapest made a decision "to launch in the CSCE a broad and comprehensive discussion on all aspects of security, as appropriate, aimed at devising a concept of security for the twenty-first century".⁴

In 1995 in Vienna, OSCE participating States initiated their discussion of the question of a common and comprehensive security model for Europe for the twenty-first century. The OSCE Ministerial Council, meeting in Copenhagen in 1997, decided to work out a European Security Charter.

Azerbaijan participated in the discussions on the Security Model from the very first day. This includes the preparations for the 1994 CSCE Summit in Budapest as well. For the purposes of this article, official statements distributed in the OSCE were investigated.

In 1995 the delegation of Azerbaijan presented three statements, in 1996 there were four, in 1997 six, in 1998 six and in the first half of 1999 five. Altogether 24 documents were circulated, five of them as declarations of a particular country. The other documents were presented jointly with the delegations of Georgia, Moldova and Ukraine. The delegation of Canada also joined the statement of these delegations of 28 November 1997. This joint document of five delegations was circulated again on 13 February 1998. A document on military-political aspects of security was circulated on 15 October 1998 in the names of the delegations of Belarus, Kazakhstan, Kyrgyzstan and Tajikistan. In 1999 the delegation of Uzbekistan subscribed to the three documents circulated by the delegations of Azerbaijan, Georgia, Moldova and Ukraine.

The problems mentioned most frequently in the statements are:⁵ the necessity of creating a procedure to ensure observance of the principles and decisions of the OSCE (16.7 per cent), which was first proposed by the delegation of Azerbaijan; strengthening the operational capacities of the OSCE with regard to conflict settlement, including peacekeeping operations (16.7 per cent); the importance of the principles of Helsinki (13.9 per cent); and co-operation between international organizations (13.9 per cent).

The next group of problems comprised the violation of OSCE principles as a source of risk to security (6.9 per cent); the geo-politics in the OSCE region

4 Budapest Document, cited above (Note 2), p.173.

5 In order to avoid any possible bias in this account of the statements and also for the sake of clarity and precision, the method of content analysis has been used. Without going into the nature of this method in detail, it should be noted that the problems dealt with in the statements are identified and their specific rate of occurrence is pointed out.

(8.3 per cent); human rights, including the rights of minorities, and self-determination (6.9 per cent). The rest of the problems constituted a third group. Among them the question of the concept of security (4.2 per cent) and the unacceptability of so-called "unprejudiced" mediation by the OSCE deserve special mention. It should also be pointed out that in every statement one or another aspect of these problems was highlighted. The way in which the problems are dealt with in the documents also reflects the ongoing development of positions with respect to them.

The logic of the numbers corresponds fully to the political logic of the delegation of Azerbaijan and gives adequate expression to it. It is important to emphasize that the delegation of Azerbaijan dealt with both theoretical (conceptual) and practical or operational matters in its statements. The theoretical and practical matters take up about equal space in these papers.

Azerbaijan's Collaboration with the OSCE in the Field of Democratization

At the present time Azerbaijan's collaboration with the OSCE in the field of democratization is focused on four main areas: first, the organization of election monitoring; second, the implementation of projects foreseen in a Memorandum of Understanding (MoU) between the government of Azerbaijan and the Office for Democratic Institutions and Human Rights (ODIHR); third, the staging of various seminars; and, fourth, co-operation with the OSCE's Representative on Freedom of the Media.

The Organization of Election Monitoring

On 19 June 1995 the Foreign Minister of Azerbaijan wrote to the Director of the ODIHR asking him to provide assistance by sending observers from the Office and from participating States to monitor the elections to the Milli Majlis (Parliament) of Azerbaijan and also by co-ordinating international observation of the preparation and implementation of these elections by representatives of participating States.

A OSCE/UN Joint Electoral Observation Mission was set up. Beginning in mid-September 1995 the Joint Mission scrutinized the election campaign, starting with the registration of candidates and parties for participation in the elections and going on to the appeal process for candidates and parties excluded from the campaign. One hundred observers were sent to monitor the elections and the vote count in Baku, Gyanje and Nakhchivan.

The elections were held on 12 November 1995. The Joint Mission noted in its report that the first post-independence parliamentary election was a multi-party, multi-candidate election. However, it observed that the election campaign, the voting and the counting of ballots did not correspond to internationally accepted norms in many respects. Nevertheless, the elections demon-

strated that Azerbaijan is capable of holding elections according to international norms.⁶

In 1998 presidential elections were carried out in Azerbaijan. The draft law on the presidential elections was discussed in detail in Vienna from 18-22 May 1998 by experts from the ODIHR and a delegation that had travelled there from Baku.

The draft law was passed by Parliament on 9 June 1998. The law took the recommendations of the ODIHR in some cases fully, in others partially, into account. Taking into consideration the remaining observations of ODIHR experts, other international organizations and the opposition parties, the President of the country addressed the Milli Majlis on 6 July 1998 with several changes to the law which it passed on 10 July. On 8 July 1998 the Foreign Ministry of Azerbaijan invited the ODIHR to send election observers.

Throughout the summer the ODIHR held a number of meetings with official representatives of Azerbaijan on monitoring the Law on the Election of the President. On 18 June an ODIHR mission arrived in Baku to assist the Central Election Commission (CEC) in working out rules of procedure for the implementation of the already existing electoral legislation. An ODIHR mission was in Baku from 31 July to 4 August to assess the need for organizational preparations and to discuss the situation before the elections with all political groupings in Baku. On 22 August the ODIHR sent an expert to Baku to prepare a programme for training the Azerbaijani officials responsible for the elections and to analyse the election ordinance that had been worked out by the CEC. Most of the ODIHR proposals were well received by Azerbaijan and were reflected in the election ordinance once it had passed.

To increase voter participation in the election the ODIHR, together with the radio broadcaster BBC, organized a radio programme in the Azerbaijani language to add to the people's knowledge of issues related to the election.

In co-operation with the International Foundation for Electoral Systems (IFES) and the Azerbaijani CEC, the ODIHR published a manual for election officials. On the basis of this manual, then, ODIHR and IFES prepared the officials during the last week of September. The Director of ODIHR was in Baku from 10-13 September to familiarize himself with the local situation. He met there with the President of the country who confirmed his determination to carry out long-term reforms and emphasized that these would not be affected by the election campaign.

The ODIHR Election Observation Mission began on 11 September 1998. The Mission monitored the election campaign and the administrative preparations for Election Day. On that day the Mission deployed 148 observers all over Azerbaijan to monitor the elections, the vote count and the aggregation of the

6 Cf. OSCE/UN Report of the OSCE/UN Joint Electoral Observation Mission in Azerbaijan on Azerbaijan's 12 November 1995 Parliamentary Election and Constitutional Referendum, January 1996, pp. 3-4.

votes. The mission stayed in Azerbaijan until 31 October in order to monitor the appeals process.

On 11 November 1998 the ODIHR published its final report on the observation of the presidential elections held in the Republic of Azerbaijan on 11 October 1998. The Observer Mission noted in the report that the Azerbaijani authorities had demonstrated a clear political will to improve the country's election practice significantly and had responded positively to concerns raised by the international community. The new Law on the Election of the President was clearly an improvement to its predecessor. Although noticeable efforts had been made to improve the democratic climate, the election process as a whole fell short of meeting OSCE commitments. The report said that the OSCE/ODIHR would continue to provide assistance to the newly elected authorities of Azerbaijan to further promote the development of democratic institutions in the country.⁷ The leadership of Azerbaijan expressed its desire for future co-operation with the ODIHR in this field.

Implementation of Projects Listed in the Memorandum of Understanding Between the Government of Azerbaijan and the ODIHR

The MoU between the OSCE/ODIHR and the government of Azerbaijan was signed on 25 November 1998 by the President of Azerbaijan, Heydar Aliiev, and the Chairman-in-Office of the OSCE, Bronisław Geremek, during the latter's visit to the countries of the Southern Caucasus from 23-26 November 1998.

In the Memorandum, the OSCE/ODIHR and the government of Azerbaijan agreed to hold regular consultations on matters pertaining to the human dimension. At the same time, joint activities were to be undertaken to develop and carry out projects related to democratic reforms, human rights and elections. A provisional list of agreed projects was attached to the Memorandum. In order to strengthen civil society in Azerbaijan, local non-governmental organizations (NGOs) working in the field of human rights were to be involved in the implementation of these projects. Aware that the process of democratic reform would take a long time, the ODIHR and the government of Azerbaijan regarded the Memorandum as the basis for a long-term effort.

These projects were already set forth by the needs assessment mission that was in Azerbaijan from 14-18 March 1998. That mission was led by the Director of ODIHR, who was accompanied by representatives of the Council of Europe, the European Commission, and the UN High Commissioner for Refugees. The purpose of their visit was to assess the need for ODIHR assistance in solving problems on the human dimension level and to evaluate the programmes of other international organizations so as to improve co-operation and avoid duplication. As the ODIHR saw it, the authorities of Azerbai-

7 Cf. ODIHR.GAL/55/98 of 11 November 1998, pp. 5-6.

jan showed considerable interest in international assistance in the field of democratization and human rights.⁸

The projects cover the following areas: assistance in organizing elections, reviewing election legislation and preparing election officials, a programme on citizenship and registration, public awareness on human right, the rule of law, and establishing the position of co-ordinator for law enforcement personnel.

The ODIHR began to carry out the projects in 1999. On 13 January the ODIHR chose an elections expert to work on the projects (listed in the Memorandum) for technical assistance on electoral issues. Experts of a needs assessment mission visited Baku from 22-25 January 1999 where they established contact with the authorities and political parties. In February the leadership and the most important political parties presented the ODIHR with a draft law on the CEC. The ODIHR reviewed the draft and made preliminary comments on it. The experts also established contacts with the CEC and worked out a preparatory training programme for election officials. This programme provides for the publication of a manual on the training of election officials. The next visit to Baku was from 31 March until 2 April 1999 by a group of experts who had come to investigate the status of implementation of projects on technical assistance in elections. An ODIHR adviser on migration issues and an election co-ordinator paid a third visit to Baku on 14-15 June 1999.

The programme on citizenship and registration listed in the Memorandum envisions support for developing a registration system for the population which would correspond to international standards with regard to freedom of movement, equality and the absence of discrimination; it also provides for preparing officials to carry out new laws and informing the public about these laws. In April 1999 experts were appointed to work on this project. The ODIHR said that it was prepared to familiarize officials with the international standards and to assist the government in overhauling the registration system. The public awareness on human rights project involves the preparation and airing of radio programmes in the Azerbaijani language in co-operation with the BBC. The fundamental rights of citizens, in accordance with national and international legislation, are to be explained. This programme was scheduled to be carried out between August and December 1999. BBC was expected to provide a draft programme to the ODIHR in August on the basis of which the preparation of the programme would proceed.

The programme to work out a job description for a co-ordinator of law enforcement personnel involves giving advice on procedures and standards for information exchange and the conduct of joint investigations as well as practical training in international investigations and in human rights. The need for such a co-ordinator was emphasized in the course of an ODIHR seminar on

8 Cf. Office for Democratic Institutions and Human Rights, Semi-annual Report Spring 1998, OSCE/ODIHR, Warsaw 1998.

methods for fighting organized crime that was held in Baku in March 1998. On 6 May 1999 the ODIHR sent a questionnaire dealing with these issues to Baku.

On the basis of the Memorandum, the President of Azerbaijan on 17 June 1999 issued a decree on the appointment by the Republic of Azerbaijan of a co-ordinator of the agreed projects in accordance with the MoU between the government of Azerbaijan and the OSCE/ODIHR.

On 19 July 1999 the Azerbaijani co-ordinator submitted a reply to the questionnaire, emphasizing simultaneously that joint activities and the fulfilment of the Memorandum needed to be accelerated. The Director of ODIHR replied that he was prepared to visit Baku in August in order to work out a schedule for carrying out the provisions of the Memorandum.

Implementation of Seminars

The first ODIHR seminar, on the activity of non-governmental organizations, was held in Baku from 19-24 July 1996. From 11-13 November 1996 a seminar organized by the ODIHR on "The Role of the Judiciary in a State Governed by the Rule of Law" was held in Baku; at the invitation of the ODIHR, experts from the United States, France and Russia took part. On the Azerbaijani side representatives of the legislative, executive and judiciary branches, from the National University of Baku and from non-governmental organizations took part.

At this seminar various questions about the operation of courts in a democratic society were discussed. This seminar was important to Azerbaijan because of its interest in sharing international experience in the fields of: the rule of law, the development of democracy and human rights.

The next seminar took place in March 1998 in Baku. It dealt with the fight against organized crime and was attended by a representative group of international experts in this field from Germany, Hungary, Italy and the United States. Technical support for this seminar was provided by the United Nations Interregional Crime and Justice Research Institute (UNICRI).

Representatives of the Council of Europe also took part in the seminar. For four days, 120 representatives of state organs of Azerbaijan studied all available measures for preventing and curbing crime that are presently in use in other OSCE participating States. Along with them, employees of the Interior Ministries of Georgia, Moldova and Ukraine participated in the seminar. Several of the problems dealt with found their way into the project listed in the MoU.

The ODIHR, together with the BBC, organized a workshop for journalists on the subject of "Law and Journalism" which was held in Baku from 2-5 March 1999. Representatives of the ODIHR and the OSCE Representative on Freedom of the Media took part. The main subjects of this seminar, which was conducted by experts from BBC's Caucasus department, were slander and

calumny, the legal rights and obligations of journalists, and the role of the media. The seminar brought together more than 60 representatives of television, radio and the press from a variety of political backgrounds. Practice demonstrated that such seminars are very useful. It would seem appropriate to continue them.

Collaboration with the OSCE Representative on Freedom of the Media

The office of the OSCE Representative on Freedom of the Media was created by a decision of the Permanent Council of 5 November 1997. The Ministerial Council, meeting in Copenhagen in 1997, appointed Freimut Duve for this job.

Our co-operation with the OSCE Representative on Freedom of the Media takes place mainly in the form of an exchange of letters between him and the Foreign Minister of Azerbaijan. The first letter is dated 5 February 1998. From early 1998 until August 1999 the OSCE Representative on Freedom of the Media sent nine letters to the Foreign Minister of Azerbaijan and received five in return. In his letters the OSCE Representative on Freedom of the Media expressed his concern over the general situation and over particular cases having to do with freedom of the press and asked for an explanation as well as the introduction of appropriate steps. The Foreign Minister of Azerbaijan, in his letters, provided extensive information on the questions raised.

In his report to the Permanent Council of the OSCE of 16 July 1998 the OSCE Representative on Freedom of the Media gave a favourable evaluation to the method of exchanging letters with Foreign Ministers, including Azerbaijan's Foreign Minister who had supplied information on the problems raised.

In addition to the exchange of letters, the OSCE Representative on Freedom of the Media reports regularly to the Permanent Council. Between 1998 and August 1999 the OSCE Representative on Freedom of the Media reported on the situation regarding freedom of the media in Azerbaijan in five of his reports. In these cases the delegation of Azerbaijan provided the relevant information.

Representatives of the Representative's Office paid two visits to Baku during the time period we are looking at. The first was by an adviser of the OSCE Representative on Freedom of the Media who from 9-11 November 1998 attended a seminar organized by the Council of Europe on issues relating to the press in a democratic society. The second took place on 23 February 1999 when the OSCE Representative on Freedom of the Media visited Baku at the invitation of the Foreign Minister of Azerbaijan. During his stay Duve met with the President, the Foreign Minister, the Minister for Press and Information, the editor-in-chief of the newspaper "Azerbaijan" and with representatives of the Milli Majlis.

Another form our relations with the OSCE Representative on Freedom of the Media take is through regular meetings between members of Azerbaijan's Delegation in Vienna and the OSCE Representative or his advisers. These meetings provide an opportunity for a useful exchange of information.

The kinds of activity described above are a good channel for the exchange of information. They permit the Office of the Media Representative to express concerns and raise questions and give us an opportunity to provide explanations and clarify the situation. This is without doubt extremely useful. In its collaboration with the Office of the OSCE Representative on Freedom of the Media Azerbaijan tries to give reasons for the development of problems and, together with the OSCE and with assistance from representatives of both the state and the press, to find ways of eliminating them.

In this connection, we feel that it is necessary to strengthen the capacity of the Representative's Office for practical co-operation by developing and carrying out a variety of projects. Such projects could include the training of journalists from both official and private newspapers, of employees of the Ministry of Press and Information, of official and private television and radio stations, of the Information Department in the Foreign Ministry and of NGOs involved in press work; they could, in addition, provide for the organization of various seminars and round-tables. The Office could also offer assistance in the field of press legislation. Our needs and our experience in working with the Office of the OSCE Representative on Freedom of the Media lead us to believe that this kind of co-operation would be appropriate.

Conclusions

In view of representing its interests, Azerbaijan considers the OSCE an important organization. It is the only security organization that includes all countries of the Transatlantic, European and Euro-Asian regions. The use of the consensus principle in making decisions permits all countries, especially the smaller ones, to defend their interests. The Organization has at its disposal a corpus of principles to govern relations between states and of commitments which the states are required to fulfil. The Organization works on the basis of comprehensive and indivisible security.

The CSCE Summit at Helsinki in 1992 gave the Organization certain operational powers. These made it even more attractive, especially to the countries which achieved independence after the collapse of the Soviet Union, of which many, including Azerbaijan, were confronted with serious threats to their security from the very beginning of independence. In our view the norms of international law constitute the conceptual basis for ensuring security while the OSCE is the practical instrument whose operational capacities ensure that these norms will be observed. The end of the Cold War and the disintegration of the Soviet Union created a new situation in which peace no

longer could rest on the balance of forces, as it used to do, but on justice, which in turn is based on the norms of international law. That is why we support the observance of the principles, decisions and commitments of the OSCE. Human rights and fundamental freedoms, democracy, the rule of law and economic freedom have become the values of our peoples and countries. Under these conditions every OSCE participating State is entitled, quite independently of the size and power of countries and alliances, to expect equal security in all its aspects. This holds true particularly for those countries that do not belong to any alliance. For us, respect for human beings and the guarantee of their freedom, rights and dignity have acquired special significance, not least in view of the refugees and displaced persons. The OSCE, which has unique operational possibilities, could provide, better than any other organization, the operational forum for solving these problems. This is the approach which also determined our position in the discussions of the Security Model.

Proposals for the creation of a mechanism for action in the event of non-compliance with the norms of the OSCE and for strengthening the operational abilities of the OSCE in settling conflicts, including peacekeeping operations (which we regard as part of the settlement, a method of implementation, and the best guarantee of a non-partisan settlement), along with proposals to regard the OSCE as a framework for co-operation between international organizations, were aimed at further strengthening the operational capacities of the OSCE.

In looking at the core of conflicts - their causes, the objectives of the participants and the actions taken to achieve these objectives - we emphasize the international law dimension of the conflicts rather than the historical, economic, military, ethnic, cultural or religious ones. From this standpoint we view conflicts as a violation of the norms of international law and are of the opinion that it is precisely from this perspective that a conflict must be viewed when an international organization is seeking to settle it.

In this connection (and building on the experience of the Minsk process) we favour unbiased mediation in the sense of not supporting one side or the other. Mediators must base their work on the norms of international law in general and on the provisions of the UN Charter, the resolutions of the UN Security Council, and the principles, decisions and commitments of the OSCE in particular. We are convinced that no other motives can provide the basis for the mediation activity of an international organization. In this context we recall Henry Kissinger's description of the idea of Woodrow Wilson: "Universal law and not equilibrium, national trustworthiness and not national self-assertion were, in Wilson's view, the foundations of international order."⁹

We take a cautious attitude towards the question of co-operation between international organizations based on the concept of their comparative advan-

9 Henry A. Kissinger, *Diplomacy*, New York 1994, p. 45.

tages. Azerbaijan is not a member of organizations that are presently in a position to guarantee security in the OSCE area. The OSCE is for us the only forum and we have tried to highlight the central role of this organization.

However, the events in Bosnia and Herzegovina, in Albania and in Kosovo, provide examples of co-operation between international organizations on the basis of their comparative advantages, not on the basis of Chapter III of the Helsinki Document of 1992. In Bosnia and Herzegovina the OSCE has concerned itself with issues related to elections, arms control and confidence-building measures. In Albania the OSCE, working with other international organizations as part of a co-ordinated structure, provides support in the fields of democratization, mass media and human rights as well as in the preparation and monitoring of elections. The events in Kosovo are the most recent but also the most important example of co-operation between international organizations. The OSCE Kosovo Mission became a distinct component within the overall framework of the United Nations Interim Administration Mission in Kosovo. Within this overall framework the OSCE Kosovo Mission plays the leading role on issues having to do with institution-building, strengthening democracy, and human rights.

The events in Bosnia and Herzegovina, in Albania and in Kosovo have revealed the limited role the OSCE can play in conflict prevention and settlement of crises, in view of its operational capacities. The OSCE does not take part in peacekeeping operations. The way in which the various international organizations work together in the Balkans, particularly in Kosovo, makes the OSCE's new role visible. Human rights and democratization are the OSCE's areas of responsibility. This is the result of changes that have taken place in Europe since the collapse of the USSR and affected the role of the OSCE in security matters.

When the Helsinki process started, security was based on the balance of forces between two alliances and on mutual regard for their interests. After the disintegration of the Warsaw Pact, Europe was already united in its values and orientation and political power in the USSR was liberalized. This was the end of the Cold War and security came to be based on mutual respect and co-operation.

After the collapse of the USSR the security of a number of successor states became vulnerable. The founding of the Commonwealth of Independent States, as important as it is to these countries, did not solve these problems. NATO and the EU are expanding the sphere of security and economic development. Europe's unity of values is merging into an institutional unity. Taking account of the interests of strong countries while ignoring those of a number of small ones - equal access for them to security and economic development - destroys the balance of security in the OSCE.

In seeking solutions for their problems the countries of the former USSR, working through the NATO programme of Partnership for Peace and through agreements on partnership and co-operation with the EU, maintain co-opera-

tive relations which do not amount to a membership but do give a new character to the relationship. The fact there is unequal access to security can be explained partly by geographic factors but also by the differing levels of economic development and democratization. These differences between participating States represent a serious challenge for the OSCE. The conflicts in the Southern Caucasus, Moldova and the Balkans have shown that it was not possible to settle them within the OSCE framework. Might the OSCE, which from its inception had a key role in guaranteeing security, have been able to solve these conflicts? It has at its disposal the necessary operational capacities. The problem does not lie in the absence of these capacities but in the way they are used. There is no question that the OSCE can settle conflicts. The OSCE is not an organization that exists for itself alone but an organization of states, and it acts in accordance with the will and desire of those states. The settlement of conflicts in the Balkans, especially in Kosovo, began with collaboration between international organizations in which each one assumed a specific role.

Conflict settlement, securing human rights and freedoms, democratization and the rule of law pave the way for economic prosperity and are, for us, vital matters. It is particularly important to emphasize the need for the OSCE's support and assistance to participating States on issues relating to the human dimension. If efforts to settle conflicts within the framework of the OSCE fail to produce results, stability and security, respect for human rights, democracy and economic prosperity will all suffer to a high degree. Is it not time to seek a solution to the problems of the Southern Caucasus through a complex and comprehensive regional programme in which every organization would play its distinctive role?

Moldova and the OSCE

From its beginning, the OSCE proved to be the most active of the European organizations striving to build up a general framework of stability, co-operation and security at the international and European level. Since the early 1970s, it has witnessed extraordinary challenges to security and peaceful co-existence within the targeted area of European countries, strengthening the determination of the participating States to find better ways to prevent local conflicts, restore stability and bring peace to war-torn areas, while consolidating common values and liberal freedoms. As many authors have remarked, the OSCE remains one of the few institutions where all European countries are equally represented and, for that reason, it can play the role of an honest broker, providing political guidance and consultation mechanisms for decision-makers while remaining an "institution where all participating States can discuss freely their security concerns".¹ The security needs experienced by the newly emerging states of former Yugoslavia and the former Soviet Union, most of them related to a deep sense of institutional, political and economic insecurity, gave the OSCE an opportunity to offer its services in preventive diplomacy and the strengthening of democratic elections. It should be mentioned however that not everything under the auspices of OSCE has proved idyllic.

The collapse of the Soviet Union opened broad new opportunities for the OSCE, as it assumed new functions and tasks to be tackled by its political and co-ordinating bodies such as the OSCE Permanent Council and ODIHR, but also set in motion a number of structural transformations that have affected the whole European security system. Differing views and expectations regarding the institutional shape of the OSCE are seen with increasing frequency among the participating States, and this is often regarded as one of the most obvious structural impediments for the Organization. While some of the participating States see it and promote it as a European micro-UN, other States would like to have it weaker with a more symbolic semblance; this last view seems, in fact, to be more strongly represented at different levels of strategic thinking on the OSCE's institutional development. Most of the Central and Eastern European countries could support a vigorous OSCE, but not at just any cost, as it cannot be viewed as an alternative to NATO enlargement and integration into other Western security organizations. Because of the recent admission of the Czech Republic, Poland and Hungary to NATO

1 Adam Daniel Rotfeld, *Europe: a Process of the Multinational Security*, in: *World Economy and International Relations* 1/1996, pp.49-68.

membership, these countries will stop fearing that their national priorities will be relativized by a strengthened OSCE as an alternative to the Western European security organizations. Despite the vigorous opposition of Russia, the will to get as far under a "NATO security umbrella" as possible seems to be a strategy for the remaining Eastern and Central European countries. Many other countries complain that, recent positive developments in the OSCE area notwithstanding, the resolution of their protracted conflicts (Trans-Dniestria in Moldova, Abkhazia in Georgia) appears to be much more difficult than expected. An additional pessimistic note is related to the fact that the OSCE still lacks a practical mechanism for the implementation of its high level decisions (Permanent Council and OSCE Summits), whose status is still difficult to determine, unlike the UN decisions which are compulsory for all member states. As a result, even the most favourable decisions (including those related to immediate withdrawal of foreign troops from the territory of the former Soviet republics, strengthening democratic institutions after the freezing of a conflict, and other ecological and social issues related to post-war rehabilitation) have simply remained on paper, with almost dramatic consequences for the territorial integrity and security concerns of Moldova. Finally, although it has clearly introduced the "international mediative factor"² it would be too much to say that the OSCE Mission provides a counter-balance to Russian support for the separatist claims in the break-away region of Moldova.

Learning from CSCE/OSCE Participation

Prior to the disintegration of the Soviet Union, the CSCE could hardly have been involved in monitoring political and ethnic tensions in the USSR as this would have been inconsistent with the principle of *non-intervention in the internal affairs of the participating States* (Principle VI of the Helsinki Final Act) and the USSR was the only country which maintained previous Cold War arrangements. Thus the quicksand realities of the post-Soviet world reshaped the essence and scope of the CSCE mandate, entitling it to become a "guardian of security and a bulwark against new divisions", but also "a pivotal institution fostering the European integration of those countries which arose from the collapsed Yugoslavian Federation and the USSR". From a functional perspective, the OSCE seemed to be the most suitable European institution to work in the area of preventive diplomacy, development of the human dimension and co-operative security on behalf of its participating States. It was natural that Moldovan leaders, as early as spring of 1991,

2 Piotr Switalski, *The OSCE in the European Security System: Chances and Limits*, Warsaw 1997, p. 39.

called for more active CSCE involvement in Moldova's domestic complexities, although it was only after the intricate dissolution of the USSR (December 1991) and acceptance of Moldova's full membership that the CSCE began to deal with the complex political problems that had arisen in this former Soviet republic. Like other former Soviet countries, Moldova treated the OSCE as one of the most preferred multilateral channels for political efforts aiming to help with the resolution of its internal conflict. But unlike many other countries with full awareness of their historical identity (e.g. the Baltic or Central and Eastern European states), Moldovan statehood had yet to be defined, internally as well as with respect to its neighbours. Having known only a short period of independent statehood (four months of separate existence as Democratic Moldovan Republic, between 1917 and 1918), the newly emerging country had a hard time reaching internal conciliation and creating good incentives for an efficient market economy. While the small size of the country presented a tactical advantage for promoting consistent economic reforms it also encouraged neglect from international organizations due to its limited geopolitical significance and scarcity of natural resources (oil, energy, etc). Therefore, Moldovan diplomacy had to work harder to bring the dismemberment of its territory to the attention of OSCE participating States, reaffirming its indivisible sovereignty, and firmly rejecting the comfortable "*fait accompli*" imposed by Russia's leadership on the "near abroad". For its part, Moldova took very seriously the promise that it could count on the support of international bodies (especially the OSCE) in seeking foreign troop withdrawal. A privileged relationship with the OSCE was, for Moldova, a very necessary resource for overcoming the problems posed by its small size and domestic fragility, but also a way of gaining international recognition and a proof of its European roots. Internationalization of the effort to resolve the conflict and the call for immediate evacuation of Russian military personnel and ammunition from Moldova were regarded as the main pillars of Moldova's policy towards the OSCE. In practical terms, however, co-operation with Moldova involved a rich and various framework of consultations. Exchange of information and views on issues of common concern, regular visits to Moldova, participation of Moldovan representatives in the work of the OSCE Permanent Council, the organization of seminars and conferences for strengthening democratic and human rights structures and finally, the constant effort of the OSCE Mission to Moldova to help find a long-lasting solution for its Trans-Dniestrian conflict - all of these were seen as indispensable for the internal consolidation of the Moldovan state.

It should be mentioned that Russia made a great effort to convince the West that it alone could play, with OSCE and UN consent, the role of regional stabilizer in the "near abroad", encouraging the fear of dismemberment of the Russian armed forces as the "greater evil" compared with the "lesser evil" of

strengthening and reshaping its hegemony over the former Soviet republics - now sovereign entities, recognized by the entire international community. Although it argued for a dominant OSCE role, Russia clearly attempted to shift to another body all matters related to the territory of the newly independent states, hoping that, in the end, the task of bringing order to the highly dispersed and destabilized components of the former Soviet Union would remain entirely under the auspices of the CIS (Commonwealth of Independent States), with slight or merely symbolic participation from international or pan-European security organizations. The CSCE condemned the "escalation of violence" in the Dniester region and urged "both conflicting sides" to stop armed hostilities (which evolved in June 1992 into a full-fledged military conflict in Moldova), but accepted also that Russia should play a special role in settling this conflict despite the obvious fact that Russia was clearly suspected of being behind the separatism of this region, with implications which clearly infringed upon the integrity and sovereignty of the Republic of Moldova. While it firmly denounced the involvement of Serbia and the Yugoslav National Army in Bosnia on the side of the irregular Serbian forces, the OSCE never criticized with similar vigour the role of Russia in the escalation of military hostilities in the Trans-Dniester region, despite the fact that evidence about the links between separatist leaders and Moscow became increasingly frequent after 1991.

It became obvious that there was a certain tactical "division of labour" between Russia and the break-away separatist region: Trans-Dniestria blocked and is still blocking negotiations on its "political status", making unacceptable demands, while Russia insists on the impossibility of withdrawing its military troops and ammunitions before a final settlement of the conflict. To make the situation more dramatic, Tiraspol authorities even used the slow pace of negotiations on Russian Army withdrawal as an excuse to gain additional political leverage, arguing that "Chişinău was preparing an invasion of Trans-Dniestria as soon as the Russian Army had withdrawn from the region". These allegations have been repeatedly rejected by high OSCE and Moldovan officials as "provocative", but they have been masterfully exploited by the Russian Duma, which reacted angrily to the OSCE and Moldovan charge as well as to the desire of Chişinău to speed up the process of the withdrawal of the former 14th Army from Moldova and to attract more Western countries into the negotiation and post-conflict rehabilitation process.

The last declaration of the Russian Duma on "recognition of the Trans-Dniestrian Republic of Moldova" (*Pridnestrovskaya Moldavskaya Respublika*, PMR), although qualified as unacceptable by President Yeltsin and the Russian Ministry of Foreign Affairs, brilliantly mirrored this strategy, aimed at giving to the unrecognized "secessionist PMR" a right to veto any

international agreement signed between Moldova and other states. From the very beginning, the declaration contained several mistakes and omissions. Arguing against the Treaty with Moldova, which it thinks "is likely to be played out according Western rules", the Russian Duma reacted with irritation to the projected "withdrawal of Russian troops from the region" and showed itself inclined to support the recognition of a "special geo-strategic Russian interest in Trans-Dniestria", thus justifying the separatists' "right" to make decisions on the disposal of the arms and munitions stocked in the region. Formally, the reasons why Moscow rejected every proposal aimed at speeding up the process of withdrawal of its military forces from Trans-Dniestria can be summarized as follows:

- (1) the military of the former 14th Army had already been cut back to 2,600;³
- (2) their complete withdrawal could occur only as a result of a final agreement between Chişinău and Tiraspol on the "political status" of Trans-Dniestria;
- (3) the psychological factor of the opposition to this withdrawal among local leaders and the Trans-Dniestrian population should also be taken into consideration;
- (4) the Treaty on the evacuation of the Russian military from the region had to be ratified by the Duma;
- (5) Russian forces are a major guarantee of regional stability.

According to this document, Russia is likely to play the role of a "recognized promoter" of regional stability, contrary to repeated OSCE and Council of Europe declarations calling for the withdrawal of Russian forces from the Trans-Dniester region of Moldova.⁴ A number of important conferences have supported the determination of the OSCE States to help reach a mutual understanding and a gradual but steady evacuation of the foreign military troops from Moldova.

The Oslo Ministerial Council of the OSCE called for Russian military withdrawal from Moldova, stressing its incomplete status and regretting that for several years no progress towards this goal has been made.⁵ Helle Degn, the Chair of the Parliamentary Assembly of the OSCE, made the same observation adding that the OSCE is ready "to help ship the Russian weapons out of Moldova's eastern region of Trans-Dniestria". Several other OSCE States, including United States, France, Norway, Germany, and Denmark, indicated

3 According to OSCE data Russia keeps in the Dniester region some 2,500 troops, 119 tanks, 46 armoured vehicles and 129 artillery installations.

4 Cf. Mesagerul No. 42, 6 November 1998, p. 1

5 Cf. Seventh Meeting of the OSCE Ministerial Council, Oslo, 2-3 December 1998, reprinted in the present volume, pp. 455-549, here: p. 462.

that they would provide their full support and called for "immediate action by the Russian authorities to speed up the evacuation of troops and ammunition from the Trans-Dniester region". At their Oslo Meeting on 2-3 December 1998, the OSCE Foreign Ministers expressed again their concern about the resolution of this protracted conflict in Moldova. A special decision of the Oslo Meeting confirmed "negotiations respecting the status of the Trans-Dniestrian region of Moldova have languished",⁶ and called for their revitalization through the OSCE Mission to Moldova and the mediatory states: Russia and Ukraine. The decision emphasized the critical importance of the complete and unquestioned implementation of all previous OSCE decisions on this issue, stipulating that "the removal of Russian armaments, military equipment, ammunition and other ordnance from Moldova should be the primary step in this direction".⁷ To overcome the existing stalemate, the OSCE Foreign Ministers suggested that several other steps should be taken to facilitate the complete implementation of the confidence- and security-building measures envisioned by the Odessa Agreement of 20 March 1998: identification and implementation of some specific environmental projects, other economic and cultural initiatives, information exchanges between the Dniestrian banks, examination of existing offers regarding the withdrawal or destruction of Russian weapons, equipment and ammunition, other military properties, and - most important - elaboration, within six months after the Oslo Summit of a precise time plan for the evacuation of Russian weapons, equipment, ammunition and other military patrimony of the former 14th Army. The numerical reduction of the Russian Army does not include those military elements which left the Army and continue to serve in the "unrecognized" army of Tiraspol, in several cases with full ammunition and equipment stolen or simply handed over to them by their colleagues from the former 14th Russian Army.

Territorial Intricacies

In late 1994, Chişinău granted autonomous status to the Gagauz minority in the form of a territorial-administrative district (Gagauz-Yeri). This sought to allay the minority's concerns by providing rich and generous organic guarantees anchored in a Gagauz regional constitution including executive and legislative bodies. These are regarded as fully satisfactory for the Gagauz ethnic community in Moldova. While leaving foreign affairs, defence, currency and state security in the hands of the central government, Gagauz autonomy confirmed the determination of the Moldova central authorities to

6 Ibid., p. 461.

7 Ibid., p. 462.

consider OSCE principles fully in solving peacefully all territorial difficulties. In contrast to the Gagauz issue, which was for practical purposes solved by the 1994 Law on the Territorial-Administrative Status of "Gagauz Yeri", the Trans-Dniestrian "knot" still persists in a frozen state, which further strains the democratic development of the country. After several years of mediation and bilateral negotiations, Chişinău and Tiraspol still have different views about marking time on the status of Moldova's break-away Dniester region.⁸ Separatist leaders still insist on recognition of the "existing realities" and the status gained under the shelter of the former Russian 14th Army. They argue that Chişinău ought to recognize the PMR (separatists), and agree to let its territories exist on the basis of "Soviet style" referendums (100 per cent - for, 0 per cent - against!) held in the separatist region, although no such referendum has been found "legal" by the Constitutional Court of Moldova. In response, Chişinău showed its readiness to provide Trans-Dniestria with quite a large measure of territorial-administrative autonomy and several attributes which are seen as indispensable to the self-identity of the local inhabitants. A Memorandum between Chişinău and Tiraspol, signed in 1997, did not succeed in facilitating the negotiations, and both parties continue to take a stand on (although their political mandate and legitimacy are not of equal status!) divergent visions of the future of a "common state" (which is expected to result in a "confederation of states", according to the Tiraspol leaders, or - a "unitary and indivisible state", according to the central government in Chişinău and the provisions of the Moldovan Constitution). The signing on 8 May 1997 of the Memorandum on the bases for normalization and of the Joint Statement marked an important step forward towards a lasting settlement based on the independence, sovereignty and territorial integrity in Moldova. However, much remains to be done. Hoping that ongoing contacts between the parties and the mediators would soon result in concrete action, the OSCE confirmed its readiness to assist in implementing the documents agreed upon and in searching for a final settlement, in close co-operation with Russian and Ukrainian mediators. Moldova is still concerned that the Agreement between Russia and Moldova of 21 October 1994 to withdraw all Russian forces from Moldova and the expectations in the Lisbon Document of early, orderly and complete withdrawal of Russian troops are still far from being fulfilled, in particular as regards ammunition and control over weapons stolen from the Russian military depots by separatist guards before, during and even long after the 1992 conflict.

On the eve of 1998 Parliamentary elections, Tiraspol suddenly demanded full recognition on the part of Chişinău, believing that the pro-Communist and pro-USSR factions there would definitely support their initiative in an ap-

8 Cf. Basa Press News Agency Tiraspol, 18 February 1998.

proach to building a confederation consisting of two equal parts. The secessionist leaders argued that a positive decision would ease the elaboration and adoption of accords on political, economic and social reintegration of the former Moldavian Soviet Socialist Republic (MSSR). Chişinău, for its part, regards such "recognition" as a tactical trap and, therefore, a mistake; if it declared that Trans-Dniestria enjoy equal rights as a part of a Moldovan federation, Trans-Dniestria would immediately leave the federation to join the CIS military and other neo-integrationist structures, such as the Russia-Belarus Union, which would irreversibly damage the prospects for political negotiations on a lasting settlement within its eastern region. After a first look at the proposed document, Moldova asked Russia, Ukraine and the OSCE to assess "the provocative document" saying that it contradicted the May 1997 Memorandum on the bases for normalization of Moldova-Trans-Dniestria relations and the Joint Statement signed by the three mediators: Ukraine, Russia and OSCE. According to these documents the sovereignty and territorial integrity of Moldova are regarded as fundamental elements, which cannot be trampled upon mercilessly in the process of settling the Dniester crisis. The Dniester authorities are claiming the contrary, saying that statehood for Trans-Dniestria would not be contrary to previous agreements, as it would not affect Moldova's integrity. Rather, they argue, statehood would "create the conditions to maintain a common state". It is obvious, however, that behind the good-looking facade of its "integrative approach", Tiraspol would be much more reluctant to accept the authority of Chişinău authorities over all territories which constituted, in 1991, the Republic of Moldova. Tiraspol authorities would like to change radically the current Moldovan foreign policy of the so-called "common state" by pressing Chişinău to join the military and political structures of the CIS, which would be in flagrant contradiction to constitutional provisions⁹ as well as to the already functioning alliances with Georgia, Ukraine and Azerbaijan, and other Central and Western European countries; it would undermine or totally frustrate the pro-European integrationist approach of Moldova's foreign policy.

Peacekeeping Operations in Moldova

In July 1992, President Mircea Snegur of Moldova and President Boris Yeltsin agreed upon the introduction of Russian peacekeeping forces to break up the conflicting sides in the Trans-Dniester region of Moldova. Ever since the parties agreed on general conditions for a cease-fire, the Russian peacekeeping operation has become one of the most controversial operations in the newly independent states. What was seen as a temporary measure, aimed at

⁹ According to the Constitution, the Moldovan state is a neutral state (Art. 11).

helping the conflicting sides reach an agreement, was impeded by Russia's double-standard diplomacy. Initially, the Yeltsin-Snegur Agreement envisioned the creation of the peacekeeping forces from Belarusian, Ukrainian, Russian and Moldovan units, although later they decided to change their decision as many other CIS members simply declined the invitation to send their military to the operation. Then, the Russian Federation called for the introduction of combined "interested" peacekeeping forces: five Russian, three Moldovan and two Trans-Dniestrian battalions to enforce the ceasefire. There was no prior agreement concerning the political status of Trans-Dniestria and the primary goal of the operation was to stop the violence and allow political leaders to find a peaceful solution. The question immediately arises: How could the Russian Army serve "objectively" as peacekeepers when one of the combatants belonged to that same Russian Army and to Trans-Dniestrian forces at the same time? Indeed, except for a blue armband and/or helmet, how could the Moldovans distinguish soldiers belonging to the former Russian 14th Army from those of Russian "peacekeeping" forces? Was there more than one Russian Army? The deployment of the peacekeeping contingents in 1992 helped to stop the armed hostilities, but it also froze the causes of the conflict. The deployment of these forces, although it occurred at the request of Chişinău, ran counter to the principle of impartiality of peacekeeping forces by providing tremendous support for Trans-Dniestria. To understand how Russian peacekeeping battalions could be neutral in Moldova requires an understanding of the transformation of the Soviet Russian 14th Army. According to the data published in March 1998 by the staff on the Co-ordination of Military Co-operation of the CIS State-Participants, the total number of peacekeeping forces of the countries of the Commonwealth stands at 11,908. Of these, 6,673 peacekeepers are in Tajikistan, 1,690 in Abkhazia, 2,309 in the Trans-Dniester region, and 1,236 in South Ossetia. Approximately 40 per cent of the personnel were withdrawn in 1997, but substantial amounts of Russian equipment and ammunition are still stored in the area, guarded by Russian forces, or handed over to illegal separatist forces.

From December 1991, when the USSR hammer and sickle flag was lowered at the Kremlin, until after the decision was made to establish Russian national armed forces (May 1992), the status and ownership of the 14th Army was unclear. During 1989-1991, as Moldovan opposition towards Moscow continued to grow, taking on a national flavour, there was increasing resistance among the Russian population in Moldova, which was opposed to the very fact of USSR disintegration, as well as upset over the rumours about unification with Romania. More and more, the 14th Army became associated with an anti-Moldovan and pro-Soviet Union stance. The Russians living in the Trans-Dniester region feared that Moldova would become a unitary Moldovan state and follow a path leading to its unification

with Romania, forcing the Russian population to leave or to change their citizenship. The fact that the majority of officers serving in the 14th Army had some form of housing in the Trans-Dniester region (and that there was little hope of finding similar accommodations in Russia) was also a key factor in the growing regional uncertainty. Because the 14th Army was overwhelmingly Russian, there was never any question that the Moldovans would nationalize it. The Russian General Staff believed, therefore, that "pure" Russian units could serve as impartial peacekeepers between Moldovan and Trans-Dniestrian forces. As in South Ossetia, the original peacekeeping mandate was for just a few months. However, due to their inability to reach an agreement on the political status of Trans-Dniestria, political leaders extended it indefinitely. The commander of the former 14th Russian Army will not even discuss relocating until Trans-Dniestrian status is determined. And even then their departure is doubtful, as the number of stipulations which must be met before the former 14th Army will be ready to relocate makes its presence in Moldova practically permanent: "The Army should stay in the region for some time to make sure that political decisions are being properly implemented."¹⁰

Before the Russian Ministry of Defence claimed it as Russian property, the 14th Army belonged to the armed forces of the CIS, and its Commander, General-Major Alexander Lebed, acted and presented himself as though he were not subordinate to Russian leadership, but represented a kind of "third party" in relation to the political establishment in Russia. He did reflect, however, the policies and goals of the more conservative elements in Russian leadership, and certainly those of the Trans-Dniestrian separatist leaders.¹¹ Despite the populist verve of General Lebed and some formal resemblance with the Russian Army, the 14th Army accepted circumstances under which it became, to a large degree, a local appendix to the Trans-Dniestrian military forces. According to Russian politicians, there are three substantive problems restricting the relocation of the former 14th Army from Moldova: (1) inability to find a political solution to the status of the Trans-Dniester region; (2) lack of housing within Russia to accommodate the 14th Army; and (3) problems associated with transferring an incredible amount of ammunition from

10 Sergey Knyazkov, "Chuvstvovat' za soboy derzhavu", *Krasnaya Zvezda*, 4 March 1994, p. 2; Quotation taken from: Valeri Demidetski, Russian Troop Commander Demands Peace Guarantees, Interfax, 7 April 1994, in FBIS-SOV-94-068, 8 April 1994, p. 52.

11 The fact that General Lebed was not removed, or even strongly censured, but was in fact promoted, testifies to the contradictory and amorphous nature of Russian foreign and defence policies after the USSR collapsed. For an in-depth analysis of the 14th Army's and other Russian involvement in the Trans-Dniester region and Moldova, see a series of articles written by Vladimir Socor, produced for RFE/RL Research Report: "Russian Forces in Moldova", 28 August 1992; "Russia's 14th Army and the Insurgency in Eastern Moldova", 11 September 1992; "Moldova's Dniester Ulcer", 1 January 1993; "Russia's Army in Moldova. There to Stay?", 18 June 1993; and "Isolated Moldova Being Pulled into Russian Orbit", 17 December 1993. Mr. Socor describes the complex relationship between General Lebed and the 14th Army, and also between the Russian, Moldovan and the Trans-Dniestrian leadership.

the Trans-Dniester region, across Ukrainian territory and back into Russia. Two years ago, the subject of discussion between Russia and Moldova centred upon the schedule of removing the former 14th Army from Moldova. Today the negotiations deal with determining the status of this "permanent" Russian military presence in Moldova.¹² This would appear to be the likely outcome of the so-called peacekeeping effort in Moldova. Elaboration of a schedule would, of course, further the process of withdrawal, and increased transparency could strengthen confidence, leading to greater stability in the region. The OSCE seems to be fully committed to following the issue closely, urging that "Russia, Ukraine and Moldova should become partners in the process of evacuation of the 14th Army arsenal", and calling for immediate withdrawal of all "foreign troops" from Moldova.¹³

Moldova and OSCE Today

The work being done in Moldova is very much in line with what the OSCE was designed for and usually accomplishes: conflict prevention, crisis management, election monitoring, arms control, promoting human rights and democracy-building, promoting rights of national minorities and confidence- and security-building measures. Economic growth is increasingly important in a divided society that is strained by minority, racial or inter-confessional disputes. Unfortunately, the economic component is missing from the active initiatives of the OSCE and this reduces to a certain extent its ability to influence or to change the position of the conflicting parties. Peace-building after the 1992 hostilities cannot be seen as a purely diplomatic effort, as many conflicts are deeply rooted in the black market economy, which is evaluated by independent experts at about 60 per cent of the total GDP. It should be mentioned that the separatist region, with only 18 per cent of the republic's population, took over 40 per cent of the former MSSR economy. Also noteworthy is that because of the failure to settle the regional crisis, Moldova loses annually about one billion US-Dollars through border smuggling, tax evasion and the underworld economy connected with the "breakaway republic". It was difficult, of course, for the OSCE to earn the trust of the separatist regime in Tiraspol, considering the clear-cut mandate to manage the internecine dispute on the basis of respect for the territorial integrity of Moldova, but in many respects the OSCE Mission has remained a spectator in the face of growing calls for separation of a territory where Russian troops are still deployed. Very soon after the 1992 conflict, Trans-Dniestria turned into a

12 Yuri Selivanov, V Moldove mojet poyavit'sya Rossiiskaya baza, in: Megapolis Express, 2 March 1994, p. 14.

13 OSCE Chairman in Office Urges Russia to Withdraw Troops from Moldova, in: Basa Press, 24 June 1998.

"black hole" where huge amounts of "dirty money" from the other CIS countries poured in and where criminal gangs found a secure paradise. The territorial and economic split further complicated the path of reforms initiated by the national government and became a pervasive issue in the domestic dispute in Moldova as well as in Russia. The issue of a "Slav fortress on the Dniester" quickly took on such importance in the internal political clashes in Russia that almost no Russian politician could avoid it; this in turn nurtured a steady anti-Western resistance campaign in Trans-Dniestria which served well the specific goal of separation from the rest of the Republic of Moldova. Russia is happy to interpret the "deadlock" as a good argument for the maintenance of its troops in the region. In addition, large dislocations occurred after the 1992 armed conflict, resulting in more than 50,000 displaced persons, and even now, long after the "freezing" of the conflict, the influx of refugees from the secessionist region has not stopped entirely. According to the Republican Commission for Displaced Persons, established by the Moldovan government in 1992, the reasons for fleeing from Trans-Dniestria are primarily related to: a "hidden process of ethno-political cleansing" initiated by the separatist regime in Tiraspol, loss of property and means of livelihood, and participation in the armed conflict or in open support of the Chişinău authorities, which is treated by the security organs of Tiraspol as "a state treason" to be punished with cruelty. While most displaced persons have been accommodated in hotels and camps, they have not succeeded in gaining the specific status of political refugees, as some Moldovan authorities have argued that the conflict would be solved very soon, and that a public debate over the displaced persons would interfere with negotiations. As already mentioned, economic growth is increasingly important in a divided society that is strained by minority, racial or inter-confessional disputes and often economic reasoning influences the success or the failure of highly appreciated diplomatic initiatives. Perhaps the OSCE should pay increased attention to these components when taking these initiatives.

The Small States and the OSCE¹

Definition of OSCE "Small States"

Small states do not constitute a self-declared group within the OSCE. Any criterion for distinguishing them from medium-sized or large states is hard to come up with and more or less arbitrary. One possibility is to use *population*. A limit of 100,000 residents, for example, would include only the so-called *micro-states* such as Andorra, Liechtenstein, Monaco, San Marino and the Holy See.² With a limit of 1,000,000 residents Iceland, Luxembourg, Malta and Cyprus would be added; two million would bring in Estonia and Slovenia; three million Macedonia, Latvia, and Bosnia and Herzegovina; four million Albania, Armenia, Ireland and Lithuania. Thus a limit of one million residents would seem to make sense for an investigation devoted to small states of the OSCE, even though broader criteria are sometimes applied within the OSCE itself.

This yields nine states for the purposes of this analysis, namely (listed by descending size of population - in thousands): Cyprus (860), Luxembourg (414), Malta (375), Iceland (278), Andorra (64), Monaco (30), Liechtenstein (28), San Marino (25), and the Holy See (or Vatican: 1).³ This represents 16.4 per cent of the total number of participating States but, with just over two million residents, only two thousandths of the total population of the OSCE. Therefore, along with the five micro-states cited, there are four others which with the exception of Luxembourg are all islands - Iceland, Malta and Cyprus.

Per capita income, measured in terms of GDP, is not always available. Roughly, it can be said that all of the countries under discussion here, with the exception of the Mediterranean island states of Malta and Cyprus, reach or exceed the limit of US-Dollars 20,000 per year p.c. and thus belong to the prosperous states. With US-Dollars 37,930 p.c., and as the wealthiest country in the European Union, Luxembourg takes first place. Apart from the Holy See, the micro-states, as providers of financial and (in the case of San Marino) other services, are economically successful despite their structural disadvantage due to their small size. Malta, by contrast, has US-Dollars 13,000 per year p.c. and Cyprus, with US-Dollars 11,600 p.c. is the poorest country in the group.

1 I am indebted to Heinrich Schneider for critical comments.

2 All figures from: The 55 Participating States - Facts and Figures, in the present volume, pp. 661-676; see also: Internet pages of the OSCE, <http://www.osce.org> (OSCE Secretariat in Vienna).

3 If Montenegro were to secede from the Federal Republic of Yugoslavia it would, with its population of approximately 700,000 people, also belong to this group.

To illustrate in a general way the extent to which these states participate in international politics we shall begin by citing their *membership* in important international organizations since 1945 and the number of their embassies. Luxembourg is the most strongly integrated. It has been a member of the UN, NATO, Council of Europe, WEU, and EC/EU since each of these institutions was founded. Iceland has been a member of the UN since 1946, of NATO since its founding in 1949, of the Council of Europe since 1950, of EFTA since its founding in 1960 and of the EEA. In addition it is a member of the Nordic Council, the Barents Euro-Arctic Council and the Council of the Baltic Sea States. After gaining independence in 1960, Cyprus joined the United Nations and, in 1961, the Council of Europe as well as the movement of non-aligned states. Since 1998 it has been among the first group of candidates for admission to the EU. Following independence in 1964 Malta became a member of the United Nations and in 1965 joined the Council of Europe as well as the movement of non-aligned states in 1973. It reactivated its application for EU membership following the change of government in 1997. There are clear differences in the micro-states. It was not until 1978 that Liechtenstein joined the Council of Europe, the United Nations in 1990, EFTA in 1991 and the EEA in 1995. San Marino became a member of the Council of Europe in 1988 and of the UN in 1992. Monaco was accepted into the United Nations in 1993, two months before Andorra, and has applied for membership to the Council of Europe. Andorra, for its part, has been a member of the Council of Europe since 1994. The Holy See is not a member of these organizations but has observer status. Having sent observers to individual sessions of the UN since the organization's beginning, it established itself as a permanent observer in 1964. Agreement was reached in 1962 on membership in a subordinate organization of the Council of Europe, the "Council for Cultural Co-operation"; and in 1970 a permanent observer was assigned to the organization as a whole and to the European Community as well.⁴

In addition to such memberships, the number of *embassies* a country has serves as an indication of its political involvement. The larger states have a limited but well-established network of relationships with the great powers, international organizations, and neighbouring states: Cyprus has 30, Luxembourg 21, Malta 18 and Iceland, owing to its location on the margin, 16 embassies and missions.⁵ The micro-states, by contrast, limit their relations essentially to their important neighbours and to international organizations such as the Council of Europe, the United Nations and also the OSCE with their opportunities for multilateral contacts; otherwise for the most part they main-

4 Cf. Heribert Köck, *Die völkerrechtliche Stellung des Heiligen Stuhls - Dargestellt an seinen Beziehungen zu Staaten und internationalen Organisationen* [The Position of the Holy See under International Law - Illustrated by its Relations with States and International Organizations], Berlin 1975, pp. 729-748.

5 Status of information ca. mid-1999.

tain multiple accreditations. Thus Liechtenstein and San Marino each have seven embassies or missions, Monaco five and Andorra two. The Holy See constitutes an exception here as its system of ambassadorial nunciatures, which have existed since the Middle Ages in all countries with a Catholic section of the population and in international organizations, has come to encompass 111 such representations.

Small States' Participation in the OSCE

In 1995 all States that had been participating in the CSCE in 1994 became participating States in the OSCE. The group of CSCE participants emerged in the course of preparations for the first conference. In 1969, following the Budapest meeting of the Warsaw Pact, notes were sent to all European states (plus the United States and Canada) asking for their views on a project for a "Conference on Security and Co-operation in Europe". Micro-states were also included, mainly because of a desire on the part of the Warsaw Pact countries to strengthen the neutrality element. The only condition for entry was that each state has a foreign policy of its own. This was in contrast to e.g. the Soviet Union policy in the period between the wars when it had blocked Liechtenstein's application to join the League of Nations because it was not big enough. In 1969 the recognition of the GDR as a sovereign state was not the only problem. The recognition of micro-states was also an issue and for that reason it was their aim to participate in this initiative to the greatest extent they could.⁶ Two months later, when Finland sent out invitations to participate in multilateral preparatory talks in Helsinki, a number of small and micro-states - *Luxembourg, Iceland, Cyprus, Malta*, as well as *Liechtenstein* and *San Marino* - were included as participants on the invitation list from the very beginning. *Monaco* did not at first take part in the CSCE preparations but sought participation before the start of the actual Final Conference in Helsinki in 1975. *Andorra* was not included at that time because France was responsible for its foreign policy and it did not join the OSCE until 25 April 1996.⁷

The *Holy See* also received the above mentioned note in 1969 through the Hungarian Embassy in Rome after the meeting of the Warsaw Pact countries, and thereafter the Finnish invitation as well. It responded to both and has been one of the participants ever since. While the Holy See seeks only observer status in many international organizations, its participation in the CSCE and then OSCE can be traced back to the particular historic situation

6 Cf. Mario Graf von Ledebur-Wicheln, *Die Mitwirkung in der OSZE - Kollektive Vernetzung oder Partnerschaft in der Sicherheit* [Collaboration in the OSCE - Collective Networking or Partnership in Security], Vaduz 1996, pp. 94-116 (Special Printing from: Papers of the Liechtenstein Institute No. 11).

7 Cf. John J. Maresca, *To Helsinki. The Conference on Security and Cooperation in Europe, 1973-1975*, Durham 1985, p. 3.

of 1969. The fact that both the League of Nations and the United Nations, as organizations for the peaceful settlement of conflicts, had been designed without the participation of the Holy See also played a role. The CSCE gave the Holy See an opportunity, which corresponded with its own image as a peace-seeking body, to pursue its interests in the process of détente and peaceful conflict resolution.⁸

The Holy See has been a subject of international law since the early Middle Ages, independently of the Pope's position as sovereign of the Papal State. When the latter was dissolved in 1870 and absorbed into Italy, the Holy See's status as a subject of international law was upheld, as can be witnessed through its maintenance of embassies and conclusion of treaties (concordats). The Lateran Treaty of 1929 established the Vatican City as a state, although one with minimal territory. Its citizenship is held only by long-time employees and residents of the Vatican, members of the Roman curia, and Vatican diplomats. The Holy See itself has no citizens. Its specifically religious and humanitarian objectives are unique, similar to the International Committee of the Red Cross (ICRC) and in contrast to nation states. For this reason people speak of a particular or special status of the Holy See as subject of international law.⁹

With regard to its position in international organizations, whether as member or as observer, after 1929 the Holy See adopted the policy of acting in its capacity as Holy See when church questions were involved and otherwise it acted as the Vatican. In 1957, however, an exchange of correspondence with the United Nations Secretariat led to a fundamental decision. Henceforth, Vatican representation was limited to technical organizations such as the International Telecommunications Union (ITU) and the World Postal Union (WPU) with facilities actually based in Vatican City. In all other cases, involving numerous organizations of a cultural, social, humanitarian or scientific character - or economic or disarmament issues - it acts as the Holy See.¹⁰ Generally it takes the status of an observer in order to emphasize its strictly apolitical position. There have been two exceptions, however: its membership in the International Atomic Energy Agency (IAEA), which came about at the express wish of UN Secretary-General Dag Hammarskjöld in 1956, and its participation in the CSCE/OSCE.

Formal Participation of Small States in the OSCE

Contributions to the OSCE budget are not so much determined by a specific blueprint as through reaching a consensus with each state. During the CSCE

8 Cf. Köck, cited above (Note 4), p. 475, Footnote 85.

9 Cf. Alfred Verdross/Bruno Simma, *Universelles Völkerrecht - Theorie und Praxis* [Universal International Law - Theory and Practice], Berlin 1983 (3rd Ed.), p. 247ff.

10 Cf. Köck, cited above (Note 4), p. 764ff.

period when its budget was lower, all small states (with the exception of Andorra) contributed 0.2 per cent. Only Luxembourg made a larger contribution of 0.6 per cent. After July 1992, and thus after it grew substantially from 34 to (at the time) 52 participating States, further budget differentiations were made within the group of small states. Beginning in January 1998, with a rising budget that currently lies at 30-50 million Euros (1999), the contributions were as follows: Luxembourg 0.55 per cent, Iceland and Cyprus 0.19 per cent each, Malta and the micro-states (including Andorra) 0.125 per cent. For the exceptionally high budget of the large missions such as those to Bosnia and Herzegovina and in Kosovo, which came to about 130 million Euros in 1998, a separate contributions key was worked out to take effect in January 2000: it stipulates that Luxembourg contribute 0.63 per cent, Iceland 0.21, Cyprus 0.14, and the micro-states and Malta 0.02 per cent each.

The *size of its Permanent Mission to the OSCE* varies according to the importance and the interests of each country. The Luxembourg Mission currently comprises three or four people one of whom is responsible for military matters. During Luxembourg's EU Presidency in the second half of 1997 it rose as high as seven. The Malta Mission comprises two people, Cyprus one or two. Iceland has had one permanent representative in Vienna since 1 March 1999; before that its OSCE affairs were handled by the Embassy in Bonn. Liechtenstein, by contrast, has kept a rather high profile; it maintains one or two people in Vienna. The Holy See has three representatives in its Mission, one of them a regular Vatican diplomat and on certain occasions two Austrians. San Marino has two people who when necessary travel up from San Marino; Monaco has one from its Embassy to the European Union (and Belgium) in Brussels; and Andorra has one person who travels from Andorra. Primarily this means the last three participate in Summit Meetings every two or three years and in annual meetings of the Ministerial Council; more rarely they take part in the (usually) weekly meetings of the Permanent Council and the Forum for Security Co-operation although San Marino is represented there somewhat more frequently than the others.

The most important OSCE institution is its *Chairmanship*. During the CSCE period the rotation principle prevailed. Once the transition to the OSCE had taken place a decision-making procedure based on consensus evolved and countries could announce their candidacy for this position. Interestingly enough, with the exception of Germany in the second half of 1991 and Italy in 1994, the chairmanship has mostly been held by mid-sized states such as Sweden, Hungary, Switzerland, Denmark, Poland, Norway and Austria and not, as far as can be predicted through the year 2002, any country from the group of small states. Nevertheless, judging by its successful management in its EU Presidency, Luxembourg could provide good leadership for the OSCE. Of the various OSCE bodies, there is one - the *Forum for Security Co-operation* - where the chairmanship continues to rotate. From the first session on 22 September 1992 until mid-June 1999 there were 262 sessions (including,

since 1994, the annual review conferences of the Vienna Document on Confidence- and Security-Building Measures).¹¹ Until the end of 1994 there was a separate chairman for each session; since 1 January 1995 there has been a monthly rotation. If a country does not want to take the chair it falls to the next in order. Taking on this job can therefore be regarded as a certain indicator of commitment. During this period Luxembourg has held the chair six times, Cyprus five (the last in March 1996), Malta three (last in 1997) and Iceland once (1993). The four micro-states, on the other hand, have not held the chair once. Though, there are other countries that have been similarly inactive, e.g. Bosnia and Herzegovina, Georgia, Latvia, Moldova, Uzbekistan, Tajikistan and Turkmenistan. But this does not mean complete inactivity. In a country such as Latvia, national diplomacy is focused on the issue of membership in the EU so that there are few resources left for other institutions. During the earlier CSCE period the Holy See took over the chairmanship but has not appeared in this office since 1992.

The OSCE itself does not yet have the authority to make contracts as an international organization. The first step towards this legal status was the decision regarding the *Convention on Conciliation and Arbitration within the CSCE* of 1992. The Court of Conciliation and Arbitration sits in Geneva. As of 1 April 1998, 33 countries had signed the Convention and there were 21 ratifications, among these many small states have ratified, namely Cyprus (1994), Liechtenstein (1994), Monaco (1994) and San Marino (1995). Three small states have only signed: Luxembourg (1992), Malta (1992), and Iceland (1994). Andorra and the Holy See have as yet made no move to support the Convention, but neither have such important OSCE participating States like the United States and Great Britain.

Finally, the *Parliamentary Assembly* of the OSCE deserves mention. It was constituted in 1991, still in connection with the CSCE. Of 317 delegates (since 1998) Luxembourg (like Bulgaria) has supplied five, Cyprus, Iceland and Malta three each (like fifteen other countries including the Baltic states and the Caucasian countries, four out of five Yugoslav successor states as well as three Central Asian countries, plus Albania and Moldova) while Liechtenstein, Monaco, San Marino and Andorra send two delegates each. The Holy See sends two representatives with the status of guest delegates.

Small States and OSCE Groups

At the present time there are two main identifiable *groups* in the OSCE: the European Union, sometimes including several or all of its candidates for membership, and the GUAM Group, made up of Georgia, Ukraine, Azerbaijan and Moldova. Occasionally there are also statements or proposals "on behalf of the 16" or, now, "on behalf of the 19" (this refers to NATO, although

11 Cf. OSCE FSC (Forum for Security Co-operation) Journal 1/1992ff.

the term is not used). Half of the small states, namely, Cyprus, Malta, Liechtenstein and San Marino (along with the neutral countries, Finland, Austria, Sweden and Switzerland as well as the bloc-free Yugoslavia) had also belonged to the former CSCE group of "neutral and non-aligned" (N+N) countries.¹² The Holy See also takes a position of neutrality on security matters but it did not belong to any group, not even that of the "N+N", because as a matter of principle it seeks to avoid biased positions.

The "N+N" group fell apart after the outbreak of the internal Yugoslav war with the attack on Slovenia and the consequent activation of the CSCE crisis mechanism by Austria on 1 July 1991. Initially Yugoslavia received strong support from Cyprus and some from Malta while the other countries in the group, Liechtenstein and San Marino among them, supported Austria's move. A year later the CSCE suspended the Federal Republic of Yugoslavia. Thus the group of nine small states that are under discussion here constitute no more than a formal category and have nothing in common apart from their size. However, since 1985 the "Small Country Games" have been initiated. All small states participate in these athletic games except the Holy See. This could be viewed as the beginning of a non-political group consciousness.

The Countries in Detail - Their Role and de facto Participation in the OSCE

The underlying principle of the CSCE, as of the OSCE, is that in it sovereign states deal with each other on a basis of equality, even if there are substantial differences in the amount of influence they have. Maresca noted in the case of the first CSCE that micro-states had a hard time fulfilling their role completely. However, small mid-sized countries such as Denmark were able to achieve formal equality, even with the superpowers. Nonetheless, a number of very impressive diplomats came from small countries which, owing to their size and the size of their delegations - sometimes only one or two diplomats - had to be up-to-date on all negotiations. Countries like Malta, the Holy See, Liechtenstein, Luxembourg and Iceland were sometimes able to make vitally important contributions to the work of the Conference. In the OSCE the extent and direction of the work has changed, which now will be discussed here country by country.¹³

Luxembourg is strongly integrated in regional organizations by virtue of its membership in the EU and NATO. These memberships mean that it is involved in many consultation mechanisms and participates regularly in decision-making processes - although this is not always noticeable to those from the outside. It also serves as NATO spokesman in regular rotation. A par-

12 Cf. Hanspeter Neuhold, The Group of the N+N Countries Within the CSCE Process, in: Hanspeter Neuhold (Ed.), CSCE: N+N Perspectives. The Process of the Conference on Security and Co-operation in Europe from the Viewpoint of the Neutral and Non-Aligned Participating States, Vienna 1987, pp. 23-35.

13 Cf. Maresca, cited above (Note 7), p. 18.

ticular high point occurs when Luxembourg holds the EU Presidency. As a consequence - and not only based on the size of its delegation - it clearly needs to be viewed as the most active and influential member of the group of small states. In financial terms it is even, on a *per capita* basis, the biggest contributor to the OSCE. The absolute size of its contributions puts it in nineteenth place, ahead of such populous countries as Ukraine and Portugal!

Iceland is characterized especially by its position as an island on the margin in the North Atlantic. Its membership in NATO is particularly important because of the big military base at Keflavik. Iceland does not maintain military forces of its own. Another special feature is its dependency on the fishing industry which still accounts for 75 per cent of its foreign trade. It is traditionally a democratic country and supports the values of the OSCE but otherwise takes a very reserved stance. Iceland had already sent a Mission to Vienna in 1992/93 after the decision to transform the CSCE into the OSCE was made in principle. However, because of budget reductions the Mission had to be transferred back to the Icelandic Embassy in Bonn. Following an economic recovery in more recent years, the Mission in Vienna was reopened in 1999. Iceland is traditionally oriented towards the United States on security matters. It has a bilateral agreement with the US and tends to follow the NATO line rather than the OSCE line. Because it is a member of EEA its positions are assessed informally by the EU.

The position of *Cyprus* in the OSCE as an island in the eastern Mediterranean is strongly coloured by the conflict between the Greek and Turkish populations on that island and by Turkish military support for its ethnic population in northern Cyprus since 1974 (the putsch of the Greek-Cypriot national guard and the Turkish invasion). This has overshadowed its participation in the CSCE since its origin and both sides make statements and accusations with almost ritual frequency. However, this kind of behaviour has become less common since the advent of the OSCE. And yet despite a number of attempts at mediation there is no solution in sight. Division of the island into two independent states has not been internationally accepted and as a consequence only the Greek-Cypriot government and not that of the Turkish Cypriots is recognized. The intervention of a mid-sized power against a small state continues. Indeed, there seems at present to be a tendency towards more rather than less armament, as can be seen from the planned purchase of Russian air-defence missiles by the Greek-Cypriot side. It is regrettable that the OSCE (like the CSCE before it) has the necessary instruments for peaceful conflict settlement but these are not being accepted in the present case. Thus the strength of the Turkish forces in the north is not known and there is no notification of larger military operations in advance. Confidence-building measures do not work and are characterized by the Cypriot side as "sunny weather manoeuvres".¹⁴

14 See, from the Greek-Cypriot side: Thalia F. Petrides (Ed.), *Security of Smaller States*, Nicosia 1996 (Ministry of Foreign Affairs).

Malta is a relatively active participating State as can be seen from its role as host at or as a name-giver for important meetings and for one of the four mechanisms, the so-called Valletta Mechanism for the "peaceful settlement of disputes". Malta is also a prototype for the astonishing influence of a small state in the CSCE. Since the creation of the CSCE it has seen itself as the representative of the interests of the "Mediterranean Forum" (members, in addition to Malta: Egypt, Algeria, Israel, Morocco, Tunisia, Syria since 1977, but most of the time inactive, and Jordan since 1998). This Forum called for tying the knot between European and Mediterranean security tighter.

During the preparations for the first conference (1969 on) both of the super-powers had initially agreed that no enlargement of the agenda or of the group of participants would be permitted. In 1975, however, by using its veto, Malta succeeded in having the Mediterranean question made an important ancillary subject. In the Helsinki Final Act, at Malta's insistence, an additional chapter on "Questions Relating to Security and Co-operation in the Mediterranean" was fitted in after the "second basket".¹⁵ Also, by 1993 four special CSCE conferences on issues related to the Mediterranean area had taken place.

Malta owes this success, among other things, to support from other Mediterranean countries such as Cyprus, Yugoslavia, Spain and Italy.¹⁶ However, Malta was not able to impose its will on the issue of (non-voting) participation by the Mediterranean Forum countries, and its blockading tactics occasionally risked placing it in fairly serious isolation. Even so, five countries on the Mediterranean littoral - Algeria, Egypt, Israel, Morocco and Tunisia (Syria showed little interest despite its participation in the group) - succeeded (even before the start of the OSCE) in March 1994 in getting invited to meetings of the OSCE Ministerial Council, review conferences and regular meetings of the OSCE Troika. They were also given access to all OSCE documents along with the right to present their views to the OSCE Chairman. In the same year an open-ended Contact Group on expert level was set up within the framework of the Permanent Council to facilitate the exchange of information. In 1995 the name of these states was changed from "non-participating Mediterranean States" to "Mediterranean partners for co-operation". Since 1997 the primary issues for Malta have been its orientation towards Europe and its (renewed) application for EU membership. It is seeking, through the screening process, to move up into the first group of candidates. As this goes on it is being increasingly associated with the relevant EU consultation mechanisms.

Liechtenstein sought as early as 1969 to become a CSCE participant in order to bolster its sovereignty. It has made a name for itself in the CSCE and

15 See 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. 182-183.

16 Cf. Maresca, cited above (Note 7), pp. 101 and 220.

OSCE and is quite active. While in the early stages of the CSCE it was occasionally represented by Switzerland, the process as a whole brought about a foreign policy emancipation which found expression, among other things, in it being the only micro-state (apart from the Holy See) to find permanent presence (from 1993 on) in Vienna. As is shown by its membership in other international organizations, Liechtenstein is in a sense leading the way among the micro-states when it comes to pursuing an independent foreign policy. As a member of the EEA it is included in the informal consultation mechanism of the EU. During the Cold War it gave extensive support to dissidents in the East Bloc countries. Since 1989 and within the OSCE it has taken a position favouring the strengthening of human rights and the protection of small states. It has also participated in the discussion of a Security Charter and in special financing actions.¹⁷

The *Holy See* and its special position in international politics as well as the development of its participation in the CSCE have already been dealt with. Regarding votes of a political nature the Holy See made clear in 1972 and again in May 1992 that it did not wish to take a partisan position but that its non-participation in a vote did not denote rejection and was not intended to stand in the way of consensus.¹⁸ In the course of the transformation into the OSCE an intensification of Holy See involvement was also evident in the establishment of a Permanent Mission in Vienna. Its basic approach during the Cold War was to focus on the contents of "basket III" and on the seventh principle, "respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief". While almost all other states pursued a variety of objectives and were forced to enter into compromises in order to achieve results, the Holy See was able to put forward its demands, particularly for freedom of religion and freely exercising religion, without the risk of any such limitations.

The Holy See took an intermediate position in the controversial debate over human rights between East and West. The West was fighting above all for liberal freedoms while the East was arguing for static fundamental social rights such as education and work. In many of these discussions the Holy See made the case for balancing these two kinds of human rights. In the field of international relations the Holy See takes a strictly neutral position, for the most part opposed to economic embargoes and the breaking off of diplomatic relations. Should the OSCE decide to support all decisions of the UN Security Council, this would be a complicating factor for the Holy See. In connection with the conflicts in former Yugoslavia it did, however, speak out for

17 Cf. Regierung des Fürstentums Liechtenstein - Amt für Auswärtige Angelegenheiten [Government of the Principality of Liechtenstein - Office of Foreign Affairs], Zielsetzungen und Prioritäten der liechtensteinischen Aussenpolitik. Bestandesaufnahme, Perspektiven, Schwerpunkte [Objectives and Priorities of Liechtenstein's Foreign Policy - Stock-taking, Outlook, Points of Focus], Vaduz 1997, pp. 16-23.

18 Cf. Final Recommendations of the Helsinki Consultations, Helsinki, 8 June 1973, in: Bloed (Ed.), cited above (Note 15), pp. 121-140, here: p. 140; and Eleventh CSO Meeting, Helsinki, 18-21 May 1992, in: *ibid.*, pp. 941-946, here p. 941.

sanctions as an ultimate response to massive violations of human rights. The recent discussion of democracy and democratization finds only a qualified advocate in the Holy See whose church structures are occasionally lacking in democratic elements. The last Council and the Holy See have, however, issued a clear statement favouring democracy and the rule of law as a form of political order. The Holy See is quite active in the OSCE, mainly in connection with human rights and religious issues, and its occasional positions on security matters and conflicts always emphasize the moral dimension (willingness to reconsider, etc.).

San Marino, Monaco and Andorra have no Missions of their own at the OSCE. Although there are variations, they generally have less of a presence, the first two mainly at meetings of the Ministerial Council and at Summit Meetings. By contrast, Andorra, which was admitted in 1996, has hardly made an appearance; its foreign relations had been represented by France. The three countries undertake almost no initiatives. During the CSCE San Marino was occasionally represented by Italy, Monaco by France. Historically, San Marino has a stronger independent political tradition by virtue of its Republicanism, which it has been practising without interruption since 1243, and its attention to refugees, e.g. Garibaldi and his supporters in 1849 and during the Second World War. Monaco, on the other hand, has been oriented more towards its ruling house, the Grimaldi; its first constitution dates from 1911 (for purposes of comparison, Liechtenstein's first constitution is from 1862). It was not until 1993 that Andorra transformed the path of long-standing autonomy for its valleys, established its own constitution and became a member of the UN. For all of them the CSCE process brought about foreign policy emancipation, as can be seen from their membership in international organizations. San Marino and Monaco are linked to the EU Economic Area through bilateral agreements with Italy and France, but Andorra is not a member.

Summary

Generally speaking, it is fair to say that Luxembourg takes first place among the small OSCE States when measured by its level of activity in the Organization, followed by Malta and Cyprus. Then follows a group of three countries: Iceland, which is rather reserved, Liechtenstein and the Holy See - the latter's activity limited by its emphasis on the analysis of the ethical and moral aspects of OSCE projects and on religious and humanitarian issues. Last come San Marino, Monaco and Andorra, which have not established Missions of their own and therefore have a weak presence. The first two have, however, been in the Organization since its origins while Andorra is just beginning to give form to its participation.

Beyond that it is worth noting that the OSCE offers to the larger of the small states a favourable opportunity to show the flag and call attention to their interests. As for the micro-states (apart from the Holy See), it enables them to demonstrate their existence.

Vulnerability and flexibility are important characteristics of small states. International organizations offer a measure of protection and for that reason are supported by such states. However, the concept of small state roles has been changing in the course of the CSCE/OSCE process and has become more like that of larger states.

II.

Responsibilities, Instruments, Mechanisms
and Procedures

Conflict Prevention and Settlement of Disputes

The OSCE Missions to Estonia and Latvia¹

The three Baltic states are generally viewed as a unity, as three small countries that can hardly be distinguished from one another. But a more careful look at this region of Europe makes clear that this is not the case and that along with many common elements each of them indeed has characteristics that are unique. While the demographic situation, as it existed immediately after recovery of state sovereignty in the early nineties, was similar and thus comparable in Estonia and Latvia, Lithuania already differed from its two neighbours. Demographic shifts that had their origin in the settlement policies of the Soviet Union had left a significantly lighter mark on Lithuania than they did on Estonia and Latvia, where the immigrants represented not only a legacy of the immediate past but a challenge for the future.² Taking account of this important difference the OSCE opened Missions in Estonia and Latvia in 1993, hoping thereby to promote the reorganization of society and the establishment of civil societies in both countries, while defusing any possible tensions that might arise in the process. The OSCE has never opened an office in Lithuania.

Both of these Missions operate on the basis of individual mandates which are renewed every six months. So far there have been no changes in the wording of the mandates with the result that both OSCE Missions continue to work in the field of citizenship and to concern themselves with issues affecting national minorities. In addition, the Missions observe and report on progress in implementation of OSCE principles, norms and commitments. In carrying out their mandates, the two Missions co-operate with other institutions, organizations and individuals that are interested in a dialogue on the relevant issues. They provide advice on a wide variety of levels and serve as an independent source of information both within their respective countries and abroad.

As countries that had once again become independent, Estonia and Latvia at the beginning of this decade were not only confronted with the task of ridding their legislation of its socialist inheritance; unlike most of the other reform states of Central and Eastern Europe they also faced the challenge of

1 The opinions and views expressed in this essay do not represent the official position of the OSCE Mission to Latvia or of the OSCE as a whole but are solely the personal observations and evaluations of the author.

2 At the time of the 1989 census the Russian-speaking share of the population in Latvia was 38.5 per cent (Russians and Belarusians; Latvians: 52 per cent) and in Estonia 30 per cent (Estonians: 61.5 per cent), while in Lithuania Russians and Belarusians made up only 11.4 per cent (Lithuanians: 79.6 per cent); cf. Rudolf A. Mark, *Die Völker der ehemaligen Sowjetunion* [The Peoples of the Former Soviet Union], Braunschweig 1992.

drafting important elements of their legislation from scratch. During the first years after restoration of their national independence practically the whole legislative foundation of these countries, from their constitutions to their citizenship laws and legislation dealing with foreigners, either had to be worked out anew or the legislation stemming from the time between the wars had to be adapted to the new circumstances. For that reason a significant part of the work of both Missions during the first years of their existence was focused on legislation. What was important was to take an active interest in the drafting of new laws, to provide ready counsel to the responsible authors and to monitor the unfolding process.

As a result of the passage of the most essential laws, the main focus of the two Missions' work has shifted in recent months and years. It is no longer legislation as such that is at the centre of their work but, rather, the implementation of the newly created legal framework, its effect on processes within the population, and possible amendments to the laws. In this connection, co-operation with institutions, organizations and individuals that seek actively to support the building of a "civil society" has increasingly become the centre of interest for the Missions. Thus the work of the two Missions has changed in tandem with the ongoing reform process in Estonia and Latvia and with the transition from the phase of democratization to the period of consolidation of the young democracies.

The OSCE Mission to Estonia

From the autumn of 1998 till the end of 1999 the Mission was under the direction of Ambassador Bernd Braun of Germany. Previously it had been run for a year by Ambassador Detlof von Berg (also from Germany) who, for his part, had relieved Ambassador Jean Perrin of France. The work of the six-man Mission to Estonia continues to be characterized by a division of labour according to region although the main focus has shifted more and more to the capital city, Tallinn, in recent years.

A division of labour by region was introduced when the Mission opened, owing to the demographic situation - a particularly heavy concentration of the Russian-speaking population in the north-eastern part of the country - and to facilitate the carrying out of the Mission's mandate. Of the six Mission members, two worked permanently in the north-eastern border city of Narva and two others in the capital of the north-eastern county of Johvi. For a good two years, however, there has been a noticeable tendency for the work of the Mission to concentrate more strongly on the capital, Tallinn. Projects initiated or supported by the Mission call increasingly for a presence in the Estonian capital and as a result the division of labour, once purely regional, is coming

to include many functional aspects. At the present time the Mission's office in Narva, with the assistance of a local employee, is kept open daily for those seeking advice, many of whom continue to make use of this opportunity. However, Mission members now travel to the north-east of Estonia for only one or two days.

Since the restoration of national independence, citizenship issues in the broadest sense have attracted international attention and for a long time they were at the heart of the Mission's work. In this connection, the Mission devoted special attention to the texts of the relevant laws. In December 1998 the Estonian Parliament passed an amended citizenship law which made it possible for children born stateless in Estonia to acquire citizenship with no prerequisites. The changes to the law were formally announced in that same month by President Lennart Meri and entered into force on 12 July 1999. Henceforth parents could apply for Estonian citizenship for their children born in Estonia after 26 February 1992 so that for these children the entire process of naturalization, including the obligatory examinations, became unnecessary. The High Commissioner on National Minorities and the OSCE Mission welcomed these changes in the law and regarded them as a significant step to promote integration in Estonia.

The legal status of immigrants from the Soviet period who do not want to apply for Estonian citizenship or are unable to do so is regulated by the Law on Aliens of 1995. This law was amended in February 1999 through changes in the provisions on immigration and through the transfer to the responsible officials of expanded authority to issue residence permits. The Mission welcomed this amendment as well because a large proportion of the people who had lived in Estonia illegally, even though they had come there before the 1 July 1990 deadline, would now, on the basis of this most recent change, be able to legalize their status in the country.

As a part of its mandate the Mission has over the years followed developments in language policy. The most recent changes have come about as a result of amendments to the language and election laws. The changes to the language law, adopted by the Parliament in February 1999 and promulgated by the President, make a distinction between the language ability required in the public and the private sphere. Owing to a lack of implementation provisions, however, this new version of the law could not enter into force on 1 July 1999 as originally foreseen. While the implementation provisions for the public sector were adopted on 27 July, those for the private sphere have yet to be passed. Passage is expected by the beginning of October. The Mission is following these most recent developments in close co-ordination with the responsible authorities in Estonia and with the Office of the High Commissioner.

Changes in the election laws have an effect on, among other things, the language requirements for persons who want to run for public office. In accordance with amendments passed in December 1998 only those citizens of Estonia may be candidates in the parliamentary and municipal elections who demonstrate an adequate command of the state language - one, for example, which enables them to understand the content of laws, to submit reports on agenda items, to express themselves in public speeches, to submit proposals or ask questions about them, and to carry on a dialogue with the electorate. Max van der Stoep, the OSCE's High Commissioner on National Minorities, requested that President Meri not promulgate these amendments because any language requirement that is made a condition for the exercise of the active or passive right to vote is contrary to the European Convention on Human Rights and to the International Covenant on Civil and Political Rights. The Estonian President did not meet this request, however, but confirmed the amendments so that they entered into force on 1 May 1999. Thus the amendments did not affect the parliamentary elections that were held in March 1999 but were first applied to the municipal elections in October 1999.

As mentioned above, the Estonian language plays a role of central importance in the process of consolidating the young democracy and in the integration of society. For this reason the Mission strives to promote knowledge of the state language at a variety of levels. The training programme for the Estonian language, modelled on the successful language programme in Latvia, was introduced in 1998. The objective of this programme is to improve the knowledge of the Estonian language among those persons in the population to whom it is not native, thus promoting integration in the country. The Mission, which has supported this project from the beginning, is a full board-member of the UNDP/PHARE project and as such intimately familiar with the implementation and execution of the programme.

Recognizing the role that non-governmental organizations play in developing a civil society and in the field of integration, the Mission has during the past two years expanded and intensified its existing relations with the NGO community. The OSCE Mission attaches great importance to a balanced distribution of contacts in this area with both Estonian and non-Estonian organizations. In addition to providing practical and technical support the Mission has organized seminars to assist in the further development and support of the non-governmental organizations.

Human and minority rights make up an important part of the Mission's work and it continues to take part as observer in every meeting of the Presidential Round Table on Inter-Ethnic Relations. Beyond that, the Mission has since summer of 1998 been sending one of its legal experts to give weekly lectures on human rights at Tartu University. In early 1999 the Mission organized, in

co-operation with the Office of the High Commissioner on National Minorities, a seminar on the Oslo and The Hague Recommendations. Its activities are aimed at establishing a forum for discussion of matters pertaining to education of and for minorities in Estonia.

In carrying out its broad responsibilities the Mission co-operates with local authorities, institutions and organizations as well as with the international organizations and representatives of other countries who are on the scene. There is also a close working relationship with OSCE institutions such as the Office of the High Commissioner on National Minorities and the Office for Democratic Institutions and Human Rights (ODIHR), the Council of Europe, the Council of the Baltic Sea States and the local offices of the United Nations for whom the Mission is in equal measure a partner for co-operation, a source of information and a local point of contact.

There is another OSCE representative working independently of the Mission in Estonia. In November 1994 Uwe Mahrenholz, Captain of the German Navy, was appointed OSCE Representative to the Estonian Government Commission on Military Pensioners. This Commission makes recommendations on the issuance of residence permits for former members of Soviet military units and their families. In the years since its establishment the Government Commission has made recommendations in favour of about 15,000 former members of the military and their family members and it will continue to meet regularly until decisions have been made on all cases not yet processed. Due to the legal situation in Estonia it is impermissible to issue an unlimited residence permit to former members of foreign armed forces and their families; as a consequence the Government Commission will have to remain in existence even after the initial processing of all cases. For the foreseeable future, therefore, the mandate of the OSCE Representative cannot be regarded as fulfilled.

The OSCE Mission to Latvia

The Head of the OSCE Mission to Latvia in 1999 was David Johnson from Great Britain. He took the office over in November 1998 from his countryman, Richard C. Samuel, who for his part had in the autumn of 1997 relieved the long-time Head of Mission, Charles Magee from the United States. At the present time the Head of Mission is assisted by four international Mission members whose work is organized according to functional criteria. Since its opening the OSCE Mission to Latvia has been located in the capital city, Riga. In contrast to its northern neighbour, Latvia's ethnic population distribution did not argue for opening field offices in other cities. Rather, regional aspects have for years been dealt with through a so-called "Road Trip Pro-

gramme". Under this programme, Mission members generally travel once a month to another region of the country where they arrange meetings with representatives of governmental and non-governmental organizations and with the press. In this way the Mission tries to obtain a comprehensive view of those developments in the country which are relevant to the OSCE's work in Latvia - something which would not be possible by working in Riga alone.

In carrying out its mandate the Mission has from the beginning been concerned primarily with citizenship issues and subjects directly related thereto. While the Mission in the first years of its existence was mainly preoccupied with following legislation in this field, its range of activities has more recently expanded. Other aspects of integration have come to predominate, e.g. social issues, problems related to language and education and other matters bearing on the status of the various ethnic groups in the country. In this connection, the Mission has given particular attention to the government's initiative to develop a national integration programme for Latvia.

Since adoption of the Citizenship Law in 1994, naturalization has been limited by a so-called "window-system" that divided up all possible applicants according to place and year of birth. Beginning in 1995 this system permitted the members of one additional group to apply for citizenship each calendar year. However, as of late autumn 1998 only seven per cent of those eligible under the "window" regime had made use of this offer. Under these circumstances an initiative by the government to amend the Citizenship Law was welcomed by the international community. In close co-operation with the Office of the High Commissioner on National Minorities, the Mission followed the changes to the law which were ultimately adopted by the Saeima, the Latvian Parliament, on 22 June 1998. Among other things, they included the abolition of the "window-system" and an option for children born stateless in Latvia after 21 August 1991 to receive Latvian citizenship without going through the naturalization process.

Confirmed by a referendum held in the autumn of 1998, the repeal of the "window-system" entered into force on 10 November and triggered a wave of naturalizations. On average a threefold to fourfold rise can be observed in comparison with the previous year. In 1999 a total of 15.183 people applied for naturalization and it is expected that this trend will continue in the years to come. The naturalization examinations have been simplified in recent years, in co-operation with the Council of Europe, and they now represent an appropriate and fair test of the applicant's knowledge.

The amendment to the Citizenship Law that makes it possible for children born stateless in Latvia to acquire Latvian citizenship without prerequisites entered into force at the beginning of 1999. Since that time about 250³ parents have taken advantage of this offer for their minor children, a figure that

3 Status as of September 1999.

is substantially lower than was predicted in 1998. One possible explanation that has been offered is that parents prefer to have the whole family go through the naturalization process together. So far, the number of people who want Latvian citizenship for their children but do not contemplate naturalization for themselves is relatively small.

As in past years, the Mission is continuing its so-called "Case Work Programme" through which it offers its good offices to those seeking advice, mainly in the area of naturalization and the issuance of so-called non-citizen passports. Since 1997 permanent residents of Latvia who are without any citizenship and do not plan to acquire Latvian citizenship have had the option of applying for Latvia's "non-citizen passport". This passport does not only permit the holder to travel abroad, but also serves as a document of identification within the country. This is the more important since the last (former) Soviet passport will expire as a valid document of identification in Latvia on 31 March 2000. The Mission welcomes the issuance of this passport, which provides a legal status for immigrants of the Soviet era.

As a part of its work the Mission follows legislation that touches upon issues of human and minority rights. For years the Latvian Parliament has been trying to pass a new language law with the intention of using it to strengthen the position of the Latvian language and to promote the use of the state language at all levels. It proved impossible to pass the law in the last legislative period, however, the project was carried forward in the newly elected Parliament and the new State Language Law was adopted by the Saeima on 8 July 1999. The High Commissioner on National Minorities and other international organizations expressed their concern over several provisions in the law just passed that provide for intervention by the state in the private sphere without legitimate public interest. The newly elected President, Vaira Vike-Freiberga, decided not to sign the law but to send it back to the Parliament for further review. The language law was thereupon referred to the responsible committee to be debated again in the Saeima.⁴

In the autumn of 1998 a new framework law on education was adopted which established the basis for a reform of the school system. It calls for Latvian as the language of instruction in all public schools except for those that wish to offer instruction under an educational programme for minorities. Schools that want to teach in a language other than Latvian may do so in the elementary and middle schools (including grade 9) by deciding on one of four available teaching models. This law entered into force at the beginning of the

4 The law was adopted in the Saeima on 9 December 1999. The High Commissioner on National Minorities welcomed the adoption of the law and came to the conclusion that the law is now essentially in conformity with Latvia's international obligations and commitments. He expressed his trust that the cabinet of ministers will follow the letter and the spirit of the law in elaborating regulations for implementation. The law will enter into force on 1 September 2000.

1999/2000 school year and provides for a transition period extending until 2004.

In early 1998 the government at that time initiated the drafting of a Social Integration Programme to be developed in three phases. The first phase saw the creation of a conceptual framework document which was adopted by the government in autumn 1998 and contains chapters on promoting integration in such fields as naturalization, language and education. At the beginning of 1999, during the second phase a working group was created including high-level government officials as well as representatives from the non-governmental sector. On the invitation of the then Foreign Minister, the OSCE Mission participates in the working group. From mid-March through the end of May the working group organized a public hearing on the framework document in which about 25,000 people participated. The Mission followed this debate, took an active part in several events, and organized a seminar as part of the public hearing phase (see below). The knowledge gained from this public airing led to a revision of the framework document which was adopted by the cabinet at the end of September, thus closing the second phase. The third phase, finally, will be devoted to working out the actual programme which could be sent to the cabinet of ministers for adoption in early summer 2000. The Mission welcomes the initiative for an integration programme and will in the future continue to follow and support this process (see below).

In addition to the Mission's activities described above, the Head of Mission continues to represent the OSCE in the Commission which oversees the implementation of the Russian-Latvian agreement on social security for military pensioners who have remained in Latvia. It is noteworthy that the frequency of meetings of this three-sided body has diminished in recent months; this can be taken as a sign that most of the issues that arose in connection with military pensioners remaining in Latvia have been successfully dealt with.

Over the past several years the Mission has participated in two book projects and one research project that are directly related to its work. In addition, the Mission organized as part of the public debate on the national integration programme a seminar on the significance of education and language in promoting integration⁵ and held another in October for authors and co-authors of the integration programme. In co-operation with the Naturalization Board and with the financial support of the Danish government the Mission conducted a seminar designed to give the existing regional integration initiatives a forum for discussion and encourage regions where an initiative does not exist as yet. In co-operation with regional NGO centres all over Latvia the Mission called for further involvement of the NGO sector in the discussion on integration.

5 The seminar was carried out with financial support from the Foundation on Inter-Ethnic Relations in The Hague.

With the financial support of the embassies of Sweden, Norway, Finland and the UK a whole range of different projects have already materialized.

As already noted above, the Mission maintains numerous contacts with Latvian authorities and institutions. They range over a variety of levels and subject areas and include meetings with government officials in the various regions of Latvia, as well as the capital city, and with Members of Parliament; they involve participating in sessions of permanent committees of the Saeima and carrying on discussions at the ministerial and even presidential level. The Mission generally receives support for its work and only rarely encounters problems of co-operation. There are particularly close working contacts with the Naturalization Board, the Department for Citizenship and Migration and with the Latvian Language Training Programme.

The Mission also maintains close contacts with non-governmental organizations in Latvia whose interests coincide with its mandate, and it has had good experiences with joint projects. The NGO Centre, along with its branch offices in eleven Latvian cities, has proven to be very helpful in arranging co-operation with NGOs in the various regions of the country (see above).

Furthermore, the Mission exchanges views regularly with representatives of the international community, with which it maintains excellent relations. Its co-operation with international organizations is quite varied and includes, along with the UNDP and the International Organization for Migration (IOM), the Council of the Baltic Sea States and the Council of Europe. Within the OSCE the Mission maintains a particularly close working relationship with the Office of the High Commissioner on National Minorities and co-operates with the ODIHR in carrying out a variety of projects. This broad range of contacts and the good working relationships are making it possible for the Mission to fulfil its mandate successfully.

Apart from the Mission, the OSCE has for many years maintained another office in Latvia. A separate agreement regulated the shut-down and dismantling of the radar station at Skrunda within the framework of the Soviet-Russian troop withdrawal. While all other troops had left Latvia by the end of August 1994, the bilateral agreement on the Skrunda radar station stipulated that it could continue to operate until late summer of 1998 with dismantling to be completed thereafter by 29 February 2000. The parties to the agreement asked that a representative of the OSCE be assigned to supervise the implementation of the agreement and to sit as a member of the Joint Committee that dealt with questions related to Skrunda. Until 1998 this observer mission was led by the Danish diplomat, Jorgen Andersen, with support from the German Air Force Colonel, Jürgen Hübschen. Since Andersen's departure Jürgen Hübschen has represented the OSCE alone. The radar station was shut-down on time at the end of August 1998 and orderly dismantled in October 1999 well before the original due date thus finishing off the process.

This was a matter of historic dimension, not only for the Baltic region but for the OSCE. For one thing, fulfilment of the bilateral treaty meant that the last active Soviet-Russian soldier actually left the Baltic states, thus completing the troop withdrawal of 1994. Moreover, the completion of the Skrunda Mission is of historic importance for the OSCE because with the fulfilment of its mandate a mission, for the first time in the history of the Organization, will have been concluded, having been carried out to the satisfaction of all participants.

From Six Months to Six Years or More?

When they were opened the OSCE Missions to Estonia and Latvia were both described as "long-term". However, the fact that their mandates are issued for six months at a time makes clear the temporary character of these Missions. Moreover, the mandates are formulated in such a way as to make clear that the Missions' stay in the host country is meant to solve certain problems which will later be taken over by institutions of the country itself. Due to this contradiction there has in recent years been occasional discussion of a so-called "exit" strategy, both in the host countries and within the OSCE.

For the new millennium it is to be hoped that the OSCE will elaborate a conceptual approach towards the closure of OSCE missions, thus once again demonstrating its flexibility.

The Skrunda Agreement and the OSCE's Involvement - An Example of Conflict Prevention and Confidence- Building

Background

During the Cold War the former Soviet Union, like the United States, had installed an early-warning belt on its territory to protect itself against the surprise attack from the intercontinental missiles of the other super-power. The installations in question, which are exclusively for the observation of outer space, were set up in various republics, among them the former Soviet Republic of Latvia. This installation, which will be discussed here, is located in Skrunda, about 160 kilometres west of Riga, on an area of about 200 acres "in the middle of nowhere". It includes not only the technical facilities and the related supply components but also housing for the soldiers and their families, a school, a kindergarten and even a hospital.

When Russia agreed in 1994 to withdraw its troops from the Baltic states, it attached the condition that it be allowed to continue to operate the early-warning station in Skrunda with its soldiers stationed in Latvia until there was an adequate substitute. But it became clear in the initial conversations between Latvia and Russia that this continued operation with practically no time limit was not workable.

The Skrunda Agreement and the Involvement of the OSCE

After intense negotiations the Latvians and Russians on 30 April 1994 signed an "Agreement between the Republic of Latvia and the Russian Federation on the Legal Status of the Skrunda Radar Station during its Temporary Operation and Dismantling" which entered into force on 1 September 1994. This Agreement, which must always be viewed in the context of the withdrawal of Russian troops from Latvia, allowed the Russians to go on running the radar facility in Skrunda until 31 August 1998. An additional one and a half years, until 29 February 2000, were agreed upon for the dismantling. By that time, at the latest, the last active Russian soldier must have left Latvia. Five million US-Dollars a year are to be paid as rental to the Latvian government.

After concluding the Agreement both parties approached the OSCE in June 1994 and asked them to arrange monitoring the modalities agreed upon. In February 1995 the OSCE decided to honour this request by the parties to the Agreement. At the end of May 1995 a joint working group of Latvians and

Russians under the chairmanship of an OSCE Representative, the Joint Committee, began working in Latvia. This Representative's responsibilities had already been set forth as follows by the Permanent Committee (since 1995: Permanent Council) on 30 June 1994:

- monitoring and co-ordinating the implementation of the Agreement;
- initiating and participating in discussions on issues related to the implementation of the Agreement and participating in decisions taken by the Joint Committee on the basis of consensus;
- participating in the creation of procedural and organizational modalities for the functioning of the Joint Committee;
- reporting regularly through the Chairman-in-Office to the Permanent Committee/Council.

In August of 1995 an international OSCE team carried out the baseline inspection of the Russian radar station in Skrunda. This was for practical purposes an inventory so that in later inspections the faithfulness of both parties to the Agreement could be examined. In December the first periodic inspection took place and was followed by five others in the course of 1996, 1997 and 1998. On 31 August 1998 the radar facility was switched off in accordance with the terms of the Agreement, thus ending the "period of temporary operation". This phase was at the beginning coloured by the common past, by many emotions on both sides and obvious scepticism about the capabilities of the OSCE, especially on the part of the Russians. But in the Joint Committee people learned very quickly that "you don't necessarily have to love each other in order to do business together". Besides, the competence and the manner of the experts involved soon convinced both partners of their firm determination to fulfil not only the letter but the spirit of the Agreement. After a short time the working group developed into a team in which the national interests on both sides were clearly represented but where understanding was always shown for the situation of the partner. The OSCE was convincing as an honest broker and neutral mediator and succeeded in communicating that they would treat both parties to the Agreement on a totally equal basis. Moreover, experts from more than a dozen OSCE participating States concluded on the basis of their inspections that both parties were holding precisely to the terms of the Agreement. During the entire phase of operation no objections were raised as a result of the inspections.

After the station was shut down on 31 August 1998 the "period of dismantling" began, on 1 September 1998. In accordance with the Agreement, an OSCE team determined officially on 3 September, three days after the shutdown, that Russia had taken Skrunda off of the net. Because of the excellent Russian co-operation the experts were able to confirm that the Skrunda radar station had not only been switched off but that it was in fact no longer functional.

During the phase of operation the OSCE had to make sure that the technical parameters of the radar station were being maintained and no changes made, that the amounts agreed upon were not being exceeded with regard to personnel, weapons and ammunition and that no modernization measures were being taken. As for the Latvians it was important to check whether they were supplying the station with electricity and water, providing the needed frequencies and generally ensuring untroubled operation of the station, as the Agreement stipulated.

For the dismantling phase it was of course necessary to use different monitoring procedures and criteria, ones which the treaty parties had agreed to in early summer 1998. Under the Agreement the Russians are responsible for the complete dismantlement of the two technical areas ("technical items one and two"). The Latvians bear responsibility for the administrative aspects: housing, hospital, kindergarten and school. Two working groups were set up on the Latvian side, both of which concern themselves with technical and environmental aspects. Together the treaty parties worked out a protocol that specifies how dismantlement should proceed for every building in the technical areas. On recommendation of the OSCE it was agreed that buildings would be dismantled only to ground level and that on the whole no experts would participate or be used. Good old "common sense" is to be the most important criterion in the dismantling phase. This is important not least because the Agreement, which all in all was very well and carefully negotiated, is deliberately held in very general terms with regard to the dismantling stage and on recultivation, for example, says only that "the area has to be recultivated if necessary". The concept of recultivation is not defined and there is no stipulation of who would decide on its necessity.

The first OSCE inspection during the dismantling period was carried out in December 1998 and two others followed in May and August/September of 1999. The results make clear that the parties' faithfulness to the Agreement remains unchanged and that the monitoring and support procedures worked out by the OSCE for the dismantlement phase have proved successful. The dismantlement of installations in the technical areas is largely finished. The four giant antennas, each one 200 metres long and almost 25 metres high, have already been completely disassembled. The staff, along with weapons and ammunition, has been reduced to an absolute minimum. One can assume with confidence that the Skrunda Mission will be concluded in 1999, i.e. before 29 February 2000 as specified in the Agreement. A date for the twelfth periodic inspection, which will also be the last, is to be set at a meeting of the Joint Committee on 1 October.

Hence we can say that the Skrunda operation was not only on track but well ahead of schedule.

Evaluation

The main reasons for the successful implementation of the Skrunda Agreement are as follows:

1. Both parties to the Agreement want a political achievement to be able to improve their mutual relations and to demonstrate to the international community that it can rely on both countries.
2. The negotiations between Latvians and Russians before conclusion of the Agreement were conducted carefully and professionally. International assistance provided both support and guidance without being forced on the parties. A mediator and advisor must always act in such a way that not he but the parties themselves reach and determine the result - or are at least of the opinion that they have done so! That is the only way to create a solid foundation that can stand up to the pressure of the situation.
3. The Agreement concluded between the parties is clear and unambiguous. It provides enough leeway for good initiatives by the parties and is nevertheless sufficiently detailed in most areas to preclude misinterpretation. Where there is any doubt it is better to negotiate longer rather than having to alter the result after the fact. It made sense to register the Agreement with the UN.
4. None of the "key-players" on the local scene were replaced. This made for an excellent working atmosphere and relationships of personal trust. Emotions were increasingly excluded; the work was and is still being carried out with great efficiency. It is people who without doubt play the main role in implementing political decisions. In addition to having knowledgeability and expertise, "the chemistry has to be right".
5. The OSCE has developed a good plan for monitoring compliance with the Agreement. Both instruments, the Joint Committee for the daily work and the inspections for supplemental international monitoring, have proved effective.

The OSCE made the right decision in sending an on-site Representative to Latvia rather than conducting its monitoring and support activity on a travel basis, as originally planned. Without its man on the spot the OSCE's success would not have been possible. For one thing, the volume of work was such that treating the Skrunda Mission as a secondary matter would not have functioned; moreover, it is always advantageous for the parties to have an OSCE Representative readily available on short notice. It can also have a calming effect... The Federal Republic of Germany clearly deserves great credit in this matter. Not only did it make a man available for the job but it also assumed all related costs. The OSCE always acts as a *partner whose function is to serve* and does not try to dominate the parties or constantly to

put across its own ideas. This approach has proved itself in the day to day work. As long as the Russians and Latvians were and are satisfied with the fulfilment of the Agreement there is no need for the OSCE to act. The OSCE Representative has always seen himself as the person who, as it were, takes both parties on his shoulders so that they are always on an equal footing and can talk with each other at eye level, so to speak. From time to time one needs shoulders of differing strength for this purpose...! The method of "low noise and low profile" as applied to the daily work has proved effective just as has the principle of "whenever possible: business as usual". Thus the Joint Committee meets and will continue to meet once a month - alternately in the radar station at Skrunda and in the Latvian foreign ministry in Riga - whether or not there are any special items on the agenda. It is important to see each other regularly, to grow together as a team and remain that way. "Business as usual" also applies to the semi-annual inspections provided for in the Agreement, although one or another might occasionally have been omitted. And so it is also correct that the periodic inspections are being retained in the period of dismantling. In this connection it is also a question of "showing the flag"! Another thing that has proved useful in these periodic inspections is the practice of using only high-level staff officers who have international experience and through their rank emphasize the importance of the inspections. It was also astute to provide both officers with the support of a civilian radar expert during the period of operation. Using the second staff officer in the team of the first inspection as leader of the following one is a procedure which provides the necessary continuity in monitoring and supporting the parties. It can be assumed that in the months remaining there will be no noteworthy difficulties in the implementation of the Agreement so long as the political will of the parties does not change and the "key-players" remain in the "game". Before the end of 1999 a team of experts from the OSCE will carry out the final inspection in Skrunda and determine whether the terms of the Skrunda Agreement have been fulfilled and, hence, that the withdrawal of Russian troops from Latvia has been completed.¹

1 Due to the exemplary co-operation of the parties to the Agreement and fully accepted OSCE support, the Skrunda operation, which was officially planned to last until 29 February 2000, could be completed four months earlier.
 The last OSCE inspection was implemented on 19 October 1999. Experts from Switzerland, France and Germany verified that the radar station had been completely dismantled. Both parties to the Agreement appeared to be very satisfied with the results. The Latvians were especially pleased that the environmental conditions were all fulfilled.
 On 21 October the Latvian Foreign Minister and the Russian Ambassador informed the media and the accredited ambassadors in Riga that the Skrunda Agreement had been completed.
 On 25 October the last active Russian soldier left Latvia and on 28 October both parties to the Agreement exchanged diplomatic notes documenting its expiration.
 On 2 December Colonel Hübschen informed the Permanent Council of the OSCE that the Skrunda Mission had been completed. Hence this was the first operation in OSCE history that was successfully completed even before its pre-set deadline.
 The OSCE Representative concluded the mandate on 1 February 2000.

In line with the OSCE's main goal, it has proved possible in Skrunda to achieve additional security through confident co-operation. And so the concept for implementation of the Skrunda Agreement of having a Joint Committee in the field under OSCE direction and supplemental international inspections using OSCE teams could certainly serve as a model for comparable operations in the future. That also holds true for the aspect that with the expiration and fulfilment of the Agreement a mission will have for the first time in the history of the OSCE been brought to an end on its own initiative and the Representative will be able to leave the country.

The OSCE Advisory and Monitoring Group in Belarus

The Mandate

Background

On 20 July 1994, following democratic elections, Alexander Lukashenko took the oath of office as President of Belarus. This occurred on the basis of the constitution which had come into force shortly before and after a second ballot which, according to all international observers, was democratic. After bitter political disputes over the additional powers he demanded for the Presidency, he transformed the positive vote for his centrist proposal that resulted from a merely consultative constitutional referendum on 25 November 1996 - contrary to the law and to the status of political decision-making - into a decision binding on the organs of the state and promulgated a new constitution. Beyond that, he dissolved the Parliament - the 13th Supreme Soviet - which had been elected in 1995/1996, for the most part according to democratic principles, and named 110 loyal members of the old Parliament to the "Chamber of Deputies". Together with the Council of the Republic it constitutes the "National Assembly" (Parliament). The opposition was forced out of Parliament and deprived of power; oppositional forces were removed from state offices and courts. In addition to gaining full control over the state and society Lukashenko secured two important pillars of power by abrogating the separation of powers and emphasizing governmental control of the economy: these were the collective agricultural enterprises and the large state enterprises stemming from the Soviet period. He resumed production of those goods stemming from the Soviet period like tractors, refrigerators and other durable goods for the Russian market and succeeded in covering a major part of the country's annual energy bill through barter trade. However, by forgoing the kind of technical modernization that could only be achieved in co-operation with Western firms, Lukashenko led the Belarus economy into a state of ever greater economic, and hence also political, dependency on the Russian Federation. There is very close co-operation in the areas of external and internal security. This is also true of the armaments industry.

The constitutional coup eliminating those democratic structures already achieved in the course of the transition process, met with substantial resistance in Belarus - particularly from the Communists, the Belarus People's Front and the democratic forces of the centre and on the left wing of the political spectrum. Many governments in Europe as well as the United States and Canada also refused to recognize the results of the constitutional coup. They based this judgement on the objectives of the transition process in East-

ern Central Europe and the successor states of the Soviet Union as set forth in internationally agreed upon OSCE (formerly CSCE) documents. In early 1997 the European Union and the Council of Europe made a mediation attempt aimed at getting certain unconstitutional decisions rescinded, but failed. Subsequently the Council of Europe suspended Belarus's observer status in their meetings. The European Union put a stop to the ratification process on the Agreement on Partnership and Co-operation that had already been signed and ratified by a number of countries. The treaty also includes a trade agreement of the traditional kind but the partnership agreement as such, like the agreements with other countries in transition, is contingent on democratic process, the rule of law and respect for human rights in the partner country. With few exceptions the European Commission and the governments of EU member countries put an end to developmental co-operation (improvement of border-crossing arrangements, expiration of the democratization programme).

After difficult preliminary talks, agreement was reached in recent months on a small European programme valued at about five million Euros to promote the development of civil society. The fact that the government in Belarus agrees to the implementation of such programmes mitigates somewhat the exposed position of non-governmental organizations, which are generally speaking under substantial pressure from the government. The development of an open civil society has become, as it were, a constituent part of Belarusian social policy. That in itself represents an important step in the right direction.

In imposing sanctions on Belarus in 1997, the European Union and the governments of its member States conceded to re-establish a full political dialogue along with other important relations as soon as the government in Minsk resumed the process of democratic reform. That has not happened thus far. It might possibly occur in connection with the Parliamentary elections in 2000, which are stipulations of both constitutions.

Following the failure of mediation efforts, the Chairman-in-Office of the OSCE in 1997, the Danish Foreign Minister Niels Helveg Petersen, initiated a proposal in early summer to the Permanent Council of the OSCE that an Advisory and Monitoring Group be set up in Belarus. With the agreement of the Belarus government, the Permanent Council, through Decision No. 185 of 18 September 1997, decided to go ahead with this.¹ The group was given the task, without any time limit, of assisting the Belarusian authorities in promoting democratic institutions and monitoring their compliance with OSCE commitments. But it took several months of negotiations between the then Secretary General of the OSCE, Giancarlo Aragona, and the Belarusian Foreign Minister, Ivan Antonovich, before an agreement was reached, on 18 December 1997, on the diplomatic status and the rights of the Advisory and

¹ Cf. OSCE, Permanent Council, 129th Plenary Meeting of the Council, PC-Journal No. 129, Agenda item 1, Decision No. 185, PC.DEC/185, 18 September 1997.

Monitoring Group. The Russian government had urged the Belarusian government to accept the agreement (Memorandum of Understanding).² The Advisory and Monitoring Group, under the direction of Ambassador Hans-Georg Wieck (Germany), has diplomatic status, access to all facilities of the country, and can be visited by everyone. There are, along with the Director, four additional seconded members and an unlimited number of in-country co-workers working in the "Mission". On 18 December 1997, Foreign Minister Petersen listed the following points to define the group's responsibilities:³

- providing expert assistance in the preparation of legislation related to democracy and the development of the rule of law;
- monitoring and advice on the application of Belarusian laws;
- assisting with organizing human rights education for officials and non-officials in the field of human rights; and
- consultative assistance in the establishment and organization of democratic institutions, such as the office of an Ombudsman, a body to arbitrate disputes between citizens and state authorities.

After an initial conversation with President Lukashenko at a New Year's reception in Minsk on 13 January 1998, the group began work at the beginning of February. Its office is located in the Conference and Hotel Centre on the edge of the city which was built a number of years ago by the "International Meeting and Training Centre" of Dortmund. Several diplomatic missions and business enterprises, along with non-governmental organizations, conduct conferences and training projects there to further democratic transition and civil society in Belarus. On 27 February 1998 the Chairman-in-Office of the OSCE in 1998, the Polish Foreign Minister Bronisław Geremek, visited Minsk in the company of representatives of the other two Troika States, Denmark and Norway. In conversations with Foreign Minister Antonovich and at a conference in the offices of the Advisory Group, Geremek emphasized that Belarus is basically an integral part of the family of European states and democracies. He hoped that it would once again be able to take its appropriate place in Europe as a democratically constituted nation. Geremek criticized the persecution of the political opposition in the country.

The Attitude of the Political Opposition towards the OSCE Advisory and Monitoring Group in Belarus

The country's political opposition, which after all has no access to mass media and is not represented in the Parliamentary institutions of the state, wel-

2 Cf. Memorandum of Understanding between the Government of Belarus and the Organization for Security and Co-operation in Europe on the OSCE Advisory and Monitoring Group in Belarus, Copenhagen, 18 December 1997.

3 Cf. Document CIO.INF/26/97 of 18 December 1997.

comed the dispatch of the OSCE Advisory and Monitoring Group but expressed doubts as to whether they would make it possible to return to the constitution of 1994 and to the development of democracy and the rule of law. As opposition circles saw it, the OSCE Group in Minsk would be misused by the government as a kind of "fig leaf" to create, nationally and internationally, an impression of democracy and to misrepresent the institutions of the autocratic state as democratic.

The OSCE - Caught between an Authoritarian Regime and Defenders of the Democratic Constitution of 1994

OSCE - Symbol of the Peaceful Settlement of Disputes

The range of strategies and instruments at the disposal of the Organization for Security and Co-operation in Europe for solving internal or cross-border problems of security, protecting minorities, as well as working out the dilemmas of democracy and human rights, is limited to peaceful means. The use of military force is ruled out. With regard to Belarus this means trying to find a way to reach an understanding and achieve a new political consensus between hostile political forces - the Lukashenko camp on the one side and the camp of his opponents, the members of the 13th Supreme Soviet and the oppositional political parties, on the other. This would have to be an understanding bringing political peace to the country and enabling it to return to the ranks of European democracies - an internal peace which can only thrive on the basis of

- the rule of law,
- a democratic order with separation of powers and a democratically legitimized President,
- a democratic Parliament emerging from free and internationally recognized elections, and
- the protection of individual human rights.

The dispatch of the OSCE Mission was viewed by the opposition with mixed feelings. The five-headed Presidium of the 13th Supreme Soviet elected in 1995/1996, under the chairmanship of Semyon Sharetsky, concluded from the illegal procedure in which Lukashenko used a controversial referendum to strengthen his power base and to outmanoeuvre the opposition, pushing them to the margins of the political stage, that only a return to the constitution of 1994 could bring about significant political change. They call for the recognition of the 13th Supreme Soviet by the OSCE Parliamentary Assembly as democratically elected body. Belarus is still represented in the Assembly by the 13th Supreme Soviet, whose legislative period runs out at the end

of 2000. The Council of Europe has suspended Belarus's observer status in their meetings. The demand by the European Union and the Council of Europe that Belarus return to democracy, i.e. to the constitution of 1994, has made an international crisis out of a domestic political one, without any prospect for a satisfactory solution of the conflict through the application of international economic and political pressure. Indeed, the contrary seems to be the case.

The Russian Federation came to terms with the new constitutional situation in Belarus and strengthened its relations in the fields of internal and external security policy. Lukashenko returned to the policies of a mobilization economy. Policies such as subsidized credits, administratively set production goals, and prices independent of the market situation and actual cost structure of production and trade were familiar from the Soviet period. After he had re-instituted these policies, it proved possible to negotiate for privileged conditions for the indispensable deliveries of oil and natural gas with the Russian Federation. Under currently prevailing contracts, 70 per cent of the annual deliveries of ten million tons of oil - or equivalent deliveries of natural gas - are to be paid in merchandise deliveries and 30 per cent in hard currency. In actual fact, the hard currency payments are far below this level and at the present time account for about eight per cent of overall costs. Arrangements for debt servicing - there are now arrears of about 500 million US-Dollars - become necessary again and again. The titles to Belarusian firms are being transferred to Russian creditors.

What strategy should the OSCE use to deal with a situation of this kind - to assist the country, through effective counselling, in resuming the process of transition towards democratic institutions and restoring legal security?

Legislation that Meets European Standards

In advising government authorities, an attempt was made to bring about legislation which met European standards: for elections, the office of an Ombudsman, and the penal system as well as standards encouraging opening the electronic mass media to the opposition. Experts were brought in from many parts of Europe and the United States. Hundreds of pages of law texts and legal commentaries were translated from Russian into English and from German, English and French into Russian. At innumerable meetings with those responsible for the preparation of new laws, texts were compared and concepts underlying laws with European standards were discussed. At the end of the day, the President or the presidential administration rejected texts that fulfilled European standards. In January 1999 the Advisory and Monitoring Group ascertained, in its commentary on the law on municipal and regional elections recently passed, that this law did not meet OSCE criteria (Copenhagen Document, June 1990). It is deficient as it fails to provide adequately for the independence and representative composition of election commissions as

well as ensuring against election manipulation by an omnipotent and omnipresent state. The opportunity for manipulation can be seen, for example, in the long period of time in which citizens may cast their votes before the actual Election Day. In summer of 1999 this critical commentary had to be repeated with regard to the new draft law to govern the Parliamentary elections for the year 2000.

Developing a Capability for Dialogue between Political Opponents

In view of poor prospects for a substantial improvement in the draft laws on matters relevant to democracy (elections, Ombudsman, the media) which had been discussed with the authorities, the Advisory Group opened a second field of consultation. The thought was to use international seminars to implant the notion of dialogue, as a way of overcoming domestic political conflict situations, in the consciousness of those who participate in the processes of opinion- and decision-making in Belarus. The objective was to promote the peaceful settlement of disputes and a balancing of interests between the various forces in the country struggling for power through democratic means. An initial conference, held in early 1998, was concerned with the meaning of "Free and Fair Election" for Belarus. A second, in September of the same year, dealt with the relationship between the "Market Economy, Social Security and Pluralistic Democracy". The Advisory and Monitoring Group placed its efforts on behalf of freedom of the press under the motto "Free Speech - without Fear". Finally, a conference was held on the "Modern Information Society". Training courses for public defenders and instruction in human rights at police academies are part of the routine. The Advisory and Monitoring Group has established a legal aid office on its own premises to which innumerable citizens of the country come. The Group visits court proceedings, prisons with prisoners awaiting trial and penal institutions as well as prisoners and convicts. The families of political prisoners are also cared for. In specific cases, the Group calls the attention of courts and ministries to violations of penal legislation and of the code of criminal procedure.

The dialogue with the opposition has turned out to be difficult. The opposition calls for an open debate with the Lukashenko government. Most of the opposition, for understandable reasons, boycotted the provincial and municipal elections in early 1999. Both of the competing Communist parties as well as the Liberal Democratic Party, which has transformed itself from a mere follower to an opposition party, took part in the local elections in April 1999 but had to put up with innumerable acts of discrimination. The democratic parties and non-governmental organizations participated on an individual basis in the elections in cities and communities with candidates who were well-respected locally.

In the struggle for a return to democracy or the development thereof, parts of the opposition take a different course than the OSCE - that of open confron-

tation. This is also the course chosen by most of the non-governmental organizations which can count on material support from the West. With a view to the expiration of the democratically sanctioned term of office of the President on 20 July 1999, the 13th Supreme Soviet, against the declared will of the country's leadership, decided on 10 January 1999 to carry out alternative Presidential elections on 16 May 1999. According to the new constitution, Presidential elections are not due until 2001. The Central Election Commission of the 13th Supreme Soviet, under the chairmanship of Victor Gonchar, organized the formal announcement of the elections and certain procedures - e.g. the selection of Presidential candidates under the difficult conditions created by the absence of personnel and administrative structures. The two candidates - Sianon Pazniak and Mikhail Chigir - succeeded in collecting the required 100,000 signatures for their candidacies but the balloting itself, on 16 May 1999, and developments in the period leading up to it turned into a disaster for the opposition. Chigir, formerly President Lukashenko's prime minister (1994-1996) was arrested at the end of March 1999 under suspicion of massive fraud and has been held ever since, without any charges having been brought to date. For many Belarusians, Chigir was and remains a great source of hope. He is an experienced administrator and well-versed in economic and financial issues. Pazniak, who lives abroad, is the controversial chairman of the Belarusian People's Front which was founded in the eighties. He accused Chigir of being politically too close to Russian interests and criticized Gonchar for massive electoral manipulation. The attempt, with the aid of election assistants, to activate almost eight million voters and go house-to-house to get them to vote, was a failure. Those citizens and political parties that support democracy were repudiated by the electoral fraud committed by the Election Commission under Gonchar. In the end Gonchar, who had counted on over 56 per cent voter participation, had to declare the election invalid - which was also a way of avoiding having to announce a winner. Pazniak had withdrawn his candidacy at the last minute to protest the manipulations. Had that been his intention from the beginning?

The confrontation strategy of the constitutionalists - i.e. the protagonists of the 13th Supreme Soviet - suffered its next setback with the attempt on 21 July 1999 to declare Lukashenko an illegal usurper and name Sharetsky - the Chairman of the 13th Supreme Soviet under the constitution of 1994 - the new head of state. Using the procedure of mandate review, a decision in this matter was postponed until the meeting of the 13th Supreme Soviet on 21 July 1999, which was attended by about 40 deputies. In somewhat obscure terms, Sharetsky indicated his willingness to enter into negotiations with the power-holder, Lukashenko, on free and fair elections. It is said these talks are to be presided over by the OSCE.

Co-operation between the OSCE Advisory and Monitoring Group in Belarus and the Belarus Working Group of the Parliamentary Assembly of the OSCE

In setting up a Belarus Working Group under the chairmanship of the former Romanian Foreign Minister, Adrian Severin, in July 1998, the OSCE's Parliamentary Assembly took the initiative on its own to give the Advisory and Monitoring Group - the OSCE's governmental advisory group in Belarus, so to speak - support from the parliamentary side. This collaboration between the parliamentary and governmental arms of the OSCE has proved to be very effective. Following an informal meeting with the opposition, the non-governmental organizations and the official trade unions initiated by Severin, in the vicinity of Bucharest in June 1999, a follow-up visit to Minsk in July produced a procedural break-through in the search for free and fair - and also internationally recognized - Parliamentary elections in the year 2000. In conversations with the President, representatives of the official Parliamentary institutions, and the opposition (represented by the 13th Supreme Soviet and the political parties), along with non-governmental organizations, trade unions and the media, a pragmatic approach was agreed upon, in principle, for working out the basis of a law to govern free, fair and democratic Parliamentary elections in accordance with OSCE standards in the year 2000. The OSCE will preside over government and opposition negotiations on this with non-governmental organizations serving as advisers and experts without voting rights. In the case significant solutions are achieved, they could be adopted at a political "round-table" talk at the highest level.

This negotiating process is unlikely to go anywhere, however, unless two things are achieved: adequate access to the electronic mass media for the opposition which are now - in spite of a constitutional prohibition against monopoly - under the exclusive control of the government; and an end to the government's battle against the political opposition in the form of criminal trials, as in the case of the opposition candidate for the office of the President in the alternative elections organized by the opposition in the earlier part of the year, and in numerous other cases. This point is being heavily underlined in numerous statements by the opposition and on the international level. It involves creating at least a minimal level of trust on both sides. This ought to be clear enough to the government; after all an OSCE Summit Meeting with Lukashenko's participation is on the agenda for November 1999 in Istanbul.

Isolation and Confidence-Building

With the steps described here - negotiations on free, fair and internationally recognized elections, cessation of prosecutions stemming from political motivation, and the opening of the electronic media to the opposition - Belarus can surmount political isolation. These steps are also essential components in the improvement of Belarus's relations with Western countries introduced by

Lukashenko following his declaration of 3 July 1999. The results-oriented conversations in July gave an idea of the shape of a compromise in the interest of internal democratization and the restoration of a durable and substantial relationship with the European Union and the United States might take. There is no doubt that the renewal of the Belarusian industrial base - the main source of the country's income - will only be possible with Western technology, Western capital and Western entrepreneurial involvement. Its co-operation with the Russian Federation, with cheap energy supplies and lively barter trade, is barely sufficient to keep the country alive. The union between the Russian Federation and Belarus, when one has discounted the unrealistic and overly ambitious idea of a joint presidency with executive competences, is a form of planning that ought to have a sense of economic proportion.

The Advisory and Monitoring Group is increasingly using resources from the European Union and voluntary contributions from the governments of OSCE participating States to further democratization by strengthening civil society. Among the projects are ones for the European Humanistic University in Minsk and for training within the political parties with the objective of promoting a pluralistic political structure. The OSCE also organizes conferences in the country to strengthen the development of local self-administration and the legal arrangements needed for regional economic development through international, cross-border co-operation. In collaboration with the government of Belarus, the European Union has now been able to set up a programme for the development of civil society valued at five million Euros which will be administered through the office of TACIS (Technical Assistance for the Commonwealth of Independent States). This, too, is an example of the growing importance of the dialogue principle rather than the use of confrontational methods. Nevertheless, the policies of the European Union and its member States are also determined by the fact that progress depends on active steps by the government to build confidence and achieve a significant dialogue.

It has been a long time since anyone in Belarus has talked about confidence-building - one of the most important principles of the OSCE. The apparatus of power in the hands of President Lukashenko and those surrounding him, an apparatus which has been kept hidden from the public and is itself characterized by internal power struggles, does not instil confidence. The impending negotiations on the election law for the Parliamentary elections in 2000, along with related matters, can in themselves be an instrument of confidence-building - perhaps the most important in the history of Belarus.

The Missions to the Republic of Moldova and the Ukraine: A Double-Entry Balance Sheet

The long-term missions established in various conflict areas in Central and Eastern Europe have had an important influence on the identity and the image of the OSCE during the period since 1992. They encompass a variety of responsibilities such as early warning, conflict prevention, mediation during or in the aftermath of conflicts, and assisting with the implementation of OSCE principles. At the same time, the missions - which emerged more in an *ad hoc* fashion than as a strategically conceived instrument - have given an important stimulus to the institutional development of the OSCE overall. In spite of the often complex problems in the areas where the missions operate and the modest means they have to exercise influence, their role in conflict prevention and crisis management in Eastern Europe has been given predominantly positive evaluations by political actors and scholarly observers.

This generally positive judgement applies to the long-term Missions to the Republic of Moldova and the Ukraine which are among the small missions of the first generation with fewer than two dozen members. A decision was made on 4 February 1993 to open a *CSCE Mission to Moldova* and it began operations on 25 April 1993 in the Moldovan capital of Chişinău with authorized personnel numbering six civilian and two military members. Even now, after six years, the regularly extended mandate of the Mission can in no way be regarded as fulfilled. The Mission's end, therefore, lies in the distant future. On 15 June 1994 the Committee of Senior Officials decided to send a *CSCE Mission to the Ukraine*: its mandate was approved on 25 August 1994 by the Permanent Committee. The first of the six civilian Mission members¹ began work on 21 November 1994 in the Ukrainian capital of Kyiv. At the end of April 1999 the Mission's mandate was not renewed. Thus for the first time an OSCE mission closed down operations after fulfilling its mandate. A comparative balance between the operational methods and the political effects of the two Missions reveals a number of common elements but also fundamental differences which had a decisive effect on the different results achieved after several years of activity.

¹ The first draft of the mandate, dated 17 June 1994, provided for one military member in addition to the six civilians, but this was not accepted by the Ukrainian side.

Critical developments in Moldova and the Ukraine can be traced back to comparable processes and patterns in the late and post-Soviet transformation. As a result of perestroika both countries experienced the rise in national movements among titular populations whose goal was political emancipation from Russian-Soviet domination and soon began to seek national independence. The sovereign states that emerged from the dissolution of the Soviet Union were given a clear ethno-national character by these movements and saw themselves for the most part as national states of the titular peoples, even though they are far from being ethnically homogeneous countries. The tense relationship between the national renaissance of the titular nation and the political integration of the population as a whole has been a constitutive element of state-building in both Moldova and the Ukraine. In various phases of this process there were either latent or open conflicts with parts of the minorities. Because the Russian or Russian-speaking portions of their populations are so large, both countries are tied together in a triangular relationship with the former imperial centre, Russia, which sometimes aggressively lays claims to the role of a protective power vis-à-vis these population groups. This gives the internal minority issues in both countries a level of significance in the field of security policy which was one reason for the OSCE's mediation initiatives.

An important difference between the Missions lies in the level of escalation of the conflict and the timing of the OSCE's entry into the conflict cycle. Just a year before the dispatch of the OSCE Mission the Republic of Moldova had experienced a civil war that lasted for several weeks and caused over a thousand deaths. It had been preceded by the gradual transformation of a protest movement by the Russian-speaking population against the real and supposed Romanianization of the Republic into a violent movement led by the old political and economic elites opposed to reform and aimed at splitting off the territories they dominated in the eastern part of the country.² It was only in June 1992 with the intervention of the Russian 14th Army on the side of the separatists that an end was put to the military escalation of the conflict be-

2 Cf. Gottfried Hanne, *Der Transnistrien-Konflikt: Ursachen, Entwicklungsbedingungen und Perspektiven einer Regelung* [The Trans-Dniestria Conflict: Causes, Development and Prospects for a Settlement], *Berichte des Bundesinstituts für ostwissenschaftliche und internationale Studien* [Reports of the Federal Institute for Russian, East European and International Studies] 42/1998; Klemens Büscher, *Die "Staatlichkeit" Transnistriens - ein Unfall der Geschichte?* [The "Statehood" of Trans-Dniestria - an Accident of History?], in: Egbert Jahn (Ed.), *Nationalismus in der europäischen spät- und postkommunistischen Gesellschaft* [Nationalism in Late and Post-Communist European Society], Vol. 3: *Nationalismus in den nationalen Gebietseinheiten der osteuropäischen Staaten* [Nationalism in the National Territorial Units of the Eastern European States] (forthcoming); Claus Neukirch, *National Minorities in the Republic of Moldova - Some Lessons Learned, Some Not?*, in: *South East Europe Review for Labour and Social Affairs* 3/1999, pp. 45-63.

tween the Moldovan leadership, which insisted on comprehensive nationalization, and the separatists who sought to consolidate their control over all Trans-Dniester (left bank of the Dniester) territories as well as the city of Bender on the right bank. This put the finishing touches on the *de facto* splitting off of the Trans-Dniester territories and made it possible for the leadership in their main city, Tiraspol, to establish quasi-governmental structures of their own. Even today the government in the Moldovan capital has virtually no control over the renegade territory. Under these circumstances, the heart of the OSCE Mission's mandate lies in crisis management, post-conflict rehabilitation, and support for the attempt to find a durable autonomy arrangement for Trans-Dniester within a re-integrated Republic of Moldova.³

In the case of the Ukraine, which has many similarities, this kind of conflict escalation was prevented by a number of factors, among them the generally more moderate position of the Ukrainian leadership, the relatively smaller importance for the country as a whole of the area of tension, the stronger regional roots of minorities and a higher degree of cultural heterogeneity even within the various ethnic groups. Since the beginning of the nineties secession efforts of serious political importance have been concentrated in the Crimea which, because of its Russian majority, the relatively short time it has belonged to the Ukrainian Republic, and certain socio-economic characteristics, represents a special case amongst the territories of the Ukraine.⁴ What precipitated the disputes was the problem of developing an autonomy statute for the Crimean Republic within the Ukrainian state. Underlying this, however, was the fundamental question of acceptance of an independent Ukraine by the Russian population of the Crimea as well as by nationalist groups in Russia which at least rhetorically have given all the support they could to irredentist tendencies in Simferopol. Although tensions between the central government in Kyiv and the leadership of the Crimea assumed threatening dimensions in the summer of 1994 and the risk of escalation was obvious, there was never any massive use of violence nor did it ever come to any cohesive and dominating secession movement in the Crimea, least of all a successful one. The establishment of the OSCE Mission was therefore aimed at preventing an escalation of the "war of laws" between Kyiv and Simferopol

3 Cf. Stefan Troebst, Der Transnistrienkonflikt und seine Bearbeitung durch die OSZE [The Trans-Dniester Conflict and its Handling by the OSCE], in: Afrikanische Perspektiven. Friedensbericht 1998. Theorie und Praxis ziviler Konfliktbearbeitung in Osteuropa [African Perspectives. Peace Report 1998. Theory and Practice of Civilian Conflict Management in Eastern Europe], Chur/Zürich 1998, pp. 347-379; Rolf Welberts, Der Einsatz der OSZE in der Republik Moldau [The OSCE Mission to the Republic of Moldova], 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. 193-210.

4 Cf. Maria Drohobycky (Ed.), Crimea. Dynamics, Challenges, and Prospects, Boston 1995; Gwendolyn Sasse, The Crimean Issue, in: The Journal of Communist Studies and Transition Politics 1/1996, pp. 83-101.

through relatively early conflict prevention efforts. This preventive approach to the job in the Ukraine thus had a less dynamic character than the mandate of the Moldova Mission, which was aimed at prevailing over the status quo. Among the parallels between the OSCE involvements was that in both cases the Missions were equipped with only eight respectively six international members of differing professional backgrounds, with a central office in the capital and a branch office in the main city of each zone of conflict. At the same time, however, this formal similarity points to the differing political significance of the Missions within their host countries. In the Republic of Moldova where, as of the beginning of 1996, there was still no EU country represented by an ambassador, the Mission was from the start among the most important foreign representations and in the eyes of the Moldovan elite symbolized international recognition of the country's independence, a role which the Mission to Ukraine - eighteen times as large, geographically, and close to twelve times in terms of population - could never play. Quite the opposite. The difficulty in reaching agreement on a mandate, the delay in commencing work and the frosty relations between Ukrainian authorities and the Mission⁵ illustrate the much more difficult conditions under which the OSCE Mission to the Ukraine had to begin its work in comparison with the "sister mission". While the Moldovan media reported regularly and for the most part favourably on the Mission there, in the Ukrainian case, it is doubtful whether the majority of journalists, even in Kyiv, knew about the existence of an OSCE Mission at all.

Parallels and differences can also be found in the quite broadly formulated mandates. The core of the Missions' responsibilities lies in the initiation of a dialogue and efforts to facilitate negotiations between the parties to the conflict in each case - a goal which in the mandate of the Mission to Moldova is defined as a lasting political settlement of the conflict, "consolidating the independence and sovereignty of the Republic of Moldova along with an understanding about a special status for the Trans-Dniester region". Both mandates also refer to the human dimension of the OSCE. In the Republic of Moldova the Mission is to support explicitly the implementation of international obligations in the field of human rights and minority rights, along with democratic transformation. The mandate of the Ukraine Mission limited itself to situation reports on human rights and the protection of minorities in the Crimea as well as monitoring and promoting freedom of the press throughout the country. The responsibility for collecting information, which is contained

5 Cf. the article by the Swiss journalist and first Head of Mission, Andreas Kohlschütter, *Möglichkeiten und Grenzen der Präventivdiplomatie. Das Beispiel der OSZE-Mission in der Ukraine* [Possibilities and Limits of Preventive Diplomacy. The Example of the OSCE Mission to the Ukraine], in: *Theorie und Praxis ziviler Konfliktbearbeitung. Friedensbericht 1996* [Theory and Practice of Civilian Conflict Management. Peace Report 1996] (Beiträge zur Friedensforschung [Contributions to Peace Research] Vol. 30, No. 1-2), Chur/Zürich 1996, pp. 125-148.

in both mandates, also provides some latitude for activities in the area of the human dimension. The mandate for the Ukraine identified a third area of concentration in the Mission's participation in working out economic programmes, particularly with respect to the Crimea; thus it was the only mandate of an OSCE mission with a specifically economic point of reference.⁶ The Moldova Mission, on the other hand, has also been given two military responsibilities - collection and transmission of information on the military situation and promoting an agreement on the withdrawal of Russian troops. All in all, the mandate of the Mission to the Republic of Moldova contains a range of responsibilities that is somewhat broader and deeper than the one in the Ukraine. This has to do, on the one hand, with the severity of the conflict there and, on the other hand, with the stronger political position enjoyed by Kyiv. The government of Ukraine was obviously able, in the negotiations on a mandate, to set clearer limits to the level of authorized intervention by the OSCE Mission in "internal affairs".

While the official mandates reflect a negotiated compromise between various positions within the OSCE framework, the majority of the participating States on the one hand and the affected countries on the other have certain identifiable fundamental interests and objectives with respect to the OSCE Mission which, insofar as they are not to be found in the mandate's text, might be described as an "implicit mandate".⁷ Thus the Moldova Mission, in a wide-spread OSCE approach, also serves to work against renewed military escalation or territorial expansion of the Trans-Dniestria conflict. Concern over regional security - in particular with regard to the relationship between the Ukraine and Russia - was of great importance in the dispatch of the Ukraine Mission as well. Support for reform policies in both countries is another aspect that can be assigned to the "implicit mandate" of the Missions. The host countries, on the other hand, viewed the Missions above all as instruments for warding off Russian efforts at domination, although in substantially different ways: Kyiv sought support for its Crimea policy under the concrete circumstances that existed in 1994 while for Chişinău the establishment of territorial integrity and the consolidation of its existence as a state, both internally and externally, have since 1992 constituted the foundation of its foreign policy for which all international support is welcome.

6 Cf. Jonathan Cohen, *Conflict Prevention Instruments in the Organization for Security and Co-operation in Europe: An Assessment of Capabilities*, London 1998, p. 61.

7 Cf. Klemens Büscher, *Möglichkeiten und Grenzen des OSZE-Konfliktmanagements in Moldova* [Possibilities and Limits of OSCE Conflict Management in Moldova], in: *Ethnos - Nation. Eine europäische Zeitschrift* 2/1995, pp. 71-85, here: p. 75.

Since 1993 mediation in the conflict over the status of Trans-Dniestria has been at the forefront of the Mission's work, which the various Heads of Mission have so far conducted with quite different points of emphasis. In November 1993 the Mission presented a detailed draft of an autonomy statute for Trans-Dniestria within the Republic of Moldova which not long afterwards was accepted by the then Moldovan President, Mircea Snegur, and the Trans-Dniestrian leader, Igor Smirnov, as a basis for negotiations.⁸ Along with a Russian and, since autumn of 1995, a Ukrainian co-mediator the Mission has ever since been trying, at the presidential and expert level, in confidential talks and at multi-lateral summit meetings, to move the negotiations forward.

In recent years the Moldovan government has taken up many of the suggestions of the mediators. The centre-right governments of 1998/1999 had also shown that they were prepared to grant broad territorial autonomy to Tiraspol. At the same time, Chişinău's demand for protection of the sovereignty and territorial integrity of the country has frequently been given public support by the three mediators. By contrast, the signals coming out of Tiraspol continue to be contradictory. Leading representatives of Trans-Dniestria regularly emphasize their willingness to accept a peaceful compromise solution - only to call, a little later, for Chişinău's recognition of the political independence of Trans-Dniestria as the first step in negotiations. A "Memorandum on the Bases for Normalization of Relations" that was signed in May 1997 by Smirnov and the Moldovan President, Petru Lucinschi, as well as by the Presidents of Russia and Ukraine and the Chairman-in-Office of the OSCE, in essence repeated the declaration of intent of the two political leaders at the beginning of negotiations in April 1994. Tiraspol interprets the core message of the Memorandum, on the search for a settlement of status within a "common state", as calling for a treaty-based confederation of two equal political entities and, by insisting on this maximized position, blocks *de facto* any possibility of compromise. However, the negotiations are also made more difficult by the Moldovan side's conduct of them which occasionally borders on the unprofessional and is hampered by domestic political disputes, especially when election campaigns are going on.

In the meantime the Mission, working together with the mediators from Russia and Ukraine, has worked out a new compromise proposal which was presented to the parties in November 1998 as a basis for further negotiations. It provides for extensive territorial autonomy for Trans-Dniestria within the

8 Cf. a detailed piece by Claus Neukirch, *Der Status Transnistriens aus politischer und völkerrechtlicher Sicht* [The Status of Trans-Dniestria from the Political Viewpoint and that of International Law], *Aktuelle Studien der Friedrich-Ebert-Stiftung Ukraine*, December 1998, pp. 44-45.

Moldovan state which, in the course of an "all-embracing phased settlement of relations", will gradually be defined and implemented. An arbitration commission made up of representatives of both sides and of the three mediators is to monitor this implementation process and negotiate compromise solutions to controversial issues. The Trans-Dniestrian leadership has rejected this flexible settlement model as well and has announced that it is instead working out a model confederation arrangement of its own. At the most recent summit meeting, which took place in Kyiv on 16 July 1999 after a delay of several months, Lucinschi and Smirnov, together with the then Russian Prime Minister Sergei Stepashin, the Ukrainian President Leonid Kuchma and the Representative of the OSCE Chairman-in-Office in Vienna, Kai Eide, signed a joint declaration on questions of normalizing relations between the Republic of Moldova and Trans-Dniestria which shows no significant progress in negotiation of the core issue.

In addition to the actual negotiations on status, the OSCE Mission has devoted its efforts from the beginning to promoting dialogue, confidence and co-operation between representatives from both banks of the Dniester. This involves, for one thing, round-table talks and other forms of co-operation between society's actors on both sides, including "cross-border" co-operation between neighbouring villages. However, numerous initiatives involving NGOs have failed owing to resistance from the Trans-Dniestrian leadership, which is not democratically legitimized and governs in authoritarian fashion and either torpedoes the relevant political activities or attempts to exert complete control over them. In addition, the Mission has supported initiatives to bring those involved in the status negotiations together in different and more relaxed settings. On a number of occasions the Mission's own offices were the scene of informal talks between the opposing sides in the negotiations. At a conference on decentralization, autonomy and federalism organized by the OSCE Mission in November 1994 in Chişinău a productive dialogue developed with high-ranking Trans-Dniestrian representatives. Several conflict workshops took place outside of Moldova in co-operation with the Centre for Conflict Analysis from Canterbury. In 1996, the various actors met in Kyiv at a Dutch-Ukrainian seminar. A seminar organized in September 1997 in Flensburg by the European Centre for Minority Issues resulted in a joint declaration by leading representatives of both sides.⁹ However, the overall inadequacy of progress in the efforts made so far can be seen from the fact that a high level OSCE seminar in 1998 on inter-relationship between central and regional governments was boycotted by the Trans-Dniestrian leadership on the grounds that the designation of Chişinău as a central government was unacceptable for Tiraspol.

9 Cf. Priit Järve, Seminar "From Ethnopolitical Conflict to Inter-Ethnic Accord in Moldova", Flensburg 1998 (ECMI Report 1).

The Mission's activities in the field of human rights - to which one Mission member devotes most of his efforts - produced mixed results. In the Republic of Moldova on the right bank of the Dniester the situation with regard to human and minority rights has improved steadily ever since the beginning of independence. The adoption of an autonomy statute for Gagauzia in December 1994, admission into the Council of Europe as the first CIS member, and the ratification of the Framework Convention for the Protection of National Minorities in 1996, along with several elections which the OSCE characterized as being, on the whole, fair and free, have marked the positive development of this country on its way to becoming a democratic state based on the rule of law - a path which has, to be sure, been overshadowed by a serious socio-economic crisis and a wide variety of transition problems. By contrast, the leadership in Tiraspol refuses to accept any genuine democratization and secures its power through censorship of the media, aggressive propaganda and unconcealed pressure on opponents of a radical secession course.¹⁰ The OSCE Mission has tried to mediate, especially in the controversy over the enforced use of the Cyrillic alphabet in the Moldovan language, but there has so far been no enduring settlement of this issue.

The OSCE Mission has had relatively little freedom of action in the military field. Among its most important responsibilities is its advisory participation in the trilateral Joint Control Commission which monitors the security zone established along the Dniester in 1992. The leadership in Tiraspol has continued to refuse the Mission access to clearly illegal or presumably illegal Trans-Dniestrian military bases and arms production facilities within the security zone. Moreover, due to Trans-Dniestrian blockades, in initiatives aimed at confidence-building and parallel force reductions in the area of tension hardly any progress has been made. But a renewed outbreak of armed conflict remains very improbable.

With regard to withdrawal of the Operational Group of Russian forces, the former 14th Army, the wording of the Mission's mandate has proved inadequate since, as a result of the Moldo-Russian agreement of 21 October 1994 on the withdrawal of Russian troops (in whose preparation the OSCE was hardly involved), the Mission's responsibilities can in the strict sense of the word be seen as fulfilled. On the central issue of implementation of the withdrawal of forces, the Mission was scarcely able to bring any noticeable influence to bear, apart from maintaining regular working contacts with the participants. Since a revision of the mandate had been impracticable for several years such Mission involvement in this area was based mainly on its general responsibility for collecting information and on the decision of the OSCE

10 On the Trans-Dniestrian regime, see: Klemens Büscher, *Separatismus in Transnistrien. Die "PMR" zwischen Rußland und Moldova* [Separatism in Trans-Dniestria. The "PMR" between Russia and Moldova], in: *Osteuropa* 9/1996, pp. 860-875.

Summit in Budapest in 1994 to offer the Mission's services in monitoring the withdrawal.¹¹ The 1994 bilateral agreement has not been ratified by the Russian Duma nor has it been implemented by the government. Even so, Russia has on a number of occasions reaffirmed internationally its obligation to withdraw the troops. In recent years a number of reductions, bringing the force level down to about 2,600 troops, have taken place, mainly motivated by financial considerations. Steps have also been taken to destroy older stocks of ammunition and to remove armaments and equipment, in part monitored by the OSCE Mission. All the same, President Yeltsin's ostentatious declaration in the context of the CIS summit in Chişinău in October 1997 that the forces would be withdrawn immediately if Chişinău so desired proved an empty promise.

At the Permanent Council on 3 June 1999, reacting to a demand by the OSCE Council of Ministers at Oslo in December 1998, the Russian delegation tabled a schedule for the withdrawal of forces and the removal, sale or destruction of all military equipment and ammunition - a move which does not *de facto* represent progress. Instead of the three-year period foreseen in the 1994 agreement the complete withdrawal of the already reduced Operational Group has now been extended to over five years, until the end of 2005. While the Duma's failure to ratify has hitherto served as the excuse for non-implementation of the agreement, the schedule presented by the Russian side now makes agreement by both Chişinău and Tiraspol a condition of its fulfilment. But the leadership of the renegade territory still insists on continuing Russian military presence and they have anchored in law Trans-Dniestria's claim to ownership of the equipment, ammunition and property of the Russian army. The threat to block the Russian troop withdrawal with Cossack units from Tiraspol and other radical elements is intended to increase the pressure on Moscow, thus making agreement with Tiraspol a practical impossibility. It should be emphasized here that considerations of political stability do not argue against a withdrawal of the Russian troops - with the exception of a minimal force to guard property and those munitions which cannot be transported.¹² Moscow's continued tactics of delay can only be explained by a military strategy aimed at hegemony or domestic political appeasement of pro-Trans-Dniestrian elements in the Duma.

11 On 9 December 1999 the Permanent Council decided to expand the mandate in terms of ensuring transparency of the withdrawal process and co-ordinating foreign assistance.

12 The Russian peacekeeping troops in the security zone (presently about 500 men), who since May of 1996 have been recruited from the Operational Group, should be treated separately; under current circumstances their presence is indispensable.

The OSCE Mission began its work at a time of growing tension and hardened fronts between the leadership in Kyiv and the politicians in the Crimea, who were also at odds with each other. In this situation, characterized by mistrust, it was only gradually possible to establish contact with key actors and to win the confidence of the sides involved. There was always a risk that the parties to the conflict would try to use the Mission for their own purposes. A number of organizational hurdles during the build-up phase resulted in part from the more than sceptical attitude of both conflict parties towards the OSCE Mission, i.e. signing of the Memorandum of Understanding was delayed; there were attempts to limit the Mission's range of action; the work space made available during the entire first year, both in Kyiv and Simferopol, was unacceptable; the Mission did not obtain the maximum number of authorized personnel i.e. six members until August of 1995. In the aftermath of a speech by the Head of Mission in the Supreme Soviet of the Crimea on 31 May 1995¹³ which was heavily criticized - mainly in Kyiv - the Ukrainian government began for the first time to consider refusing an extension of the Mission mandate.

The Mission mandate calls explicitly for co-operation with the HCNM, who has been active in the Ukraine since the beginning of 1994, and with an expert group on constitutional and economic matters set up by the OSCE. As a result the Mission has only to a limited extent been able to operate as an independent actor in the Ukraine. An intensive and durable co-operative relationship with the HCNM developed in early 1995 where the Mission, acting as the "eyes and ears of the High Commissioner"¹⁴, supported his prevention efforts in many ways. Close co-operation also developed on rule-of-law issues with the ODIHR.

At the centre of the Mission's activities was the maintenance of mutual understanding between the conflict parties and support for a dialogue to develop the status of the Crimean republic. On 17 March 1995, while the Mission was still in its initial phases, a serious step towards escalation occurred when the Ukrainian Parliament declared null and void numerous laws passed by the Parliament of the Crimea, among them the controversial Crimean constitution of 1992, the electoral law and the law on the presidency of the Crimea. Shortly afterwards Ukrainian President Leonid Kuchma made the government of the Crimea directly subject to his control and threatened to dissolve

13 For the English version, whose textual identity with the speech as given in Russian is disputed, see OSCE Mission to Ukraine, Activity and Background Report No. 7, 5 June 1995, Annex II.

14 Thus the ideal-typical characterization of the co-operative relationship between missions and the HCNM by the former Chairman-in-Office Margaretha af Ugglas, Conditions for Successful Preventive Diplomacy, in: The Challenge of Preventive Diplomacy. The Experience of the CSCE, Stockholm 1994, pp. 11-32, here: p. 26.

the Supreme Soviet in Simferopol which, for its part, announced a referendum on the constitution of the Crimea. Thereafter, the OSCE Mission was heavily involved in crisis management and made a contribution to the resumption of talks. Its activities in this constitutional conflict between Kyiv and Simferopol were, however, generally limited to offering and transmitting expert advice, as the government of Ukraine had explicitly rejected any role for the Mission as mediator in the talks. In practice of course it is not always possible to draw a clear line between these two functions.

At the high point of the confrontation, in May 1995, the Mission organized a round-table seminar in Locarno, Switzerland, with the HCNM on ways of settling the Crimean conflict. Among the participants were 16 independent experts and leading politicians from Kyiv and Simferopol. The seminar provided the basis for continuing the search for a compromise. A second seminar with 50 participants was held in Yalta in September 1995 in a substantially improved political climate and was devoted to the reintegration of peoples formerly deported from the Crimea. The main subject of discussion at a third round table organized by the Mission and the HCNM in Noordwijk, Netherlands, in March 1996 was a modified draft of the constitution of the Autonomous Republic that had been passed by the Crimean Parliament on 1 November 1995. Further steps on the way to a settlement of the conflict were the ratification in April 1996 by a clear majority of the central Ukrainian Parliament of all uncontroversial articles in the Crimean constitution¹⁵ and the passage in June 1996 by the Parliament in Kyiv of a Ukrainian constitution whose Article X, independently of the ongoing autonomy talks, confirmed the status of the Crimea as an Autonomous Republic within a unified Ukrainian state, thus creating a new legal status quo. These developments impelled the then Foreign Minister of Ukraine, Hennady Udovenko, to call for an end of the OSCE Mission as early as May 1996. However, lively controversy arose once again over the articles of the Crimean constitution that had been rejected by Kyiv. It was not until October of 1998 that the Supreme Soviet in Simferopol adopted a draft constitution (the fifth since 1992) that had been presented by Leonid Grach, chairman of the Crimean communist party and spokesman of the Crimean Parliament; it was ratified by the Ukrainian Parliament on 23 December 1998. With its publication on 12 January 1999 the constitution, which to a large extent regulates the status and competences of the peninsula along the lines desired by Kyiv, entered into force.

Along with the settlement of the internal Ukrainian conflict, significant progress was made in the years 1997-1999 in reaching formal agreement on the bilateral relationship between the Ukraine and Russia, a matter which

15 Twenty articles of the Crimean constitution which were viewed as "separatist" were excluded.

was not part of the Mission's responsibilities. The friendship treaty, concluded in May 1997, was ratified in January 1998 by the Ukrainian Parliament, in December of the same year by the Russian Duma and, finally, in February 1999 by the Federation Council, the Russian upper house. A condition attached by the latter - Ukrainian ratification of the bilateral agreement on the Black Sea fleet - was fulfilled one month later by the Parliament in Kyiv so that the Treaty on Friendship and Partnership between Russia and the Ukraine entered into force on 1 April 1999.

While the OSCE Mission was able to reduce its involvement in the constitutional struggle between Kyiv and Simferopol, problems related to the formerly deported peoples, especially the Crimean Tatars, assumed more immediate significance. The complaint raised by representatives of the Crimean Tatars that the agreement on a constitution for the Autonomous Republic had been reached at their expense is not entirely without foundation. Beginning with the Yalta round table and then more intensively since the middle of 1996 the Mission and the HCNM worked to achieve better political and socio-economic integration of the multi-ethnic population of the peninsula. In addition to the linguistic and cultural development of the non-Russian groups, the problem of Ukrainian citizenship was a core issue as, until recently, only two-thirds of the more than 260,000 Crimean Tatars had it. This meant that about four per cent of the peninsula's population enjoyed only limited political, economic and social rights. Despite demands from the OSCE and other international organizations that the acquisition of citizenship be eased for the returnees from Uzbekistan and other CIS republics, the amendment of the citizenship law in April 1997 and a Ukrainian-Uzbek special agreement in August 1998 were no more than half-hearted measures. Most recently a naturalization campaign begun in 1998 by the Ukrainian government and the UNHCR, which was supported by the OSCE Mission, has provided grounds for cautious optimism.

The OSCE's appeal for the provision of appropriate political and electoral representation of deportees did not meet with much enthusiasm in either Kyiv or Simferopol. In the elections to the Crimean Supreme Soviet at the end of March 1998 not a single candidate from the Crimean Tatar list was elected while four years earlier 14 Crimean Tatars had entered the 100 seat Parliament on the basis of a quota mechanism. The proportion of Crimean Tatars in regional governmental institutions is generally no more than one or two per cent.¹⁶ The Crimean constitution that has now entered into force left almost all political and cultural demands of the Crimean Tatars out of consideration. Moreover, the efforts of the OSCE, UNDP and UNHCR to improve the diffi-

16 Cf. Yulia Tyshchenko, "The Punished People": Crimean Tatars and Prospects for Integration into Ukrainian Society, in: Research Update No. 126, Independent Center of Political Research (Kyiv), 17 May 1999.

cult social situation of the returnees, among other things through economic development programmes for the peninsula and international donor conferences, have so far had little effect. Recent months have seen an increase in inter-ethnic tensions in the Crimea, more and more frequently accompanied by violence.

In the meantime, the Ukrainian government, beginning in 1996, increased its efforts to have the OSCE Mission closed. Informally, the Mission staff had for a long time been reduced to four members and under pressure from Kyiv this was made official in December 1997. The Ukrainian Foreign Minister, Borys Tarasyuk, in office since April 1998, then made the Mission issue a priority in Ukrainian policy. This position was motivated by a number of factors. There is no doubt that the perception of the Mission as a stigma for the country and an unjustified intervention in its internal affairs was widespread within the Ukrainian elite. There was, in addition, a conviction that the support of an OSCE mission was no longer needed, either to overcome separatist movements in the country or to defend against Russian hegemonial claims. Finally, the Mission's activities failed to produce the results Kyiv wanted in the economic sphere as the Mission had no money of its own for this purpose and was not authorized by its mandate to function as a clearing house in obtaining financial assistance externally. It is noteworthy in this connection that the activities of other international organizations (both inter-governmental and non-governmental) aimed at overcoming Ukrainian weaknesses in the fields of democracy, civil society and the rule of law have not at all been viewed as intervention or stigmatization. The often substantial financial resources of, say, UNDP, TACIS, IOM, Freedom House and the Soros Foundation (which in Ukraine operates as the "Renaissance Foundation") are entirely welcome among the Ukrainian elite, both central and local.

In view of the fact that the central issue covered by the Mission mandate had for the most part been settled, the Western countries interested in a continuation of the Mission gave up their resistance and at the end of April 1999 accepted, as a first step, the transformation of the Mission into an expert group. After difficult negotiations the Permanent Council decided on 1 June 1999 to establish an "OSCE Project Co-ordinator in Ukraine" to plan, carry out, and monitor the activities of various OSCE institutions - initially until the end of the year, but with the option of further extensions for periods of six months. The Co-ordinator is housed, along with two international assistants, in the former Mission offices in Kyiv and works on the basis of a new Memorandum of Understanding signed on 13 July 1999. The Mission's office in Simferopol was closed earlier, in April 1999. The new OSCE presence is substantially different from a mission because the Co-ordinator has no mandate that defines substantive competences relating to specific fields of policy but, rather, functions as a general representative of the OSCE. His activities are

defined in terms of specific projects and the list of planned projects must be agreed upon in advance with the Ukrainian government. The regular comprehensive reporting on developments in domestic and foreign policy, with expert background analysis, has also been abandoned in favour of reporting on specific projects.

A Double-Entry Balance Sheet

The fact that the Mission to the Republic of Moldova will probably continue to function for a number of years while the one in the Ukraine has already been closed owing to the fulfilment of its mandate does not permit us to draw any clear conclusions about the accomplishments of the two Missions. On the contrary, we can see that there are positive tendencies but also important questions still unanswered in both Moldova and the Ukraine. It has become obvious, however, that the dynamic task of settling a "frozen" secession conflict is more difficult than preventing the escalation of a conflict.

In the case of Moldova it is useful, when examining the effects of a mission presence that has lasted for over six years, to draw a distinction between an implicit and an explicit mandate. It is a fact that the generally favourable evaluation of the work of the OSCE Mission to Moldova lies in the successful arrest of the Trans-Dniestrian conflict, to which the Mission has made a substantial contribution. Thanks to the efforts of the OSCE representatives the conflict was transformed into a kind of continuous negotiating process that for the most part has kept the risks of escalation for regional security under control. But when one looks at the heart of the Mission's explicit mandate, the net result has been disappointing. Despite the discussions that have been held since 1994 there has been no substantial progress on the issue of Trans-Dniestrian status. A narrowing of the gap on an approach to this issue in a few areas has been offset by the alienating tendencies in both parts of the country resulting from the *de facto* independence of Trans-Dniestria. Restoring territorial integrity to Moldova is a distant prospect, especially because the Trans-Dniestrian leadership is using the time in which negotiations are being held to consolidate its own state structures.

The decisive obstacle to a settlement of the conflict is the lack of any political will in Tiraspol to find a compromise solution. There are two reasons for this. With regard to ideology, the Trans-Dniestrian leaders have often made clear that they favour the restoration of the former Soviet Union under Moscow's leadership and hence could only accept a reunification with Chişinău within the framework of this kind of Greater Russian and, at the same time, anti-Western state. Tiraspol is buttressed in this position by massive political support from the communist and nationalist majority in the Russian Duma. Ti-

raspol used the war in Kosovo as a pretext to systematically stir up fears of a supposed NATO intervention in Trans-Dniestria and to hinder OSCE Mission members from NATO countries in their work. Behind this line of xenophobic ideological argumentation, however, are both the material and political personal interests of the Trans-Dniestrian leadership elite. Their disposition over resources and their far-reaching control of both the legal and the illegal economy of the region would be seriously threatened if Trans-Dniestria were subordinated to the central government authority in Chişinău. Indeed, it does not appear that any agreement can be reached between the parties to the conflict until democratic reforms and a long-overdue change of elites make the real interests of the Trans-Dniestrian people the basis for Tiraspol's negotiating position.

The OSCE Mission has not, however, been able to develop any effective methods for bringing the Trans-Dniestrian regime - repressive and internationally unrecognized as it is - closer to the norms and principles of the OSCE. Its means for convincing the actors east of the Dniester of the need for a reasonable compromise solution and for overcoming the division of the country are clearly inadequate. Only in concert with the Russian government might it be possible to exert effective pressure on Tiraspol but Russia, after calculating its own interests, seems to prefer to keep the conflict going.

In the Ukraine the conflict appears to have taken a favourable course since the OSCE Mission was established. There is no doubt that the Mission, acting together with the High Commissioner on National Minorities and other OSCE actors, has been able to contribute to a reduction of tensions and a settlement of the conflict. Without a well based in depth analysis of OSCE activities and of the political processes in Kyiv, Simferopol and Moscow it will hardly be possible to come to any definitive conclusion as to whether this was a substantial¹⁷ or, rather, an insignificant contribution¹⁸ to conflict prevention in the Ukraine. In any event, successes in conflict prevention are in principle hard to measure and often do not become visible until a fairly long period of time has elapsed.

Finally, it should be pointed out that the entry into force of the Crimean constitution provided the Ukrainian government with a powerful argument when it was pressing for the closure of the Mission. If the OSCE participating States had wanted to go on insisting on further extension of the mandate, this could only have been achieved through disproportionate pressure on the Ukraine. And with the transformation of the Mission the OSCE has not only

17 Cf. Victor-Yves Ghebali, *L'OSCE dans l'Europe post-communiste, 1990-1996. Vers une identité paneuropéenne de sécurité*, Brussels 1996, pp. 617-618; 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.

18 Thus Natalie Mychajlyszyn, *The OSCE in Crimea*, in: *Helsinki Monitor* 4/1998, pp. 30-43.

created a new kind of presence in a participating State but faced up to the politically very important question of an exit strategy, thereby warding off the threat of an "endless circuit"¹⁹ of mandate extensions. This is a step that deserves to be viewed positively, quite apart from the feared "domino effect", i.e. pressure for closing other missions.

Even so there is room for doubt about the correctness of the decision in the Ukrainian case. Separatist tendencies have by no means completely disappeared in the Crimea and could gain new momentum from the strengthening of pro-Russian forces that has for some time been observable in the Ukrainian Parliament and in Ukrainian society. In March 1999 the Supreme Soviet in Simferopol appointed Admiral Mikhail Khronopulo, well known as a proponent of a Greater Russia, as the permanent representative of the Autonomous Republic of Crimea in Moscow. Simultaneously one of the most promising of the Russian presidential candidates, the mayor of Moscow, Yuri Lushkov, had for years been openly promoting irredentist objectives and, in addition, actively opposed the ratification of the Ukrainian-Russian Friendship Treaty in the Federation Council, calling it a "disgrace". Inter-ethnic relations have become noticeably worse in the Crimea, where the willingness on the part of the younger generation of Crimean Tatars to resort to violence has been growing in the same measure that tolerance on the part of the Slavic majority wanes. The long-lasting crisis in the Ukrainian economy and the tendency towards impoverishment in certain parts of the population could in the Crimea easily lead to intensified inter-ethnic tensions, especially between Muslim and Slavic-Orthodox groups.

Even more problematic than the open questions in connection with the Crimea are the unfavourable developments in the area of the human dimension. In view of the fact that the Council of Europe is thinking about excluding the Ukrainian delegation from the Parliamentary Assembly²⁰ and that the US "Committee on the Protection of Journalists" has, provocatively but not entirely without reason, put the Ukrainian President on the list of the ten biggest "enemies of the press 1999", the closing of the Mission was without question the wrong signal. Instead, what is urgently needed is an intensification of the OSCE's efforts - with all available instruments - to promote democracy and the rule of law in Ukraine.

19 Berthold Meyer, *In der Endlosschleife? Die OSZE-Missionen auf dem Prüfstand* [In an Endless Circuit? The OSCE Missions under Examination], Hessische Stiftung Friedens- und Konfliktforschung, HSK-Report 3/1998, July 1998.

20 Recommendation 1416 (1999) "Honouring of obligations and commitments by Ukraine" of the Parliamentary Assembly of the Council of Europe, adopted on 24 June 1999; on the critical human rights situation, see also the IHF Annual Report 1999 on Ukraine.

Keeping Hope Alive

*Experiences of the OSCE Assistance Group to Chechnya*¹

1995-1997: Conflict, Mandate and Accomplishments

The groundwork for Chechnya's drive for secession from the Russian Federation was laid in 1991-92 through a series of unilateral declarations of sovereignty and independence, culminating with the adoption on 17 March 1992 of the Chechen Constitution. Although denying that the Chechens had a legal right to secession, Russia in dealing with this challenge to the Federation's territorial integrity adopted (after a half-hearted show of force in November 1991) a peaceful-temporizing strategy, including withdrawal of troops and (eventually unsuccessful) negotiations with the separatist Chechen regime, led by President Djokhar Dudaev. The conflict took a new turn when Russia on 11 December 1994 started a military campaign in order to "restore constitutional order" in the Chechen Republic. The ensuing hostilities, which lasted until the signing on 31 August 1996 of the Khasavyurt Agreement, led to the loss of tens of thousand human lives and enormous physical destruction, creating a disastrous socio-economic environment including the plight of large numbers of refugees and internally displaced persons.

Against the background of these hostilities, the decision to create an OSCE Assistance Group to Chechnya was made at the 16th meeting of the OSCE Permanent Council on 11 April 1995. The Council also gave the Assistance Group a mandate to carry out the following tasks (to be performed in conjunction with the Russian federal and local authorities, and in conformity with the legislation of the Russian Federation):

- promote respect for human rights and fundamental freedoms, and the establishment of facts concerning their violation; help foster the development of democratic institutions and processes, including the restoration of the local organs of authority; assist in the preparation of possible new constitutional agreements and in the holding and monitoring of elections;
- facilitate the delivery to the region by international and non-governmental organizations of humanitarian aid for victims of the crisis, wherever they may be located;
- provide assistance to the authorities of the Russian Federation and to international organizations in ensuring the speediest possible return of refugees and displaced persons to their homes in the crisis region;

¹ State of affairs as of August 1999.

- promote the peaceful resolution of the crisis and the stabilization of the situation in the Chechen Republic in conformity with the principle of the territorial integrity of the Russian Federation and in accordance with OSCE principles;
- pursue dialogue and negotiations, as appropriate, through participation in "round tables", with a view to establishing a cease-fire and eliminating sources of tension;
- support the creation of mechanisms guaranteeing the rule of law, public safety and law and order.²

The Assistance Group began working in Grozny on 26 April 1995. Despite the importance and urgency of several of the other tasks included in the Assistance Group's broad mandate, the most prominent part of its activities during the following year and a half was - given the immediacy of the armed conflict - the Assistance Group's *mediation* efforts. Thus, a comprehensive cease-fire agreement was concluded on 31 July 1995 under the auspices of the Assistance Group. Although not observed, the agreement remained a precedent for further negotiations, with the Assistance Group playing an active role as mediator. Tireless shuttle diplomacy by the then Head of the Group, Ambassador Tim Guldemann, paved the way for talks that led to a cease-fire agreement signed on 27 May 1996 (also soon broken), and was instrumental in getting the negotiation process back on track that led to the Khasavyurt Agreement of 31 August 1996, which brought an end to the armed conflict. Besides establishing a cease-fire, the Khasavyurt Agreement had a provision for pulling out all troops, and stipulated that "agreement on the principles of mutual relations between the Russian Federation and the Chechen Republic is to be worked out by 31 December 2001". Also under the terms of the Agreement, Presidential and Parliamentary elections took place on 27 January 1997 - under the auspices of (and actually organized by) the OSCE Assistance Group.³

... Carried out in Full

Thus, the accomplishments of the Assistance Group by March 1997 were substantial, and very evident. At this stage, with the armed conflict having been brought to an end and elections having been held, the general attitude of the parties involved (i.e. the Russian federal as well as the Chechen regional authorities) seemed to have been that the major - and most pressing - tasks of

2 Cf. OSCE, Permanent Council, 16th Plenary Meeting of the Council, Journal No. 16, 11 April 1995, pp. 2-3.

3 For a detailed account and analysis of the Assistance Group's mediation role, see: Tim Guldemann, Supporting the Doves against the Hawks, in: Institute for Peace Research and Security Policy at the University of Hamburg (Ed.), OSCE Yearbook 1997, Baden-Baden 1998, pp. 135-143.

the Assistance Group as envisaged in its mandate had been dealt with successfully and definitively. This view was explicitly laid down in a Statement by the Russian Federation to the OSCE Permanent Council of 13 March 1997, as follows:

"Taking into account the fundamentally new situation that has arisen with regard to the settlement in the Chechen Republic (Russian Federation), the Russian side wishes once again to draw attention to the fact that the part of the OSCE Assistance Group's mandate which is related to mediation efforts in the context of settling the armed conflict and smoothing the way to negotiations has been carried out in full.

The dialogue that has begun between the federal authorities and the new leadership of Chechnya as a subject of the Russian Federation is, as is natural, being conducted directly and excludes any mediation efforts whatsoever by the OSCE representatives.

We presume that the work of the Assistance Group has now been refocused on other aspects of its mandate, namely those that relate to essential areas in OSCE activities: monitoring of the human rights situation; assistance in establishing democratic institutions and in ensuring the return of refugees and displaced persons; and co-ordination of efforts in providing humanitarian aid.

The Russian side reiterates its willingness to engage in constructive co-operation with the Assistance Group on these issues."⁴

Thus, although the basic text of the Assistance Group's mandate remained unchanged (last updated 19 December 1997), the tasks contained therein were henceforth effectively and substantially restricted in scope.

For a while during the first half of 1997, the Assistance Group continued to be involved in the talks between federal and Chechen representatives aimed at signing a detailed agreement on economic issues and peace relations. Two Accords - a Treaty on Peace and Principles of Mutual Relations and an Agreement on Economic Co-operation - were signed on 12 May 1997 in Moscow. Prolonged negotiations were started in order to provide a settlement on the oil problem for the entire region, including transit through Chechen territory and the debts to the Chechen state-owned oil company, as well as the restoration of Chechnya's oil and chemical complex, and agreements were signed on 12 July and 9 September 1997. By and large, however, the numerous political and economic agreements proved to be very fragile and failed to make a difference in terms of practical implementation. The Chechen crisis remained unresolved. Talks, as envisaged in the Khasavyurt Agreement, on the political status of Chechnya were resumed on several occasions, but were eventually discontinued as no progress could be made in overcoming the

4 Statement of the Russian Federation, in: OSCE, Permanent Council, 105th Plenary Meeting of the Council, PC Journal No. 105, 13 March 1997, Annex 3, Agenda item 7(d).

main difference in principle, i.e. Chechnya's insistence on full independence. At the same time, the difficult - and gradually worsening - internal situation in Chechnya made it progressively more difficult to take any substantial steps towards either a political or an economic settlement.

In retrospect, it would thus appear that the dialogue between federal and Chechen authorities that should have rendered the Assistance Group's mediation role superfluous, had soon run out of steam.

Tasks to Be Accomplished

From mid-1997 the emphasis of the Assistance Group's work had changed visibly from mediation to post-conflict rehabilitation and other points of its mandate. In addition to the Russian Statement of 13 March 1997, other subsequent developments - notably the Accords signed on 12 May 1997 - would necessarily entail a certain re-orientation of the Assistance Group's further activities. This was also acknowledged publicly by the then Head of the Group, Ambassador Rudolf Torning-Petersen, who in an interview with the news agency *Interfax* pointed out that the situation prevailing in Chechnya after the agreements reached between Moscow and Grozny would have an impact on the priorities of the OSCE Assistance Group's activities, adding that the main direction now would be to render humanitarian and practical assistance for the peaceful reconstruction of the republic. Despite the substantial scaling-down of the Assistance Group's role, the still operative parts of the mandate left significant tasks yet to be handled. The Russian Statement of 13 March specifically identified three priority areas, notably:

- monitoring of the human rights situation;
- assistance in establishing democratic institutions and in ensuring the return of refugees and displaced persons; and
- co-ordination of efforts in providing humanitarian aid.

In addition, there remained the task of supporting the creation of mechanisms guaranteeing the rule of law, public safety and law and order.

Furthermore, a number of problems were and remained particularly crucial in the post-conflict rehabilitation process, including mine-clearing and a solution for ecological problems, especially regarding water and sewage treatment. During 1997-99 the Assistance Group was involved in numerous activities addressing these and a series of other practical problems connected with the general post-conflict rehabilitation needs.

Without elaborating on the concrete details, it should merely - and as an understatement - be noted that the Group's mandate remained sufficiently broad and flexible, and obviously related to still existing, real and pressing needs, as to make it unnecessary to invent new tasks in order to justify the Assis-

tance Group's continued existence. Indeed, the pulling-out of other international bodies, leaving the OSCE as the only remaining international organization with a representation in Chechnya, would seem to lend yet another important dimension to its continued presence.

At the same time, one cannot but note that developments in Chechnya during 1997-99 made it progressively more difficult in practical terms for the Assistance Group to perform its tasks.

The Deteriorating Security Environment; Evacuation⁵

Since 1997, the modalities of the Assistance Group's work have increasingly come to be defined by the *security environment*. For years, Chechnya has been a high-risk area, especially for foreigners not protected by the restraints that societal traditions impose on Chechens, including the clan system and its blood vengeance code. In addition to criminal hostage-taking, there has been the constant danger of politically-motivated assassinations, such as the murder of six ICRC expatriate employees at Novye Atagi in December 1996, and the abductions in October 1998 of three British citizens and one New Zealander whose severed heads were found 8 December 1998. During 1998, the security situation in Chechnya was deteriorating to an extent which made it progressively more difficult for the Assistance Group to perform its tasks in a meaningful way while at the same time observing acceptable standards of safety for its own personnel. Developments so far in 1999 have only exacerbated the situation. Against the backdrop of ever-worsening socio-economic conditions, crime and unrest have acquired endemic proportions. The political unrest is intermingled with religious fanaticism, organized crime and a general break-down of law and order, manifesting itself in ever more frequent outbursts of violence, assassination attempts and other acts of terrorism. In particular, hostage-taking and abductions for ransom money have seen a sharp rise and become an all-pervasive evil not only in Chechnya itself but also spilling over into the adjoining regions. Official sources (Russian and Chechen) in May 1999 put the current number of abducted persons at about 600 non-Chechens and a corresponding or even higher number of Chechens. The hostages are held under miserable conditions, they are widely exploited as slave labourers, and are frequently traded between the criminal groups (which include quasi-political organizations and their armed formations) as income-generating commodities. Expatriates, especially those representing organizations believed to be capable of raising huge amounts of ransom

5 Although the Assistance Group under the present evacuation regime has continued to be fully operational in most respects, this meant that a substantial part of the Group's archives, covering the period up to mid-1998, was left behind in Grozny. As a result, relevant source material, which would otherwise have been useful for the purpose of the present article, has unfortunately not been available.

money, have become prime targets for perpetrators of kidnappings. Hence, virtually all international institutions have left the region, terminating their previous activities or, at best, leaving it to their local sub-agencies or partners to carry on. Thus the OSCE Assistance Group - being the only remaining international body with a representation in Chechnya - had gradually come to be regarded as an increasingly vulnerable and likely target for a possible onslaught by malevolent forces.

Extensive security measures notwithstanding, the Assistance Group was forced four times during 1998 to evacuate its expatriate staff temporarily from Grozny to Moscow. The last such evacuation took place on 16 December 1998. Unlike previous periods, which were not longer than three weeks, this latest evacuation was subsequently - by decision of the OSCE Chairman-in-Office - prolonged repeatedly in view of the further deteriorating security situation. In order to ensure the continuity and regularity of the Assistance Group's on-the-spot operations, working visits to Grozny by members of the Assistance Group were made three times during January-March 1999.

Events in early March 1999 - notably the abduction of the Russian Interior Ministry representative General Gennadi Shpigun and the subsequent pull-out from Chechnya of the remaining Russian Federation representations - gave evidence of a further grave deterioration of the overall security environment. (Later developments have only confirmed this unfortunate trend, with the Interior Ministry of the Russian Federation in late May issuing a general warning to any outsider staying or travelling in Northern Caucasus, as nobody is in a position to guarantee the safety of anyone against the threat of abduction.)

As was announced at the OSCE Permanent Council meeting on 11 March 1999, the evacuation regime - although still meant to be a temporary measure - was tightened up to exclude any further travels to Chechnya by Assistance Group members. Thus, the Assistance Group has henceforth continued to operate from Moscow, where temporary office facilities had been established at the premises of the Embassy of Norway. The understanding has been that the Assistance Group would return to Grozny when the Chairman-in-Office is satisfied that positive and significant improvements in the security situation have occurred. Unfortunately, this prerequisite has up to now (August 1999) failed to materialize. The Assistance Group has meanwhile been monitoring the political and security situation in Chechnya from its Moscow office, while at the same time directing the practical activities involving the local staff at the Assistance Group's Grozny office, which has remained fully operational with a complete infrastructure.

The premises of the Assistance Group's headquarters in Grozny are well protected, with personnel, equipment and a security system which allowed the Assistance Group previously to conclude that its own security situation was manageable. The deterioration of events since late 1998 and the long-term effects of the prolonged evacuation that these events necessitated, would

seem to call for a cautious approach. Following developments continuously and as closely as possible, the Assistance Group had by August 1999 not been able to report to the Chairman-in-Office that there had been enough of an improvement in the security situation to permit the Assistance Group's expatriate staff to return to Grozny.

The Political Context - Developments in 1999

The negative developments in the security situation have been paralleled or mirrored by a correspondingly negative development with regard to the overall political situation.

Alongside the seemingly endemic break-down of the normal structures of authority that characterize a functional civilized society, the power-struggle between President Aslan Maskhadov and the well-armed and uncontrollable opposition groups (comprising previous so-called "field commanders" and their allies, including militant Islamic extremists) demanding his resignation has moved from one crisis to another. In a bid to regain the political initiative and at the same time pre-empt and neutralize his opponents by adopting their demands as his own policies, President Maskhadov on 3 February 1999 announced the "full implementation of the Shariah rule in Chechnya". This decision, which came as a surprise to many observers, probably reflects not only the President's visibly weakened position but also his genuine commitment to peaceful solutions and to avoiding, at all costs, further internecine bloodletting or an all-out civil war. Maskhadov's Shariah initiative drew mixed reactions: the Parliament protested the initiative as anti-constitutional, whereas the extra-parliamentary opposition grudgingly admitted their agreement with the initiative, but sought to counter the President's move by setting up their own Council ("Shura"), which elected field commander Shamil Basaev "Emir" and called on Maskhadov to resign. Other reactions included confusion and various lines of scepticism. In talks with the Assistance Group, the Chief Mufti of Chechnya (Akhmat-Hadji Kadyrov, otherwise a staunch Maskhadov supporter) denounced the move as premature, counter-productive and tactically unwise. Others saw the introduction of the Shariah as the only possible solution for establishing a modicum of law and order and combating the all-pervasive banditry, agreeing that "Shariah rule is better than no rule at all". In the short-term perspective his tactics may have helped the President to gain some breathing room, and may have been instrumental in averting a coup or larger-scale violent confrontation. From a practical point of view the introduction of Shariah rule would seem to imply the abolition of the secular Constitution and dissolution of the Parliament, and that the rule of Islamic law - Shariah - is to be extended to all spheres of social and political life. A special commission was set up by the President to draft a new Islamic Constitution, a task which was completed on 7 May 1999. How the draft will

eventually be adopted has remained a matter of contention, the President apparently favouring a constitutional approach with a Parliament-sanctioned referendum. The principles for the implementation of Shariah rule have not yet been clarified, but the draft Constitution reflects - predictably - the intention to islamize Chechen society completely, including a provision that only Muslims may participate in elections or be elected to higher office.

The kidnapping of General Shpigun and the increasing frequency of terrorist violence and abductions - with spill-over into adjacent regions - raised tensions between Moscow and Grozny, and led to sharp countermeasures by Moscow and the closing of railway and air transportation, and stricter enforcement of the administrative border regime. As seen from Moscow, the Chechen authorities had almost completely lost control over the political, economic and security situation in the republic.

At the same time, the negative developments seem to have brought about in Moscow (and apparently also in Grozny) a growing sense of urgency for the need to revive and step up the negotiating process between the federal and the Chechen authorities. Notably during the second quarter of 1999 a significant number of official statements were issued from both sides on the necessity of holding a "summit" meeting between Presidents Yeltsin and Maskhadov. Although the basic political disagreement on the republic's future constitutional status seemed likely to remain unresolved, the first and foremost aim of such a summit would presumably be to lay down the main modalities for active co-operation in handling the most pressing issues, viz. putting an end to banditry, terrorism and kidnappings; and taking steps towards restoring the Chechen economy, including the implementation of previously agreed economic reconstruction programmes. With a more long-term perspective, such a summit could also be a first step towards reviving the defunct negotiation process aimed at implementing the Khasavyurt Agreement of 31 August 1996.

Viewed in this context, it seems likely that the wave of terrorist acts during the spring and early summer of 1999 had the combined political aims of destabilizing President Maskhadov's regime, breaking relations between Moscow and Grozny and provoking a failure of the proposed meeting between Presidents Yeltsin and Maskhadov.

Since early 1999, the Chechen side has repeatedly expressed the desirability of including a third party - preferably the OSCE - in a resumed negotiation process with the federal authorities. In a number of talks with Russian representatives, the Assistance Group consistently confirmed its readiness to assume this task - in terms of its mandate, and if and when the parties should so desire. The prevailing view in Moscow has continued to follow the restrictive line expressed in the Russian Federation's Statement of 13 March 1997, which maintained that the part of the Assistance Group's mandate related to mediation efforts had been carried out in full, and that no further third-party involvement in a resumed Russian-Chechen dialogue was envisaged. In their

talks with the Assistance Group, some federal spokesmen, including the then (24 March 1999) Minister of Interior Sergei Stepashin, nevertheless indicated that some form of involvement - for example in observer or advisory capacity - on the part of the Assistance Group could be useful.

A prerequisite for an eventual revival of the Russian-Chechen negotiating process would, however, seem to be that a "summit" meeting between Presidents Yeltsin and Maskhadov take place as proposed. Despite continuing assurances from both sides that the summit would go ahead, the preparations dragged on throughout the summer. In this connection, the repeated changes of governments in Moscow probably had a disruptive effect, as did certainly the ever-increasing incidents of armed encounters on the Chechen administrative border and in adjacent regions, culminating so far in the larger-scale hostilities unleashed by the intrusions (from 7 August 1999) into Dagestan of Chechen-trained armed groups, led by the notorious warlords Shamil Basaev and Al-Khattab.

The Socio-Economic Situation

The security situation, the internal political developments as well as the developments in Russian-Chechen relations cannot be properly understood in isolation from the context of Chechnya's socio-economic situation. Chechnya shows few - if any - signs of recovery from the near-complete physical destruction caused by the 1994-1996 hostilities. Federal and local authorities agree that restoring the Chechen economy - including reconstruction of buildings, infrastructure and production facilities - remains a joint priority, but very little has been achieved so far. During the past three years hardly any money from the federal budget (apart from the resumed payments of pensions) have been paid into Chechnya as stipulated in the numerous agreements on economic reconstruction. The situation is characterized by massive unemployment, an absence of foreign investments and general economic decay. Large segments of the population are left without the wherewithal to cover their most basic needs, such as adequate food and shelter, clean water, heating and the most common medicines. The school system has collapsed, with disastrous effects already visible in the educational level of the generation now approaching adulthood. The quality and availability of basic social services are insufficient to alleviate the deteriorating socio-economic conditions. Massive emigration has resulted in a significant drop in the population, leaving behind those with the most meagre resources, who have become increasingly vulnerable to crime or to the lure of making a living by joining the various armed opposition groups, including militant Islamic extremists. Needless to say, this desperate situation serves to further aggravate the already volatile political situation. Any hope for improvement would seem to depend on the prospects of the federal and Chechen authorities finding a joint

approach towards handling the twin problems of restoring the economy and getting the security situation under control.

Current Activities of the Assistance Group

Under the present circumstances, which include:

- the continuing stand-still of the Russian-Chechen negotiation process;
- the prevailing negative developments in the internal political situation in Chechnya; and
- the extremely dangerous security situation, which has necessitated the present evacuation procedure;

the practical possibilities for the Assistance Group to fulfil its mandate are obviously rather restricted.

Different teams from the Assistance Group visited Grozny from 30 January till 4 February, 21-23 February and from 28 February till 4 March 1999. These visits included numerous and extensive meetings and talks with Chechen official representatives and other local leaders and spokesmen. Subsequent contacts with Chechen authorities have been maintained via President Maskhadov's General Representative in Moscow or through indirect communication.⁶ During their stay in Moscow, the Assistance Group has similarly strived to maintain broad contacts and working relations with key OSCE countries through their embassies, and not least, with Russian federal authorities.⁷

6 Talks and meetings with Chechen authorities in Grozny have included President Aslan Maskhadov and his Press Secretary Mairbek Vachagaev, First Deputy Prime Minister Turpal-Ali Atgeriev, Deputy Prime Ministers Khamzat Shidaev, Kazbek Makhachev, Alkhazur Abdulkarimov, Akhmed Zakaev, Minister of Foreign Affairs Akhyat Idigov, Minister of Shariat State Security Aslambek Arsaev and his Deputy Khasan Khatsiev, Speaker of the Chechen Parliament Ruslan Alikhadzhiev, Deputy Speaker Selam Beshaev, Deputy Attorney General Abu Arsukhaev, the Chief Mufti of Chechnya Akhmat-Hadji Kadyrov, and others. Until July 1999 the post as the Chechen President's General Representative in Moscow was held by Edelbek Ibragimov, who was subsequently replaced by president Maskhadov's former Press Secretary, Mairbek Vachagaev.

7 The Assistance Group's extensive contacts with Russian federal authorities have included the Ministry of Foreign Affairs (Deputy Minister Evgeni Gusarov and Department Director Vladimir Chizhov) as well as numerous high-level meetings with other relevant interlocutors such as the (then) Minister of the Interior Sergei Stepashin (later to become Prime Minister), the (then) Minister of Nationalities Ramazan Abdulatipov, the FSB Director and Secretary of the Russian Federation's Security Council Vladimir Putin (later to succeed Stepashin as Prime Minister), the Deputy Secretary of the Russian Federation's Security Council Vyacheslav Mikhailov (a former and the present Minister of Nationalities), Duma Members Vladimir Zorin and Mikhail Gutseriev, the Russian Federation's President's Representative to Chechnya Valentin Vlasov, the Russian Federation's Government's Representative to Chechnya Georgi Kurin, former Secretary of the Russian Federation's Security Council and Russian Federation's Chief Negotiator Ivan Rybkin, and others.

The Assistance Group's contacts with officials and others in Moscow as well as in Grozny confirm that *humanitarian aid* is seen as the main area where the Assistance Group can make a valuable contribution. In view of the disastrous socio-economic situation and appalling living conditions, the *need* for humanitarian assistance to Chechnya is, indeed, obvious and formidable. In this context, it should however be borne in mind that the OSCE itself is not a humanitarian organization, and that the OSCE's mechanisms and assets in this field are of a rather moderate capacity. The Assistance Group can supplement professional humanitarian aid providers in their absence, but is not in a position to run large-scale humanitarian operations single-handedly. The Assistance Group could, however, provide advice to foreign governmental or non-governmental organizations which may want to finance such programmes. The Assistance Group would be able to act as intermediaries between them and the local partners, to help in preparation and to supervise the implementation of their projects, to provide the follow-up monitoring and reporting etc.

The present circumstances behind the Assistance Group's activities - with its international staff operating from Moscow - have so far not entailed insurmountable obstacles for the continuation of the Assistance Group's activities along previous lines and in line with priorities discussed with and approved by the OSCE Permanent Council. Adequate routines have been established for directing and ensuring the continuity and regularity of the Group's on-the-spot operations. During the past few months, the Assistance Group has continued all the previously started long-term humanitarian aid projects in Chechnya, and also initiated some new ones. In addition to utilizing its own resources for humanitarian aid activities (budget allocation for 1999 US-Dollars 100,000), the Assistance Group has succeeded in attracting some voluntary contributions from OSCE States, providing distribution and monitoring their aid programmes. Among the main projects, special mention should be made of the "Wheat Flour Program" sponsored by the U.S. State Department, which was started in December 1998. Plans and agreements made prior to the evacuation have ensured that the project has been implemented as scheduled. Regular meetings with the Assistance Group's local staff and the implementing partners - the Chechen Red Cross and Red Crescent Society and the Committee of Soldiers' Mothers - have been held outside of the application area. The project has successfully attained its goal of providing vital assistance to the most needy, and a follow-up for next winter is under consideration. Another large-scale project is the "Psycho-medical Rehabilitation Project", financed by the Swedish International Development Co-operation Agency (SIDA), which addresses a particularly serious issue within the overall post-conflict rehabilitation problem areas.

The Assistance Group is currently in the process of preparing, in co-operation with Chechen NGOs, additional projects, the implementation of which would depend on the support of possible voluntary contributors.

As mentioned above, a main provision of the Assistance Group's mandate remains to "promote respect for human rights and fundamental freedoms, and (...) help foster the development of democratic institutions and processes". In addressing these tasks, the Assistance Group has had to adopt a flexible approach, taking into account the specific situation in Chechnya, including the problems arising from the post-war environment and complete lack of any infrastructure for the protection of human rights and democracy-building measures compatible with European standards. Thus, the Assistance Group has been trying to build up its activities in co-operation with a scattering of resource persons or existing skeleton organizations. With the generous sponsorship of the government of Finland, the Assistance Group was able to organize the participation of three Chechen delegates to the OSCE Human Dimension Meeting on Gender Issues in Vienna, 14-15 June 1999.

As the only remaining international organization with fully developed facilities in Grozny, the Assistance Group fulfils to a certain degree the function of a human rights watch, advising and urging Chechen authorities to adhere to internationally recognized standards in the field of human rights. However, recent developments in the fields of human rights and democracy-building in Chechnya have not been encouraging. The introduction of Shariah rule contradicts the Charter of Fundamental Rights and Freedoms, and seriously hampers the fulfilment of the Assistance Group's mandate to "support the creations of mechanisms guaranteeing the rule of law, public safety and law and order". This system also leads to violation of human rights, especially to discrimination against the political rights of non-Muslims.

The Road Ahead

We are forced to acknowledge that under the present circumstances, including the prevailing evacuation procedure, the practical possibilities for the Assistance Group to fulfil all aspects of its mandate (notably, apart from facilitating the delivery of humanitarian aid) are significantly restricted. This situation would, realistically, call for a continuous appraisal and possibly a reassessment of the basis for the continued operations of the Assistance Group, including the further prospects for the Assistance Group to perform its tasks in terms of its mandate in a sufficiently meaningful and cost-effective way. The author of this article is convinced that the long-term usefulness of the Assistance Group's assignments by far outweighs the current short-term disadvantages, and that the Assistance Group is indeed making a difference. Appreciating the continuous assurances and expressions of support that it has received from all quarters, including Russian federal authorities, Chechen authorities, NGOs and other relevant partners and interlocutors, the Assistance Group cannot help noting that a common denominator in the way the Assistance Group is viewed is that it represents a measure, albeit modest,

of *hope* in an otherwise gloomy situation. Although the open Russian-Chechen armed hostilities were formally brought to an end in 1996 and despite the fact that democratic OSCE-sponsored elections were conducted successfully in 1997, much remains to be accomplished before normal, peaceful conditions are established in this still conflict-ridden and suffering region. With progress being dismally slow, it is ever more important that hope be kept alive.

Although not specifically mentioned in the Assistance Group's mandate, a main reason for the continued OSCE presence in Chechnya is the *political* dimension of the mission's work. The OSCE presence is a political message that Chechnya has not been forgotten by the international community. For Chechnya the Assistance Group is important as a channel of contact with the outside world. For the OSCE, the Assistance Group fulfils the functions of carrying out independent observations, analyses, assessments and reporting on general political developments as well as on economic developments including conditions of life in the region. Thus, the OSCE maintains a presence which enables the Organization to monitor these developments on a continuous basis. The Assistance Group is confident that it is able to fulfil a substantial part of these tasks even under the prevailing circumstances.

Dagestan - An Ethnic "Powder Keg" on the Caspian Sea

On the Ethnic Structure and Dynamics of Dagestan

The Balkans and the Caucasus are frequently compared with one another. Both regions are characterized by an unusually rich variety of peoples, "fragments" of peoples and languages, by ethnic conglomerations that resemble patchwork rugs and by great cultural differences - all of this in a very limited geographic space. With the collapse and demise of the two "socialist" federations, the Soviet Union and Yugoslavia, another common feature of the two regions - tragic and "pathological" in character - has impressed itself painfully and deeply on the political consciousness of the people of the world: outbreaks of violence between the ethnic groups, blockades, war, expulsion, and genocide. In former Yugoslavia these events have taken a "serial" course because it has been largely a single actor - the political leadership of Serbia - that has dedicated itself to the idea of a chauvinistic policy of power and expansion. Of course, a dominant actor is not lacking in the Caucasus either, but Russia, although it may be more or less heavily involved in the ongoing conflicts - Nagorno-Karabakh, Abkhazia, Ingushetia, South Ossetia, Chechnya - is no longer pursuing an expansionist policy in the Caucasus but, rather, struggling to maintain possessions that are in a process of gradual disintegration. The outbreaks of violence between ethnic groups in the Northern Caucasus have turned into a wildfire since early 1999 when the attempt, for the first time, to elect a head of government democratically in the Republic of Karachaevo-Cherkessia caused the losing side, the Cherkessians, to resort to force, with the result that - as in the case of the Chechens and Ingush in 1991/92 - the fault line of yet another of Russia's "hyphenated republics" was seriously affected.

While the continually escalating conflict between the Karachais and the Cherkessians has been (and is still being!) largely overlooked by the international public, Dagestan, which lies at the eastern end of the Northern Caucasian crisis curve, hit the front pages of the world press overnight when the islamistic Chechen field commanders, Khattab and Basaev, acting independently, marched into this most southerly Russian republic with their combat units during the first days of August 1999. They occupied parts of the mountainous districts of Botlikh and Tsumada, formally declared themselves the "Shura of Dagestan" (i.e. its Islamic leadership organ) and put out a "declaration on the restoration of the Islamic State of Dagestan", to which Chechnya was also to belong. Driven back after a few days by the Russian military, they penetrated in early September, with considerably stronger forces, into

the districts of Novolakskoe, Khasavyurt and Kizlyar on the northern border and also became militarily active in central Dagestan, in a number of Islamic Jamaats south of the old capital city of Buynaksk.

Under these circumstances it might seem obvious to attribute the danger in which Dagestan lies simply to the smouldering problems in Chechnya, but this would be a fundamental misreading of the situation. Even without the dramatic events of recent weeks, the Republic of Dagestan, which borders Chechnya on the east and south-east and is stretched out along the Caspian Sea, has long been regarded as a region greatly threatened by inter-ethnic strife, collapse of public order, disintegration into local power centres, war and chaos.¹ In many respects - ethno-political, socio-economic, mental/cultural, religious and, not least, geo-political - conditions are depressingly ripe, for in all of these dimensions a dangerous conflict potential has been developing. The international public, understandably focused on Chechnya as a dangerous source of unrest since the war of 1994-1996, has not paid attention to the worsening crisis in Dagestan.

There is no end in sight for this depressing development in the Northern Caucasus. The reason is clear. We are obviously witnessing a symmetrical process of nations and ethnic groups being pulled apart, aggravated and hastened by the socio-economic decline of the region and by the political/administrative weakness of the central (federal) government. Indeed, since the collapse of the Soviet Union began all of these details, along with their inherent tendency towards bloody confrontations, have been familiar to specialists, politicians and international organizations - and not just a general outline. Hence we must face the question why the international community, and the OSCE in particular, has not gone beyond its involvement in an already burning Chechnya (February 1995)² and established "missions" at an early point in the other Republics of the Northern Caucasus that belong to Russia - above all in the particularly endangered Dagestan. Does not Dagestan's transformation into an "ethnic powder keg", as described below, fit particularly well the criteria associated with an OSCE long-term mission, namely to be an organ for early warning of "hot" conflicts and an instrument of preventive diplo-

1 Cf. Uwe Halbach, Rußlands schwächstes Glied. Die Republik Dagestan wird zum Notstandsgebiet [Russia's Weakest Link. The Republic of Dagestan Turns into a Crisis Area], in: Bundesinstitut für ostwissenschaftliche und internationale Studien, Aktuelle Analysen [Federal Institute for Russian, East European and International Studies, Current Analyses] 53/1997.

2 For a detailed account, see: Ursel Schlichting, Das Engagement der OSZE in Tschetschenien [The OSCE's Involvement in Chechnya], 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. 211-220; Tim Guldemann, Supporting the Doves against the Hawks. Experiences of the OSCE Assistance Group in Chechnya, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1997, Baden-Baden 1998, pp. 135-143; and Odd Gunnar Skagestad, Keeping Hope Alive, in the present volume, pp. 211-223.

macy and, in extreme cases, to engage in crisis management and the peaceful settlement of disputes?

Without wishing to diminish the mediation work done in Chechnya by the "OSCE Assistance Group" and its Heads, István Gyarmati, Tim Guldemann and Odd Gunnar Skagestad, we can be permitted to express the opinion that an OSCE commitment there *before* the outbreak of war might have offered a chance for greater success, i.e. the maintenance of a fragile peace. Ought we not to have drawn the conclusion that it was important now to be present "on time", at least in the endangered neighbouring republics, and especially in Dagestan, so as to let the mechanisms of preventive diplomacy have their effect? It appears that there was no initiative along those lines. Of course it would not have been easy to extract from Russia the necessary agreement for establishment of OSCE long-term missions in the crisis areas of the Northern Caucasus, but attempts to do so would not have been condemned *a priori* to failure. It is true that the high cost of this kind of expansion in OSCE involvement in the Caucasus would have been a big obstacle. But this kind of thinking could be countered with the argument that escalation of these conflicts into civil war and genocide will in the end be far more expensive for the countries of the world.

Is it too late to set up OSCE missions in the countries of the Karachais and Cherkessians, of the Kabardins and the Balkars, of the North Ossetians and, of course, in Dagestan? The fact that all of the international assistance organizations hitherto active in the Northern Caucasus (MSF, UNHCR, ICRC) discontinued their operations in July 1999 would seem to point to this conclusion.

Nevertheless, the OSCE should undertake just such an initiative. A look at the "landscape of conflict" in Dagestan, if one reads between the lines, will make clear that especially this republic, independently of the Chechnya factor, urgently requires the establishment of an OSCE long-term mission.

Factors Causing and Aggravating Conflict in Today's Dagestan

General Initial Position

There is no other region in the Caucasus - perhaps not in the entire world, as is occasionally claimed - where such great ethnic and linguistic variety exists on such a small territory and in such a small population (today: ca. 2.2 million, without refugees) as in Dagestan. In addition to ca. 30 ethnic groups with independent languages that must in part be classified as descending from totally different roots - Indo-European, Turkic and Caucasian - over 70 dialects have been identified.³ To be sure, only a half dozen or so of these

3 For general information on Dagestan, see: Roland Götz/Uwe Halbach, *Politisches Lexikon Rußland* [A Political Lexicon of Russia], Munich 1994, pp. 115-127; Christian

peoples succeeded in the course of history in creating reasonably stable feudal power structures and they, following Dagestan's incorporation into the Russian empire, served as the basis for administrative structures.⁴ The peoples with larger populations, in addition to so-called "free societies" or territorial communities, had feudal power structures which always included at least small quantities of other ethnic groups. Numerically strongest were the Avars. But socially and politically speaking, the Kumyks had an outstanding position because they lived in the richer valleys and coastal areas and because their language was the regional *lingua franca* (during the Soviet period Russia took over this role).⁵

Dagestan's relief, to a considerable extent mountainous and deeply fissured, in earlier times favoured rather peaceful relations among the mountain people (*gortsi*) themselves because they were largely separated from one another and there was not much contact and between the mountain people and the valley dwellers. Thus the ethnic borders of settlements remained for the most part stable, even after the great Caucasus War (1828-1864) had badly decimated the population as a result of the genocide by Russian generals during the war. Today, after the demise of the USSR and as a part of the association of states that constitute the Russian Federation, the 14 peoples of Dagestan recognized under state law have the following relationship to one another in terms of population size (approximate figures): Avars (28 per cent), Dargins (16 per cent), Kumyks (13 per cent), Lezgins (twelve per cent), Laks (five per cent), Tabasarans (five per cent), Azeri (4.2 per cent), Chechens (five per cent), Nogai (two per cent) and the Aguls, Rutuls, Tats and Tsakhurs taken together (three per cent).⁶ The share of Russians, Ukrainians, Belarusians (in short, of the Slavs) now only amounts to about six per cent (1999).⁷

Historical experience tells us that a community such as Dagestan, made up of many languages and culturally differing ethnic groups, is much more suscep-

Neef, *Der Kaukasus, Rußlands offene Wunde* [The Caucasus, Russia's Open Wound], Berlin 1997, pp. 21-32; Uwe Halbach/Andreas Kappeler (Ed.), *Krisenherd Kaukasus* [The Caucasus - Focal Point of Crisis], Baden-Baden 1995. Dagestan has about the same area as Lower Saxony, Denmark or Holland.

4 Cf. Andreas Kappeler, *Rußland als Vielvölkerreich. Entstehung, Geschichte, Zerfall* [Russia as a Multi-Ethnic Empire. Origins, History, Collapse], Munich 1992, pp. 149ff.; *Svod zakonov Rossiiskoi imperii*, tom 1yi, St.-Peterburg 1913, pp. 149f.

5 Cf. Junus Junusovich Junusov, *Dagestanskaya ASSR - Sovetskoe sotsialisticheskoe gosudarstvo*, Makhachkala 1970, pp. 59ff. In 1923 the regional party committee of Dagestan formally elevated the Kumyk (Turkic) language to be the language of administration, but in the summer of 1928 there followed already another completely new arrangement: at village and district level the languages of the (dominant) ethnic groups were to prevail, at the level of the republic it would be Russian. At the same time the Latin alphabet was introduced (in place of Arabic) and it in turn was replaced in 1938 by Cyrillic (Russian).

6 Cf. Ilya Maksakov, *Problemi Dagestana razreshimi*, in: *Nezavisimaya gazeta* of 19 September 1997, p. 3; and, on the status as of 1 January 1999, Magomed-Zagid Varisov, *Elektoral'nye nastroyeniya v Dagestanye*, in: *Nezavisimaya gazeta* of 9 July 1999, p. 4.

7 The percentage share of "Russians" in Dagestan has been sinking steadily since the census of 1959 (20 per cent) - to twelve per cent in 1979 and 7.5 per cent in 1996; since the emigration is continuing we can expect that in a few years the share will once again have been halved.

tible to hostilities, disputes and discord than is a society which is more or less homogeneous. This seems to apply especially to the current phase of world history in which the ethno-national principle of state-building, influenced by the experienced or at least declared principles of democracy, universal suffrage and majority rule, along with an unbridled expansion of the electronic media operating in national languages and expressing a one-sided national/cultural point of view, is completing its triumphal march which began with the French Revolution. For the everyday conflicts that develop inevitably in all groups of human beings and in all societies - whether political, economic, social or otherwise in origin - tend, in multi-ethnic societies, to take on an ethnic colouration and hence risk being perceived and evaluated primarily from this point of view, leading to inter-ethnic disputes which sometimes escalate to the level of violence.

The conflict potential in post-Soviet Dagestan is determined by three factors, i.e.:

1. by the loss of certain stabilizing mechanisms in the Soviet system of rule;
2. by general social destabilization and heightening of tensions;
3. by processes of inter-ethnic disintegration, fragmentation and segregation.

The Loss of Soviet Stabilizing Mechanisms

Dagestan was especially affected by the demise of the USSR because the structures of the Soviet state tended to stabilize administrative districts that were fragmented for ethnic reasons. This resulted, first, from politico-economic centralism under which even relatively insignificant issues were decided in Moscow; second, from the socio-economic support provided to this structurally weak republic; and, third, from the proportional representation of nationalities and ethnic groups applied to the building of the Soviets⁸ and to cadre policy in the administration and the party. This meant that many controversial issues were taken away from competing local interest groups. As a consequence, none of the nationalities of Dagestan was able to assume a dominant position. And there was another factor that worked to lessen and contain conflicts, namely the fact that the Caucasus *as a whole* was incorporated into the Soviet state, that the borders between the Union republics of the Trans-Caucasus and the "Autonomous" Republics of the Northern Caucasus were only of an administrative nature and did little to interfere with the freedom of movement of Soviet citizens.

8 On this, see: Junusov, cited above (Note 5), p. 103: Of the 178 representatives elected on 12 March 1967 to the Supreme Soviet of the Dagestan ASSR, 46 were Avars, 28 Kumyks, 21 Lezgins, ten Laks, twelve representatives of the peoples with smaller populations in Dagestan; in addition there were 25 Great Russians, five Ukrainians, five Azerbaijani, three Chechens, one Ossetian and one Mordvin.

The rise of the Union republics to the status of sovereign states with all the attributes of subjects of international law destroyed the administrative unity of the Caucasus. Divisive borders - political, legal, economic and customs-related in nature - arose and the result was a separation of the Northern Caucasus, and hence of Dagestan, from the Trans-Caucasus in a form without historic parallel - a development which is particularly injurious to the Lezgins who also live in Azerbaijan.

The change in Dagestan's status - its elevation to the position of a constituent state within a federation - was hardly less consequential. It is true the "Russian Federation" still has central power over Dagestan, but there are fundamental differences compared with the former political-administrative relationship between the Central Committee of the CPSU and the Council of Ministers of the USSR, on the one hand, and the organs of the Dagestan ASSR on the other.

When the CPSU ceased to exist as the most important political and administrative force uniting the USSR, the regional political elite, including that of Dagestan, lost a sovereign, superordinate command centre; they were left to deal with the internal development of the republic under their own authority and responsibility. Admittedly these are limited factually (e.g. the police, the fight against crime, raising taxes) and functionally (e.g. administration of justice) by the competences of the Russian Federation but these limits exclude a key area of political responsibility, namely the sovereign right to appoint personnel to the constitutional organs and regional administrative authorities; moreover, Russia's new federal centre is financially and economically - and hence also politically and administratively - so weak that it is hardly able to exercise its prerogatives and competences.

Economic Decline

Even during the Soviet period Dagestan was one of the most weakly developed regions of the RSFSR. With its mountainous territory, the country was not attractive to big investors. The collapse of the centrally administered economy along with its core, the military-industrial complex (which in Dagestan accounted for 80 per cent of the industrial complex),⁹ introduced a decline that was further accelerated in the mid-nineties - with shrinkage in two-digit percentages - by the war in Chechnya and the related economic blockade.¹⁰ The work of many plants came to a stop as a result of conversion

9 Cf. Vitali Eremin, *Rukovoditel' vulkana*, in: *Rossiiskaya federatsia* 8/1997, pp. 25-28, here: p. 26; Interview with the Minister for Nationalities and Foreign Affairs of Dagestan, Magomedsalikh Gusaev, in: *Nezavisimaya gazeta* of 12 May 1998, p. 5.

10 On this see Magomedkhan Magomedkhanov in: *Nezavisimaya gazeta* of 1 July 1996, p. 3; according to the various parameters on industrial production, Dagestan is located in the bottom group of Russian regions. Cf. Roland Götz, *Rußlands regionale Industrie im Jahre 1998* [Russia's Regional Industry in 1998], in: *Bundesinstitut für ostwissenschaftliche und internationale Studien, Aktuelle Analysen* [Federal Institute for Russian, Eastern Euro-

measures and the reduction or loss of federal subsidies and, in addition, the interruption in 1990/91 of the vital north-south transportation links through Chechnya to Azerbaijan. The unemployment rate, always a problem in Dagestan, has long been said to be the highest in the Russian Federation; in industrial cities it has climbed as high as 90 per cent (Kaspiisk, for example) and in the countryside over 60 per cent when for a variety of reasons some of the traditional canning factories, fish processing and wine growing operations lost their former markets and had to close down.¹¹

Hopes of the government of Dagestan that the Federation would alleviate this misery with strong financial assistance and the promotion of certain infrastructural measures have thus far not been realized. Neither the (open water) harbour of Makhachkala nor the republic's airport were developed into international transportation centres, the planned "free economic zones" were not established, and the goods traffic and transit trade to Azerbaijan, far from being favourable to economic progress, was not even organized in a minimally satisfactory way.

Although Dagestan's budget is 85 per cent dependent on the federal budget of Russia, Dagestan for years has often got no more in real terms than (at the most) half of what was calculated in the federal budget.¹²

Chechnya - A Manifold Destabilizing Factor

1. Territorial Conflicts - The Akkinian Problem

The most varied and dangerous destabilizing effects for Dagestan stem from the continuing conflicts in and around Chechnya. Historically, these neighbouring regions, which ethnically and culturally spill over into each other, have always been very closely linked - closest, perhaps, in the long decades of common resistance under their Islamic leader, the Imam Shamil, who quickly became a legend. against the annexation of the Caucasus into the Russian empire.¹³

Not only has the Chechnya war caused great economic suffering in Dagestan but the Republic, from time to time at least, has been a place of refuge for about 200,000 refugees - Russians, Nogai and also Chechens -¹⁴ causing the

pean and International Studies, Current Analyses] 5/1999, pp. 4/5; on conversion in Dagestan see Milrad Fatullaev, Zhizn' posle zhizni, in: NG-Regiony 2/1999, p. 13.

11 Officially, a figure of 30 per cent unemployment was mentioned for 1998 (cf. Nezavisimaya gazeta of 12 May 1998, p. 5); this would appear to point to a *real* rate of 60-70 per cent.

12 Cf. Interview with the Chairman of Dagestan's State Council, Magomedali Magomedov, in: Nezavisimaya gazeta of 11 February 1997, p. 3.

13 Cf. Uwe Halbach, "Heiliger Krieg" gegen den Zarismus ["Holy War" against Tsarism], in: Andreas Kappeler/Gerhard Simon/Georg Brunner (Ed.), Die Muslime in der Sowjetunion und in Jugoslawien [The Muslims in the Soviet Union and in Yugoslavia], Cologne 1989, pp. 213-234.

14 Cf. Rossiiskaya federatsia 8/1997, pp. 25-28, p. 27. For a detailed account of the refugee problem: Uwe Halbach, Migration, Vertreibung und Flucht im Kaukasus. Ein europäi-

population of Dagestan to grow quickly to about 2.3 million, with all of the additional burdens that naturally result from such a development. About 70,000 Chechen refugees have been taken in by relatives and acquaintances in the area close to the border, especially in the districts of Novolakscoe (formerly Aukh) and Khasavyurt, in the process disturbing deeply the inter-ethnic balance in these areas, which was already fragile, and creating a permanent source of virulent conflicts.

Moreover, there are unhealed historic wounds. The district of Khasavyurt, until the Dagestan ASSR was created in 1920/21, belonged to the administrative district of the Terek area and thus, roughly speaking, to Chechnya. Traditionally, it had been settled by the Chechen tribe of Akkins and by Kumyks. And the district of Aukh, immediately to the south, was almost exclusively settled by the Akkins. In 1944, when the Chechens were deported to Kazakhstan and Central Asia for alleged collaboration with the German *Wehrmacht* and the Autonomous Republic of the Chechens and Ingush was dissolved, these measures were extended to include the Akkins of the districts of Khasavyurt and Aukh; Kumyks, Avars and particularly Laks were forcibly settled in the latter and it was renamed the Novolakskii district. After Stalin's death, these expulsion measures would turn out to be "time bombs".

Rehabilitated after the XX. Congress of the CPSU (1956), the Akkins, too, returned in group after group and as a consequence of perestroika there was an even bigger return of Chechens.¹⁵ Just how dangerous the ethnic tensions had become could be seen in 1997 in the elections for the administrative chief of the city council of Khasavyurt. There were armed disturbances and grenade launchers were used against prominent leaders of ethnic groups.¹⁶

2. Open Borders and Attacks; Taking of Hostages

One of the main reason why the "Chechnya factor" has such a powerful destabilizing effect is precisely because the border between Chechnya and Dagestan is *de facto* open. Difficulties start with the fact that the legal status

sches Problem [Migration, Expulsion and Flight in the Caucasus. A European Problem], Berichte des Bundesinstituts für ostwissenschaftliche und internationale Studien [Reports of the Federal Institute for Russian, East European and International Studies] 13/1999, pp. 12ff.

15 Cf. Igor' Rotar', Chei Dagestan?, in: Izvestia of 26 January 1996, p. 2. As early as the sixties there were serious conflicts. Evidence of this is the decision of the Supreme Soviet of the Dagestan ASSR of 29 November 1967 "On the work of the Executive Committee of the Soviets of workers' delegates from the city and district of Khasavyurt concerning the organization of work and arranging provisions for persons returning from banishment". Cf. Junusov, cited above (Note 5), p. 124.

16 Cf. Igor' Rotar', Protivostoyanie v Khasavyurte, in: Nezavisimaya gazeta of 23 April 1997, p. 3; Vadim Il'in, Krisis vlasti v Khasavyurte, in: Nezavisimaya gazeta of 13 May 1997, p. 3. In the city of Khasavyurt the Chechens and Kumyks constitute about 60 per cent of the population, each group being about equally large; in the district of Khasavyurt as a whole, however, the Avars dominate.

of the border is unclear.¹⁷ Because Moscow has up to now refused to recognize the "Chechen Republic of Ichkerya" under international law, the border (also) with Dagestan is nothing more than an "administrative border". Chechnya, however, is "internal foreign territory" (Halbach) and, viewed in terms of *realpolitik*, more thoroughly separated from Russia today than from any former Union republic and present day neighbouring state.

The extreme permeability of the Chechnya-Dagestan border has turned the border districts of Dagestan into a favourable area for operations undertaken for various reasons - political, military and economic - by diverse Chechen groups, and the reverse holds true, although to a much smaller extent, for actors from Dagestan.¹⁸ In recent years, as desperation resulting from the wrecked economy has grown in Chechnya, villages and settlements in Dagestan near the border have been regularly attacked by bands of robbers from Chechnya. Even the Dagestani Chechens, the Akkins, have been affected. The Baku-Novorossiisk oil pipeline, which goes through the Novolakskii district, has also become the object of attacks.

Far more serious are the abductions of Dagestani or of persons who come from other parts of the Federation - private people and state officials, from militiamen to a presidential representative - who are taken to Chechen territory and held for ransom.

Hostage taking has become a daily occurrence. In 1997 the Federal Interior Ministry recorded 1,140 cases of abduction and hostage taking, in 1998 the figure was 1,415;¹⁹ and in the Interior Ministry of Dagestan a "kidnapping division" has been established.²⁰ It is an open secret that the opposition to President Maskhadov, organized by the field commanders Shamil Basaev and Salman Raduev, carry out such abductions in order to finance their organizations and activities; for lack of other sources of income, kidnapping has become a "source of employment".²¹ Actions of this kind are, of course, anything but popular in Dagestan but so far they have not led to any broadly based, supra-national, anti-Chechen solidarity on the part of the border population in Dagestan; indeed, such a development is rather unlikely.

17 Cf. Uwe Halbach, Rußlands weiche Grenzen, Teil II: Der Grenzraum und die Binnengrenzen der Föderation [Russia's Soft Borders, Part II: The Border Area and the Internal Borders of the Federation], in: Bundesinstitut für ostwissenschaftliche und internationale Studien, Aktuelle Analysen [Federal Institute for Russian, East European and International Studies, Current Analyses] 14/1997, p. 3.

18 Every day about 2,000 vehicles and ten to fifteen thousand people travel from Chechnya into Dagestan. Cf. Moskovskie novosti 47/1997, p. 10.

19 Cf. Izvestia of 14 May 1999, p. 2; see also the figures in Nezavisimaya gazeta of 24 October 1997, p. 3.

20 Cf. Nezavisimaya gazeta of 19 June 1999, pp. 1/5.

21 On this, cf. Uwe Halbach, Die Tschetschenische Republik Itschkerja 1998 [The Chechen Republic of Ichkerya 1998], in: Bundesinstitut für ostwissenschaftliche und internationale Studien, Aktuelle Analysen [Federal Institute for Russian, East European and International Studies, Current Analyses] 49/1998, pp. 2ff.

3. Armed "Commando Raids"

Recently, political forces in Chechnya, partially in co-operation with sympathetic Dagestani groups, have focused their efforts on installing television stations on both sides of the border. These are to broadcast propaganda which is massively anti-Russian and simultaneously militantly Islamic as well as emphasizing the points in common between Chechens and Dagestani in the hope of indoctrinating the youth of Dagestan, who are especially hard hit by unemployment, and winning their support for joint political, and if necessary, armed action.²²

That Chechen commandos are quite capable of action in the interior of Dagestan, far from the border, was demonstrated in December 1997 by a militarily prepared night attack on a military installation - once Tsarist, then Soviet, now Federal - of the 135th Motorized Infantry Brigade not far from the historic capital of Buynaksk which led to a two hour battle. Just how powerless the federal and Dagestani security forces are in the face of Chechen commando actions can be seen from attacks carried out simultaneously by the latter in June 1999 in the Stavropol region and in Dagestan, some of them very far away from their bases in Chechnya.²³ They showed that the measures ordered by Sergei Stepashin at the end of April 1999 (border closure, blockade, "focused attacks", etc.) were largely hot air and it was thus a particular irony that Stepashin, on the occasion of his official visit in Dagestan, was in serious danger of being the target of terrorist actions (which, however, were discovered in time). Now a great deal of pressure must be mounting to come to a decision on the still pending border question - including its course between Chechnya and Dagestan - both with regard to its status and the kind of security to be provided.²⁴

Organized Crime

A destabilizing factor closely associated with Chechnya is organized crime, which takes many forms. The catastrophic condition of the economy, the flows of migration into and out of the Republic of Dagestan, the exposed situation of the republic right next to the geo-political epicentre of the Caspian Basin and the Trans-Caucasus, the open border to a Chechnya which is for practical purposes independent, the impression - which has grown over the years - that no help can be expected from Moscow and that Dagestan must in the end depend on its own resources - all of these things create highly

22 Cf. Dmitri Nikolaev, *Razvedka boem*, in: *Nezavisimaya gazeta* of 4 June 1999, pp. 1/5.

23 See, *inter alia*, *Kommersant* of 3 June and 19 June 1999, pp. 2 and 1, which surmises that these actions constitute a kind of "final examination" for fighters trained in the camp of the "Jordanian" field commander Khattab - including, supposedly, Russians, Ukrainians, etc. This supposition is based on the observation that the attacks were carried out with a certain regularity.

24 Cf. Magomed-Zagid Varisov, *Chechnyu neobkhodimo izolirovat'*, in: *Nezavisimaya gazeta* of 20 January 1999, p. 5.

favourable conditions for those who seek economic gain and financial success at any price, regardless of the law and free of moral scruples. Dagestan also offers them an especially fertile ground because the poor living conditions have always nourished the temptation to seek improvement in criminal activity and because the large number of ethnic groups crowded together in a small area promote organized, illegal methods of self-assertion.

In recent years the federal government in Moscow has been increasingly concerned about how rapidly law and order in Dagestan deteriorated, especially in 1997/98 after the end of the Chechnya war - to the point that the stability of the republic appeared to be in danger, particularly because subversive influence of Chechnya was becoming more and more noticeable. But there is much evidence that the measures introduced in summer of 1998 against organized crime were to a large degree motivated politically by the desire to get rid of the opponents of the republic's leadership surrounding Magomedali Magomedov²⁵ and to ensure that in the parliamentary elections set for March 1999 they would not get a mandate. It is a widespread phenomenon in Russia and the CIS that members of criminal gangs seek parliamentary mandates for the sake of attaining parliamentary immunity and this is also the case in Dagestan. Of the 121 members of the People's Assembly during the legislative period that ended in 1999, no fewer than 35 had a criminal record.²⁶

The "Re-Islamization" Factor: a Cause for Insecurity

Closely linked to developments in Chechnya and in the entire Northern Caucasus is the growing strength of Islam in the public life of Dagestan, especially the appearance of radical currents and doctrines with a high level of politicization which finds expression, not least, in a sharp rejection by Russia, its former role and its present position in the Caucasus. Ever since Chechnya, under pressure from radical forces, declared itself to be an Islamic Republic and as the most visible sign of this step made the Sharia the basis of its legal system, Chechen "missionary efforts" in Dagestan have been on the increase. It is particularly difficult to evaluate the situation with regard to religion because a variety of factors and developments intersect. First, there was the religious renaissance in the late Soviet period which took on further strength with the granting of religious tolerance under perestroika. For the entire Northern Caucasus this meant that the "parallel" Islam²⁷ which had continued to exist there for decades in the informality of ethnic clan associations (*teip*) -

25 See, for example: *ibid.*

26 Cf. Milrad Fatullaev, V Dagestane prodolzhayutsya aresti, in: *Nezavisimaya gazeta* of 12 November 1998, p. 5.

27 This expression had come into common use during the Soviet period to take account of the various groups, mullahs, Sufi-associations, etc. which existed parallel to the religious centres tolerated by the one-party state, specifically the "Muslim Religious Board of Dagestan" (Buynaksk). An informative source is the brief survey by Alexander Iskanderjan, *Der islamische Radikalismus im Nordkaukasus* [Islamic Radicalism in the Northern Caucasus], in: *Wostok* 6/1998, pp. 20-22.

which had always remained intact - could once again go public without fear and, as a consequence, put down new roots. Second, there was a reawakening and revitalization of national ideals, linked in many ways with the religious dimension but independent and quite different from it. Third, there was the rediscovery of their own pre-Communist history - of the spiritual and cultural traditions of Dagestan which had for so long been buried and suppressed and distorted by the Soviet state. Fourth, there were the foreign influences which were now - because of the collapse of the USSR - suddenly able to pour into the country without hindrance and whose attraction was great because the people had so long been cut off from them.

Contrary to a tendency towards oversimplification and political dramatization that is often encountered, especially in the central media of Russia, the picture we see of Islam in post-Communist Dagestan is in fact a very unclear one. To interpret it as a "fundamentalist danger" is not only a distortion of reality but must in the final analysis be called perverse. It is a fact, however, that the situation of "organized" Islam, looked at numerically, has changed a great deal in the past decade. In 1988 there remained only 27 mosques in Dagestan, along with their related associations, registered by the state and controlled by the Muslim Religious Board in Buynaksk; by the end of 1996 there were 1,670 of them and in 1998 almost 2,000! In addition there were ten Islamic universities and seven "Islamic Centres".²⁸

As things now stand, it is relatively easy to answer the question of which currents or tendencies predominating in today's Islam have been or are likely to be adopted by the people: this is the Sunni tradition, historically rooted in the various ethnic groups of Dagestan. Since the beginning it has been very closely linked with the so-called "people's Islam" - with the honouring of saints, experiencing miracles, the worship of holy places, etc., and widespread Sufism provided sufficient room for co-existence with the local customary law (*adat*) widely followed by the tribes and village communities of the mountain people in the Caucasus.

At various times, however, completely different tendencies have made themselves felt in Islam, those focused on the "real" teachings of the Prophet and on the maintenance of their purity - often with a strikingly political character. This has been the case in Dagestan as well, in the form of Muridism, an Islamic doctrine which the legendary Imam Shamil - an Avar - forced upon the tribes of Dagestan in the twenties and thirties of the nineteenth century and then used as his most important spiritual weapon in resisting and fighting Russia when it was conquering the Caucasus. It is this other strain of Islam, specifically linked to the anti-colonial resistance of the peoples of Dagestan and Chechnya against Russia, which since the end of the USSR has been gaining strength in the Northern Caucasus. Today there are radical Chechen groups that have also written "liberation of Dagestan" on their banners and

28 Cf. Eremin, cited above (Note 9), p. 28; Interview with the Mufti of Dagestan, Abubakarov, in: *Literaturnaya gazeta* of 1 April 1998, p. 3.

want to unite both republics in a single independent Islamic state, with the Caspian Sea as its "Gateway to the World".²⁹ Their declared model is the Imam Shamil and the "Holy War" (*gazavat*) he declared against Russia.

The Russian press, along with the opponents of a politically radicalized Islam in the Northern Caucasus itself, call them Wahhabis, in accordance with the "puritanical" version of (Sunni) Islam that prevails in Saudi Arabia - perhaps because field commanders in the Chechen war, like the "Jordanian" Khattab, grew up in the Middle East as Wahhabis during the Chechen emigration/diaspora and returned to Chechnya in the early nineties to fight for the independence of their historic homeland, where they of course proselytized for their religious convictions and organized the fighting centres under their control along the lines of strict "Islamic communities".³⁰ There is no information available on just how many Jamaats of this kind exist in present-day Chechnya or on the extent to which they are controlled by the legitimate government of President Maskhadov.

In 1993/94 a number of Jamaats arose in Dagestan as well.³¹ As a result of the war in Chechnya and the wave of anti-Russian solidarity that has been caused by it, they have fallen firmly under the influence of the radical wing in Chechnya. Judging from the official reactions in Dagestan's capital of Makhachkala one would have to conclude that the Dagestani leadership is deeply concerned - that they view the situation as possibly being equivalent to the proverbial spark in a powder keg and are determined to act quickly against a process of Islamic/confessional party-building that runs counter to the ethnic peculiarities of the country.

Tendencies Towards Ethnic Fragmentation and Segregation

We must now turn our attention to the establishment of political "movements" among the individual ethnic groups which claim to represent them authentically.

29 One of the main representatives of this movement is the Chechen field commander and former Prime Minister, Shamil Basaev, along with the organization he leads, the "Congress of the Peoples of Chechnya and Dagestan".

30 Cf. Iskanderjan, cited above (Note 27), p. 21; also, Uwe Halbach, "Wahhabiten" im Kaukasus und Zentralasien. Religiöse Konflikte an der Südflanke Rußlands ["Wahhabis" in the Caucasus and Central Asia. Religious Conflicts on Russia's Southern Flank], in: Bundesinstitut für ostwissenschaftliche und internationale Studien, Aktuelle Analysen [Federal Institute for Russian, East European and International Studies, Current Analyses] 19/1998, pp. 2ff. Because Wahhabi doctrine is strongly against Islamic mysticism and thus opposed to Sufism and the Naqshbandiyya that is related (although not always very clearly) to it, it also distances itself from Muridism because the approach of the latter is to follow the Sufi Tarikat. Even so there are similarities between them - emphasis on stern morality, for example, and, generally speaking, the obvious Puritanism of both movements, along with their equivocal striving for a "pure" Islam - so that the confusion or commingling of these two strains by outsiders is not entirely coincidental. It is noteworthy, in any case, that President Maskhadov also uses this form of expression. Proof can be found in Halbach, cited above (Note 21), pp. 5ff.

31 Cf. Interview with the Mufti of Dagestan, Abubakarov, cited above (Note 28).

1. Organization of the Ethnic Groups into Partially Militarized Movements

Among the earliest movements was the "Avar People's Movement" and the "People's Front Imam Shamil" linked to it. The "Union of Avar Jamaats" is an association of radical Islamic communities. Others that have become prominent are the Kumyk national movement "Tenglik", the "Kumyk National Congress", the Lak people's movement "Kasi-Kumukh", the Dargin national movement "Tsadesh", the Lezgin national movement "Sadval", the "All-national Congress of Lezgins" and the national movement of the Nogai, "Birlik". The peoples with a smaller populations have also produced movements.

In contrast to the political parties registered in Dagestan, the national movements have a certain foundation in their ethnic groups - we cannot, however, say how strong this is for lack of dependable figures.

In any event, their political importance does not depend directly on impressive figures showing mass support - none of them have that - but on other factors. The first is that they must have a leader who can get things done, has political experience and a position in the central power structure of the republic which provides not only access to but control over economic and financial resources. These facilitate the construction of an extensively broadening "downward" base of client relationships that thus provide a solid personnel base and reliable support to the "godfather" at the top of the ethno-social pyramid.

Gaji Makhachev, the leader of the Avar People's Movement, combines these elements in an almost ideal way. He is one of the bosses of the Russian-Dagestani oil business, also deputy Prime Minister and - naturally - a member of the People's Assembly, the latter for the purpose of providing parliamentary immunity in the event of possible actions against him by the central public prosecutor in Moscow.³²

There is another advantage of these people's movements which is organically related to the personality of the leader and whose importance can hardly be overestimated, especially in the Dagestan of today. At their organizational heart they represent ethnically homogeneous para-military associations, recruited largely from the great army of unemployed young men, and they give these people a real job to do. The morale of these "fighters" (Russian: *boeviki*), and often their weaponry as well, are generally superior to those of the state militia. In this republic, whose inhabitants have traditionally armed themselves but nowadays - following the (legal or illegal) dissolution for commercial purposes of innumerable Soviet arsenals and given the effects of the war in Chechnya - can be said, in the opinion of the Dagestani themselves,³³ to be armed to the teeth, the fighters in the people's movements can,

32 On Makhachev, see the interview in: *Nezavisimaya gazeta* of 28 November 1997, p. 3.

33 Cf. *NG-Stsenarii* 5/1998, p. 14.

depending on the circumstances, reach substantial numbers through the addition of more and more unemployed and sympathetic countrymen.

In May 1998 the whole world was able to convince itself of the importance and the effectiveness of the ethnic fighting groups. When militiamen in the capital, Makhachkala, surrounded the house of the leader of the Union of Russian Muslims, Nadirshakh Khachilaev, to arrest alleged suspects entrenched there, hundreds of his armed supporters along with those of his brother Magomed, the leader of the Lak people's movement, came together to assist the Khachilaevs. Under their leadership the *boeviki* then took advantage of the absence of the Chairman of the State Council, Magomedov, occupied the centre of the city, stormed government buildings and raised the green banner of the Prophet on the roof of the State Council.

These events showed how dangerous a relatively small national movement as that of the Laks - given their determined and authoritative leadership - is or can be in today's Dagestan; at the same time it demonstrated how unstable the domestic political situation in Dagestan is - as well as how insecure and vulnerable the central organs of the republic are.

2. The Lezgin Irredentists

The Lezgin ethnic group is another, completely independent, hotbed of political tensions, constant unrest and armed conflict. The Lezgin's situation became a problem at the start of the nineties when the border to Azerbaijan was transformed into a state border, thus dividing them. The "border policy" of the responsible people in Moscow and Makhachkala has reacted very uncertainly to the Lezgin's need for freedom of movement and has, on the whole, paid little attention to it. Then, in the course of the Chechnya war, the border to Azerbaijan was closed completely. Since that time the situation has improved only to a limited degree as no one in Moscow, Makhachkala or Baku takes an interest in it. In fact, both the federal government in Moscow and the ethno-oligarchic leadership clique currently holding power in Makhachkala - and, of course, Azerbaijan as well³⁴ - want to keep the Lezgin people's group split: Moscow because a unified Lezgistan would constitute an unpredictable and uncontrollable source of conflicts in the Southern Caucasus; Makhachkala because in the event of their territorial unification the Lezgins, with close to 500,000 people, would be almost as strong as the Avars and as a result would fundamentally change the ethno-political structure of Dagestan; and Baku because a united Lezgistan, as the leaders of the Sadval people's movement would have it, should leave Azerbaijan. One inevitable consequence would doubtless be that Dagestan becomes more and more autono-

34 When in 1996 bombs exploded in the "Metro" of Baku, the Azerbaijani authorities seized the occasion to prohibit the representatives of the Lezgin and Avar people's movements (altogether about 120 people) for the foreseeable future from entering Azerbaijan. Cf. *Nezavisimaya Gazeta* of 1 July 1996, p. 3.

mous, which would presumably lead to its disintegration - with unforeseeable consequences for stability in the region as a whole.

Just how explosive the situation is in the south of Dagestan was demonstrated once again in July 1999 when activists of the Lezgin people's movement Sadval occupied the "Golden Bridge" on the border to Azerbaijan (so named because of its profitability) in protest against the arrest of their leader, Nasir Primov.³⁵

Factors in Conflict Containment, Promoting Stability and Strengthening Consensus

An Oligarchy of Ethnic Concordance

Aware of the mortal danger to domestic peace and the territorial unity of the republic, the Dagestani political elite, who in comparison to Soviet times had changed little structurally but had become increasingly heterogeneous on an ethno-political level, decided to continue in principle the system of ethnic proportional representation used under the Soviet system including both of its main elements: first with regard to the composition of the Parliament, second in the sense that certain ethnic groups would be given priority consideration in staffing some public offices and functional areas.

Along these lines, the post-Soviet constitution of 20 July 1994 stipulates that "in the People's Assembly the representation of all of the peoples of Dagestan is guaranteed", namely by the relevant provisions of the election law (Art. 72, Para. 2).³⁶ The election law of 1994, along with that of 1998 which for these purposes was unchanged, divides the electoral districts for the 121 seats up amongst the 14 strongest, officially recognized, ethnic groups in proportion to their size (headcount in accordance with the 1989 census) so that a good quarter go to the Avars, a good sixth to the Dargins, an eighth to the Kumyks, about a tenth to the Lezgins, a twelfth to the Russians, a twentieth to the Laks, etc.³⁷

The ethnic key to fill the positions of the State Council, which is the collective head of state and leading executive organ, is even more radical - i.e. formally equal: it is made up of 14 members, one representative from each ethnic group: Aguls, Avars, Azeri, Chechens, Dargins, Kumyks, Laks, Lezgins,

35 Cf. Ilya Maksakov, Aktsii protesta lezgin, in: Nezavisimaya gazeta of 22 July 1999, pp. 1/2. Primov was accused of having forcibly prevented the handing over or transfer to Azerbaijan of a Lezgin who was charged with carrying out the attack on the underground train in Baku in 1994. The Lezgin had been arrested in St. Petersburg and his transportation across Dagestani and Lezgin (!) territory was obviously part of a provocative scenario laid out by security authorities in Moscow.

36 Text of the Constitution: Konstitutsii Respublik v sostave Rossiiskoi Federatsii, 1 izdanie Gosudarstvennoi Dumy 1995, pp. 37-62.

37 Cf. Nezavisimaya gazeta of 19 Sept. 1997, p. 3. For the most recent figures (summer 1999) see Varisov, cited above (Note 6).

Nogai, Russians, Rutuls, Tabasarans, Tats, Tsakhurs. The State Council is put together by the Constitutional Conference which is made up of 242 members selected on the principle of proportional ethnic representation³⁸ and convened by the People's Assembly.

Political developments of the last five years have in fact shown that the functioning of the system of proportional representation is increasingly precarious and that its legitimacy has been correspondingly weakened. The main reason for this is that the office of the Chairman of the State Council, by virtue of the political and administrative decision-making authority vested in it, has eroded the collegiality of the body and, furthermore, that the "government" headed by the Prime Minister, created by the State Council and responsible to it, is powerfully controlled by the Chairman in its day-to-day work; that the executive, under the direction of the Chairman of the State Council particularly through the local administrative leaders, can to a great extent influence the political composition of the Parliament; and, finally, that Magomedali Magomedov, who rose during the period of perestroika to become Chairman of the Supreme Soviet of the Autonomous Republic of Dagestan, by virtue of his long-standing control of the executive apparatus and through his shift to the Chairmanship of the State Council has succeeded in transforming his power position.

An additional instrument of conflict prevention and control is the traditional practice of dividing up important positions in the state and the economy - those that carry political, administrative, financial and economic power - amongst the ethnic groups at the central, middle, and lowest levels. Thus it has become a kind of rule to give responsible jobs in the energy sector by preference to members of the Avar ethnic group, those in the financial sector to Dargins. To be sure, this principle is applied mainly to the three largest ethnic groups; the smaller ones, on the other hand, are clearly under-represented in the leading positions of the state bureaucracy (ministries, state committees, etc.) and in state enterprises, and here, too, the Lezgins feel most strongly discriminated against.³⁹

Typical procedures for ethno-political conflict control can be seen in the following events: when the former Head of Parliament, Magomedov, overcame, in 1994, his strongest challenger, Magomed Tolboev, by getting elected to the Chairmanship of the State Council, he did not push him into the political trash can but made him Secretary of the Republic's Security Council - a position which Tolboev used to play a key role in 1996 as a mediator in the successful cease-fire talks of Khasavyurt between Aslan Maskhadov and Alexander Lebed which ended the Chechen war. Another example: When the Minister of Finance, Gamid Gamidov, a Dargin, was murdered in August 1996, leading to huge demonstrations and disturbances that were organized

38 Cf. *Nezavisimaya gazeta* of 11 February 1999, p. 5.

39 Cf. Mohammed-Arif Sadyki, *Detsentralisatsia ne est' separatizm*, in: *Nezavisimaya gazeta* of 24 July 1999, p. 5.

by his family and supporters, the dangerously aggravated situation was defused when the State Council quickly named Gamidov's brother as his successor.⁴⁰

Thus it can be seen that the Republic of Dagestan is governed by an oligarchic group made up of representatives of the three most important ethnic groups in the country who are politically more or less closely linked by virtue of their careers and long years of working together.

Under these circumstances it is hardly a sensational insight when Kazbek Sultanov, a Dagestan expert in the State Duma, observes that the real structure of the Republic's political system is dominated by the rivalry of ethnic clans working together, against each other, and in parallel, and that the country's leaders have so far focused their efforts almost exclusively on satisfying these clan interests through compromises, coalitions and consensus-building.⁴¹ Sultanov's ultimate judgement is negative, however; he concludes that this system has manoeuvred itself into a dead-end street and become unproductive because the strategy of holding on to power at all costs by maintaining the stability of the established power cartel - and retaining its personnel - while parasitically enjoying its advantages, stands in increasingly clear contradiction to the republic's dramatically worsening socio-economic problems. From the standpoint of modern, rational and effective governance this criticism appears convincing. However, Sultanov overlooks the positive accomplishments that an oligarchy of ethnic concordance brings to the inner strength and cohesiveness of the republic, especially in light of the catastrophic living conditions - a genuine crisis - that prevail. He completely fails to take into consideration that this system is deeply rooted in the history of Dagestan, that it existed in modified form even during the Soviet epoch and, for that reason, can count on broader agreement and support from the multi-ethnic population than any other alternatives. The criticisms of Sultanov and others can, however, certainly be taken as an indication that the existing consensus, supported not only by conviction but also by habit and passivity, is getting weaker and coming under pressure from several quarters - partly nationalist and partly radical Islamic forces. For the time being the system is withstanding the pressure for change. One of the main reasons for its resilience is doubtless the fact that Dagestan has been continuously ruled, and for practical purposes is still ruled, by a secularized, Soviet-Communist-socialized nomenclature which by virtue of its supra-national and pan-Soviet character is inwardly opposed to nationalism and religious zealotry and consequently tends to adopt more moderate political positions and has an easier time dealing with the search for inter-ethnic compromise. Hence what its critics hold against it constitutes in fact the strength of this system, namely its

40 Cf. Ilya Maksakov, Dagestan: Vzryvoopasnaya respublika, in: *Nezavisimaya gazeta* of 12 October 1996, p. 3.

41 Cf. His article: Dagestan, *Ispitanie naprochnost*, in: *NG-Regiony* 20/1998, pp. 9-10.

capacity for supra-ethnic integration and its ability to contain and neutralize socio-ethnic conflicts.

Other Stabilizing Factors

Among the factors that mitigate the political and socio-economic causes of conflict is the life style of the people who live in Dagestan, the high level of communality in their everyday culture, their unwritten customs and their habits of life. These are in part rooted very deeply in the indigenous "Caucasian" traditions of the mountain people, partly in the (popular) Islamic traditions of the country, and partly in those peculiarities of the Russian-Soviet way of life and ordinary culture that have been taken over. These common socio-cultural elements, which also contribute to the mentality of the people, are superimposed on the various ethnic-national forms of consciousness and represent a kind of politically relevant resource for the achievement of inter-ethnic balance and civil tranquillity in Dagestan.

Another closely related factor is the subsistence economy characteristic of the residents of Dagestan, especially those who live in the mountains - their ability to nourish themselves from whatever can be produced on their small plot of arable land. The living conditions which have always been frugal because of the unfavourable soil conditions make it easier for the people of Dagestan, under the particularly difficult present circumstances of a generally disintegrated industry, to make optimal use of the agrarian secondary economy - also very much alive during the Soviet epoch - to the advantage of the family and the clan and thus ensure their survival. The traditionally modest expectations of the mountain people and, indeed, the undemanding nature of the "Soviet man", constantly battered by supply crises, contribute to a psychological readiness to accept today's circumstances of poverty and shortages.

Concluding Remarks: on the Role of the Federal Centre

The political course which the federal centre, "Moscow", is following today with regard to the Republic of Dagestan and the role that it plays there are pale, blurred and unclear, on the one hand, and contradictory and inconsistent on the other. This is partly due to the peculiarities of the region itself. For Dagestan cannot be viewed in isolation - that has been confirmed by this study in practically every respect. Not only does the republic participate in the ethno-political conflicts, socio-economic difficulties, and the processes of cultural change going on in the "Russian" Northern Caucasus but in the political earthquake zone of the Caucasus in its entirety - one of the geo-political crossroads of the post-Soviet area. In view of the great domestic political instability in the three trans-Caucasian republics and of the many unsolved ethnic conflicts on their territories and taking into account the uncertainty and

divisiveness of the most important political groups and the main actors in Moscow with regard to Russia's political interests in the Caucasus region and, generally, with regard to its place and course in a world that is reshaping itself following the end of the East-West conflict, one can hardly expect a well-founded, consistent and convincing political concept for the region.⁴²

The National Security Concept of the Russian Federation of 17 December 1997⁴³ does, however, identify certain political, economic and military interests with respect to the Caucasus region such as: securing domestic tranquility, stability of state power, upholding the law, maintaining the unity of the area with regard to the economy and the law, fighting against separatism, securing the transportation lanes for gas and oil, securing state borders, defence against pan-Turkish schemes, keeping the US and NATO out of the region, use of peacekeeping military forces under an international mandate to settle conflicts, etc. It is still unclear, however, how these abstractly formulated objectives are to be achieved. According to what has been said, this gap is to be closed by the "Conception for the Policy of the Russian Federation in the Northern Caucasus". Work has been under way on it for a long time but its completion has repeatedly had to be postponed because the political views of those involved, even on matters of principle, are often quite different. Nonetheless, they had managed by March 1999 to complete a draft and send it to the federal government for adoption.⁴⁴ Quite apart from its content, however, it is safe to say that Dagestan will continue to be one of the lowest on the totem pole amongst the regions of Russia that are supposed to receive subsidies but, because of persistent shortages in the federal budget, will continue to go away with empty hands.

The low priority which the "centre" assigns to Dagestan can be seen in a narrower political context, i.e. in the elections to the State Duma. By virtue of its population Dagestan almost reaches the level of those subjects of the Federation with a claim to four direct mandates (out of 225 seats) so that it ought in any event to have three; however, it is assigned to the group of subjects with populations between one million (the Murmansk region) and 1.6 million (the Leningrad region) which are represented in the State Duma with two direct mandates - a flagrant violation of the principle of electoral equality.⁴⁵

Moscow's political relationship with Dagestan is completely overshadowed by the Chechnya conflict and the question of what strategy to pursue towards

42 For discussion of a sound Russian policy on the Northern Caucasus see the material in *Novoe Vremya* 50/1997, pp. 14-18; Sergei Shakhrai/Ramazan Abdulatipov, *Formula mira i stabil'nost'*, in: *Nezavisimaya gazeta* of 13 March 1996, p. 3; Ramazan Abdulatipov, *Die russische Nationalitätenpolitik im Kaukasus: Konzeptionelle Visionen* [Russian Nationalities Policy in the Caucasus: Conceptual Visions], in: *Wostok* 3/1998, pp. 20-23.

43 Text: *Sobranie Zakonodatel'stva Rossiiskoi Federatsii (SZRF)* 1997, No. 52, Pos. 5909.

44 On this see Ilya Maksakov, *Vopros o "ministerstve Kavkaza" sozrel*, in: *Nezavisimaya gazeta* of 9 April 1999, p. 5. See also the table of contents in: *Nezavisimaya gazeta* of 30 May 1998, p. 5.

45 Cf. Varisov, cited above (Note 6). It is uncertain whether this error will be corrected for the Duma elections in December 1999.

that renegade Republic. It is particularly difficult to find such a strategy because the conflict not only makes itself felt in the whole of the Northern Caucasus but broadly and in principle affects Russia's integrity as a federation; and so Russia wavers between spiteful determination to retain its territorial holdings and its weariness over a republic whose people are felt to be "like a cancerous tumour on the body of Russia" (Vladimir Zhirinovski).

The agreement of Khasavyurt (30 August 1996) which was worked out by General Lebed and Aslan Maskhadov - like the "peace treaty" concluded between President Yeltsin and Maskhadov on 12 May 1997 - only provides for an interim solution with the requirement that by 31 December 2001 an agreement on the foundations of mutual relations be concluded which would "be based on the generally recognized norms of international law". Ideas of the two sides about the nature and content of this fundamental treaty were at first very far apart. While Moscow was thinking of a treaty to define competences, similar to the one with the Republic of Tatarstan of 15 February 1994, Chechnya had in mind a treaty on good neighbourly relations and co-operation between the Chechen Republic of Ichkerya and the Russian Federation - a treaty "purely under international law" without any element of subjection.⁴⁶ For the time being the federal government is continuing to exclude the status question. At any rate, the draft concept of a Russian national policy for the Northern Caucasus, completed in March 1999, openly shifts the problem to the level of a socio-economic development strategy or a balancing of interests related thereto. In the meantime the view seems to be gaining strength that a legalized separation, including recognition of Chechnya, would in fact strengthen Russia.

There is no agreement about how to deal with Chechnya in the meantime. The federal security forces, especially the Ministry of the Interior, want to respond to the terrorist attacks of Chechen commandos against neighbouring regions with tough measures and are considering "focused attacks", the closing of the border to Chechnya, a blockade of the republic and, under certain circumstances, the declaration of a state of emergency for the entire Northern Caucasus, but Dagestan's State Council Chairman, Magomedov, and all Presidents of Northern Caucasus republics are agreed that there should be no further use of force in the region.⁴⁷

Ramazan Khajibulatovich Abdulatipov takes an unusual position. An Avar by nationality and since Gorbachev's perestroika the most prominent Dagestani in the political leadership in Moscow, he is today a deputy Prime Minister of Russia and one of the chief actors in the field of Northern Caucasus policy; thanks to his origins he appears to have a particular, if informal, responsibility at the federal level for Dagestan.⁴⁸ Supported in part by the Avar

46 Text: *Nezavisimaya gazeta* of 21 October 1997, p. 3.

47 On this see Ilya Maksakov, *Kavkazskaya politika Moskvi vse dal'she otkhodit ot real'nosti*, in: *Nezavisimaya gazeta* of 19 March 1999, pp. 1/5; the same, cited above (Note 41).

48 On Abdulatipov's positions, see the interview with him in: *Nezavisimaya gazeta* of 9 September 1997, p. 5.; also Christiane Hoffmann, *Das Problem ist nicht der Kaukasus*

People's Movement and in part on the basis of a political agreement with State Council Chairman Magomedov, Abdulatipov succeeded in the elections of December 1995 in winning one of the two direct State Duma mandates allowed to Dagestan, in electoral district 10 (Buynaksk).

To be sure, Abdulatipov has, since the end of the Chechnya war, appeared publicly as a determined advocate of tough measures, including the use of force, blockade, and the declaration of a state of emergency against Chechnya - also as supporter of a strict border regime in Dagestan, particularly regarding the border to Azerbaijan. This position is not inconsistent in light of his ideas - put forward in a wealth of articles, interviews and public appearances - on federalism and on the nature of the Russian Federation, namely its orientation towards a strong, capable and rationally structured federal state. It has, however, put Abdulatipov in opposition to almost all political groups and actors who play a role in Dagestan. To be sure, there is also the not insignificant fact that Abdulatipov expressly favours the dissolution of the national movements in Dagestan. This has not necessarily hurt his authority in the centre (Moscow) but the deep differences of view that have been opened up between him and the regional leaders of the Northern Caucasus with regard to how to proceed politically in the region have done nothing to ease the difficult situation in which the federal centre finds itself vis-à-vis the Northern Caucasus as a whole. With its decision, reached at the beginning of July, to go beyond the closing of Chechnya's borders and destroy the terrorist commando centres in Chechnya through calculated counter-strikes, including the use of air power, the federal government has overcome the reluctance it had shown since 1996 to use the only means available to it for "creating order" in the Northern Caucasus - military force.

One does get the impression, however, that - under the pressure of everyday difficulties, of hopelessness about any improvement in living conditions for the foreseeable future, growing frustration, particularly amongst the smaller ethnic groups, massive unemployment among young people, and the spreading loss of authority on the part of the political leadership of the country - those forces in Dagestan which have worked for inter-ethnic balance, peacefulness, social compromise and tolerance and, generally, for the unity and integrity of the republic, are on the decline. The Chechnyan invaders seem to have concluded that with determined actions they will be able, sooner or later, to bring the Republic of Dagestan down like a house of cards and into their own hands. Without the military forces of the Federation, an early success would be quite certain. But under the present circumstances, with the use of Russian troops foreign to the territory and without inner motivation, fighting spirit or battle experience in difficult field conditions, the fate suffered in Chechnya could, *mutatis mutandis*, repeat itself in Dagestan. The probability is high.

[The Problem is not the Caucasus], in: Frankfurter Allgemeine Zeitung (FAZ) of 16 March 1999, p. 9.

The OSCE in the Caucasus: Long-Standing Mediation for Long-Term Resolutions¹

This article reviews the contributions of the OSCE towards conflict settlement in the area dealt with by the Minsk Group and in Georgia over a two-year period (1997-1998). In the first section it outlines and evaluates peace negotiations for Nagorno-Karabakh. The second part discusses the specifics of the OSCE Mission in South Ossetia and highlights the relationship between the OSCE and the UN in Abkhazia.

The Conflict Dealt with by the Minsk Group

The Nagorno-Karabakh conflict has gone into its eleventh year, as no acceptable political settlement has been reached up to now. Moreover, all parties to the conflict seem to be caught up in a pre-negotiation phase: differences remain over methodology (step-by-step or package approach) and over the recognition of the direct participants in the peace talks (Karabakh Armenians/Karabakh Azeris).

The current "no peace no war" situation thus continues. Nevertheless the situation has evolved over the last decade.² Thriving on the beneficial climate of glasnost and perestroika, in February 1988 the ethnic Armenian population of Nagorno-Karabakh, an enclave within Azerbaijan, raised its voice in favour of secession from Azerbaijan and unification with Armenia. It later traded this irredentist aspiration for outright independence, which the Nagorno-Karabakh republic declared on 6 January 1992. However, this step was neither recognized by the Azeri nor by the Armenian leadership. Complaints about cultural discrimination, along with painful memories of nationality policies during the early Stalin period, were pressing enough to induce serious ethno-nationalist unrest, which culminated in a grave internal dispute over territorial rights. Soviet operations (such as the military intervention in Baku in 1990) served as a clear catalyst for the exacerbation of tensions and caused both parties to harden their positions. Escalation into full-blown war-

1 The author would like to thank Pol De Witte, Mamuka Kudava, Gocha Lordkipanidze and members of the Armenian and Azeri Missions to NATO for granting interviews in Brussels in March/April 1999, and Bruno Coppieters, Dag Hartelius, Gerard Libaridian and Anya Schmemmann for their valuable insight and useful suggestions.

2 For comprehensive background information on the Nagorno-Karabakh conflict, see Michael P. Croissant, *The Armenia-Azerbaijan Conflict: Causes and Implications*, Westport/Connecticut 1998.

fare between Azeri and Karabakh Armenian forces took place in late 1991, with the "Republic of Nagorno-Karabakh" being proclaimed on 2 September during a joint session of the Nagorno-Karabakh Regional Council and the Governing Council of the Shahumian district. The autonomous status of the Nagorno-Karabakh oblast was subsequently renounced by the Supreme Soviet of Azerbaijan in October 1991. Following the collapse of the Soviet Union the war raged in its most cruel form until the temporary cease-fire agreement of May 1994 brokered by Moscow. This was formalized into a permanent cease-fire agreement by the defence ministers of the three parties involved in July putting an end to military activities and freezing the situation on the ground. Currently 16.7 per cent of Azeri territory (including districts in Azerbaijan proper) is occupied by Karabakh forces and 1,100,000 persons - among whom 700,000 Azeri internally displaced persons (IDPs) and 400,000 Armenian refugees - have been made homeless. Divergent positions with regard to their political status persist due to conflicting historical interpretations and to seemingly opposing international principles of territorial integrity (favoured by Azerbaijan) and self-determination (favoured by Armenia and Nagorno-Karabakh).

OSCE Mediation: Negotiating Structure and Selection of Peace Plans

Various mediation attempts have been undertaken to help regain peace and stability, especially by regional powers - such as Iran, Kazakhstan and Russia - that stand to benefit from a wider security framework. Russia should be conferred with a special status in this respect, since the Caucasus is of immediate geopolitical and strategic importance to it.

Since 1992 the OSCE³ has been involved in the region to a lesser or greater extent, due to the swinging pendulum of attention given it by participating States, internal restructuring processes and mediation competition from Russia. Following the Budapest Summit in 1994 - during which Russia was made a permanent Co-Chair of the Minsk Group⁴ - the OSCE serves as the most pertinent framework for continuing negotiations and has been accepted

3 For convenience the acronym OSCE will be used throughout the article (instead of CSCE before 1995).

4 The Minsk Group, co-chaired by Russia, the United States and France since 1997, currently includes Armenia, Azerbaijan, Belarus, the Czech Republic, Germany, Italy, Sweden and Turkey. These participating States - including Slovakia as part of the then still existent Czechoslovakia - were initially to take part in a conference on Nagorno-Karabakh under the auspices of the OSCE that would occur in Minsk and provide a forum for negotiations. "Elected and other representatives of Nagorno-Karabakh" were invited to this conference as "interested parties"; Helsinki Additional Meeting of the CSCE Council, 24 March 1992, Summary of Conclusions, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 841-844, here: p. 842. The Minsk Conference never took place, but the group of participants - the Minsk Group - continued to work on the resolution of the conflict.

as such by all the parties involved, partly because no credible alternative conflict management structure exists. Despite limited available financial resources, the High Level Planning Group (with assistance of the Personal Representative of the Chairman-in-Office and his field assistants, and guidance from UN experts) continues to update the modalities of, and logistical arrangements for, a multinational peacekeeping operation during fact-finding missions in Armenia, Azerbaijan and Nagorno-Karabakh. So far, conditions for deployment - which is widely held to be the litmus test of the OSCE's *raison d'être* as a full-fledged regional security organization - have not been considered favourable.

In the course of 1997-1998, some changes in the negotiation structure took place and a number of peace plans were outlined. They will be set forth in more detail below. As of 1997, Russia, France and the United States have assumed (permanent) Co-Chairmanship of the Minsk Group. The fact that France succeeded Finland as Co-Chair initially led to objections from the United States, which had expressed increasing interest in the resolution of the conflict in view of the economic prospects of developing oil and gas deposits in the region. Welcoming the growing involvement of the United States as a counterbalance against Russia - which is perceived as a biased negotiator because of its continued military co-operation with Armenia - the Azeri leadership allied with the United States in their opposition against France. Despite this original rivalry, the new triple Co-Chairmen structure of the Minsk Group provided fresh impetus propelling new rounds of negotiations. The Lisbon principles of 1996 (territorial integrity of Armenia and Azerbaijan, highest degree of self-rule for Nagorno-Karabakh within Azerbaijan and guaranteed security for Nagorno-Karabakh and its population) remain important guidelines in subsequent peace plans. In late May 1997 the US-Russian-French triumvirate made a new two-layered proposal, details of which would serve as a basis for simultaneous negotiations and included the following elements:

- (1) the withdrawal of Karabakh Armenian forces from seven Azeri raions (including the Lachin district) and from the town of Shusha/Shushi⁵, the latter linked with the withdrawal of Azeri forces from the Shahumian district;
- (2) the deployment of OSCE-mandated peacekeepers in a jointly de-mined buffer zone, with the task of monitoring the repatriation of IDPs and ensuring road communications through the Lachin corridor;
- (3) the leasing of the Lachin corridor from Azerbaijan to Karabakh with the OSCE serving as intermediary;

5 Shusha is the Azeri name for the town located in the western part of Azerbaijan and most directly affected by the Karabakh conflict, the Armenians call it Shushi.

- (4) the lifting of the blockade on Armenia by Azerbaijan and Turkey;
- (5) political self-rule and the status of a free economic zone for Nagorno-Karabakh, albeit within Azeri jurisdiction;
- (6) the downsizing of Nagorno-Karabakh forces to a military police force after agreement has been reached on status; and
- (7) an international inventory and control of Nagorno-Karabakh armaments which will be considered part of Armenia's permitted CFE quota.

Nagorno-Karabakh flatly rejected these suggestions. It also discarded the second draft of July 1997 - which was based on a "package deal" approach as well and included only minor changes to the above-outlined proposal. After the presidential elections in Nagorno-Karabakh in September 1997 - which were not officially recognized by Azerbaijan and the West, despite the OSCE's insistence that talks be conducted with elected and other representatives of Nagorno-Karabakh - subsequent talks centred on methodology rather than content. The Minsk Group left out the section dealing with political status, postponing a formal decision until the withdrawal of troops, the repatriation of displaced persons and other confidence-building measures had taken place, but incorporating much-wanted security guarantees. Nagorno-Karabakh said again no to this proposal, as it might have been dissatisfied with the security guarantees offered⁶ or concerned about the lack of incentives for Azerbaijan to make substantial concessions. Baku endorsed the OSCE draft peace plan as a basis for negotiations, as did Armenian President Levon Ter-Petrossian, who reiterated the need for a compromise solution in order to expedite a settlement and ensure Armenia's prosperity, strong condemnation of members of his own cabinet notwithstanding. The first months of 1998 continued to be characterized by serious differences between Yerevan and Stepanakert as well as by larger conflicting views within the Armenian leadership (Prime Minister versus President), which precipitated the resignation of Armenian President Ter-Petrossian on 3 February. After the March presidential elections, the newly elected Armenian President Robert Kocharian - who had been the Karabakh leader before his appointment to the post of Prime Minister of Armenia - joined Karabakh in rejecting the OSCE's step-by-step approach.

Meanwhile, the OSCE-mediated peace talks continued in an effort to get the parties back to the negotiation table. In mid-September the three Co-Chairmen - Yuri Yukalov (Russia), Donald Kaiser (United States) and Georges Vaugier (France) - visited Baku, Yerevan and Stepanakert to consult - at the initiative of Russia - about a new approach that seeks to apply creatively the concept of a "common" state. The revised peace plan in November 1998

6 See Gerard J. Libaridian, *The Challenge of Statehood, Armenian Political Thinking Since Independence*, Cambridge/Massachusetts 1999, Chapter 2: A Resignation.

suggested the creation of a common state by Nagorno-Karabakh and Azerbaijan, whereby the precise relationships between both entities would be subject to a separate agreement in a later stage, although the principles on which it should be based were spelled out. Baku, not unexpectedly, rejected the plan because it did not guarantee the restoration of Azeri sovereignty over the Nagorno-Karabakh enclave and would result in a radical transformation of Azeri identity (rumours have been circulating, however, that initially the original draft proposal on a common state was approved verbally by President Heydar Aliiev); Armenia and Nagorno-Karabakh accepted the plan, despite some reservations. The OSCE Chairman-in-Office in 1998, Polish Foreign Minister Bronisław Geremek, met with the parties in late November to persuade them to take a positive stance on the new plan and repeated his call for a speedy resumption of the negotiations and for displaying political will at the Oslo Ministerial Council in December 1998. At this gathering, however, no reminder of compliance with the 1996 Lisbon principles was sent to the parties. The Minsk Group Co-Chairs, who were urged by the Azeri side in February 1999 to show more resolve in dealing with the Karabakh conflict, demanded the continuation of direct talks and the establishment of a channel of regular dialogue between the Azeri and Armenian leadership, which meanwhile seems to have materialized. The OSCE Chairman-in-Office in 1999, Norwegian Foreign Minister Knut Vollebæk, continued efforts in the same vein during his visit to the Caucasus in August 1999.

Alternative Route Ahead

The European Parliament's endorsement of the "common state" proposal on 11 March 1999 seems to demonstrate that the international community is supportive of this middle-ground solution between (maximalist) independence and (minimalist) autonomy. Since the resignation of Ter-Petrossian, the OSCE has adopted a more receptive attitude to the position of Armenia and the independent voice of the Nagorno-Karabakh authorities. Both have lately been pushing for "limited sovereignty" and horizontal relations between Baku and Stepanakert in a quasi-federal or confederal state. Some sources hint at a "pro-Armenian turn" in the Karabakh conflict.⁷ It remains, however, to be seen whether or to what extent the OSCE proposal of a common state will be adhered to in its present form, as there is no such precedent in international practice - with the exception of Bosnia and Herzegovina - of bringing together two separate entities in one state. Moreover, the common-state paradigm holds substantial room for opposing interpretations and since

7 Cf. Emil Danielyan, German Academic sees Pro-Armenian Turn in Karabakh Conflict, in: RFE/RL Newsline of 26 March 1999.

March 1999, Russia - initiator of the latest proposal - no longer insists on this formula as a basis for negotiations.

The need for direct and unconditional talks between Baku and Stepanakert - to end the mediation impasse - is also being supported more ardently by members of the OSCE Minsk Group (Russia as early as 1996, Armenia, France and Germany among others). The Azeri leadership continues to refuse to engage in such a direct bilateral dialogue with the leadership of Nagorno-Karabakh, unless the latter would agree to accept autonomy within Azerbaijan. On the other hand, through actively promoting direct contacts, the OSCE might seek to redress criticisms, from the Armenians especially, that reproach the Organization for appropriating too many rights and responsibilities in the Karabakh conflict.⁸ Moreover, the Treaty on Friendship, Co-operation and Mutual Assistance (1997) between Armenia and Russia - in particular, the clause on mutual assistance in case of armed aggression by a third state - as well as Russia allegedly offering "land for military bases" to Azerbaijan, raises questions about Russia's motives, its position as an unbiased mediator and the Minsk Group peace proposals in general. Mutually declared commitments to peace notwithstanding, rearmament strategies remain important both for Armenia and Azerbaijan if only to cope with accumulated frustration over the persistent stalemate. Pipeline politics and export routes for Caspian Sea oil need to be carefully monitored in this respect as well. Despite the fact that the energy resource base is smaller than anticipated, Azeri oil development might give rise to increased tensions, as the petrodollars could provide necessary means for renewed military build-up.

The institutional set-up of the OSCE - such as its decision-making procedures, the annual rotation of the Chairman-in-Office and its make-up as an intergovernmental body - unavoidably impedes some of the swiftness and effectiveness of its conflict resolution capabilities.⁹ Efficacious peacemaking, though, depends largely on participating States backing their statements with political commitment (effective pressure and support). The parties involved need to display goodwill, flexibility and accommodation to negotiate principal issues with reference to substance, not form or name tag. The "common state" principle might be of significant value, as its viability has been explored elsewhere in the region (Moldova/Trans-Dniestria, Georgia/Abkhazia). Its successful application could hold valuable lessons for present and future conflict management.

8 See among others Elizabeth Fuller, Karabakh President Discusses Mediation Process, in: RFE/RL Newslines of 19 November 1997; Moorad Mooradian, How Intractable is the Karabakh Conflict?, in: *Security Dialogue* 1/1998, pp. 252-254.

9 See S. Neil MacFarlane, The UN, the OSCE, and the Southern Caucasus, in: *Caspian Crossroads* 1/1997, pp. 18-23.

A detailed chronicle of the conflictual relationship between Tbilisi and the Tskhinvali region should start by a narration of the history of several decades, which includes opposite claims to the disputed South Ossetian territory and its degradation into an Autonomous Oblast through Soviet border reshuffling. Due to limited space, this article cannot but summarize the events and subsequent courses of action in the early 1990s. The trend towards nationalism induced a chain of developments, such as the demand for upgrading the status of the Ossetian Autonomous Oblast into an Autonomous Republic - analogous to Abkhazia and Adjara within Georgia - and led to attempts by the central government to revoke cultural and local political rights of the Ossetian majority. In September 1990 the secessionist administration declared its own sovereignty and three months later it organized parliamentary elections, the legitimacy and results of which were denied by the Georgian Parliament in Tbilisi, which immediately annulled South Ossetian autonomy altogether. Early January 1991 marked the outbreak of violent civil strife and armed struggle between Georgian police and paramilitaries and Ossetian self-defence units. Militarily, the Ossetians had the upper hand, according to Georgia thanks to financial and logistic support from Russia. After several failed cease-fires, Moscow brokered the final one in June 1992, which is still in effect. The distinct wish of the Ossetians to unite with North Ossetia (Russia), expressed by referendum in January 1992 with more than 90 per cent of the votes in favour, has not materialized. The political status of South Ossetia therefore still hangs in a balance.

The OSCE Long-Term Mission to Georgia in 1997-1998

Today the OSCE Long-Term Mission to Georgia continues to fulfil its political and monitoring mandates in South Ossetia as laid down in 1992 and 1994 respectively. The Mission currently encompasses 19 members - half of whom are military observers - with 17 Mission members at Tbilisi headquarters and two members assigned to the branch office in Tskhinvali, which became operational in April 1997. As of 2 November 1998 Ambassador Jean-Michel Lacombe of France became Head of Mission succeeding Ambassador Michael Libal of Germany.

A few cease-fire violations and armed incursions notwithstanding, the security situation on the ground has improved significantly. In February 1997 the quadripartite Joint Control Commission expressed its resolve to reduce the numerical strength of the "peacekeeping and law enforcement forces" and to bring down the number of checkpoints to 16. The police functions of the joint peacekeeping battalions under Russian command, which by now con-

form satisfactorily to OSCE principles, will be handed over piecemeal to the local authorities.

Meanwhile the quest for a solution to the question of political status for South Ossetia persists. Although no final settlement is forthcoming, the OSCE aims at keeping political dialogue going at all levels. On 14 November 1997 in Java (South Ossetia) and 20 June 1998 in Borjomi, Georgian President Eduard Shevardnadze met face to face with the elected leader of the unrecognized South Ossetian Republic, Liudvig Chibirov, with the OSCE Head of Mission present at both meetings. Both encounters are indicative of growing mutual trust and confidence between the parties. An interim document from the November 1997 meeting ensued giving priority in 1998 to the repatriation of IDPs. OSCE Chairman-in-Office in 1997, Danish Foreign Minister Niels Helveg Petersen, and his successor, Polish Foreign Minister Bronislaw Geremek, paid visits to Tbilisi in August 1997 and November 1998 respectively to discuss, among other things, the mediating role of the OSCE and its capacity to facilitate a final agreement on political status. On 9 January 1999 in Tskhinvali OSCE personnel, together with Russian and North Ossetian representatives, convinced both parties to consent to start negotiations on an intermediary document on status within the framework of the Vladikavkaz agreements.

The prospects of signing such an accord formalizing the relations between Tbilisi and Tskhinvali remain, however, quite dim. The "comfortable" situation of *de facto* independent rule, increasing economic and social ties with Tbilisi and a peaceful security zone in the Tskhinvali region does not provide the strong incentives needed to urge a swift decision on political status. Stressing a relationship of equality between the two entities within a federal Georgian state, Chibirov espouses similar claims to those of Abkhazia and Nagorno-Karabakh and is reluctant to settle now for a less favourable division of authority than fellow separatist regions might achieve in the future.

The OSCE Mission to Georgia has been in the vanguard of economic rehabilitation and reconstruction, and the repatriation of refugees and IDPs - an issue of primary concern in 1998, because of the danger they pose to the peace process. On 6-7 November 1997 a workshop on property rights was hosted by the OSCE Mission in co-operation with OSCE/ODIHR, UNHCR and the Council of Europe to assist Georgian authorities in providing the legal foundations for a return of, or compensation for, houses or apartments lost because of the conflict. A follow-up "Round Table on Housing and Property Rights of Refugees and IDPs" took place on 17 September 1998 resulting in a working group to draft relevant legislation in accordance with international standards with the participation of OSCE experts. The Memorandum of Understanding between Georgia and the OSCE of 23 November 1998, following an ODIHR needs assessment mission in March, testifies to deepening

co-operation, in particular in the human rights field. The January 1999 meeting in Tskhinvali once again underscored the role of co-operation in various sectors, especially economic (energy supplies), as a contributive measure to forward the peace process and to induce a sense of restitution for damage inflicted during the fighting in 1990-1992.

The UN and the OSCE in Georgia: Friendly Rivals

Georgia is generally perceived as a laboratory test case for synergy among international and regional organizations. Through a *de facto* division of labour - established to avoid overlap of mandates and duplication of efforts - the OSCE takes the lead with regard to the South Ossetian conflict, while assuming a less prominent role in support of the UN in Abkhazia. Despite initial growing pains with regard to co-ordination, integration and functional co-operation, the institutionalized relationship between the UN and the OSCE in the Abkhaz conflict is instructive for future cases.¹⁰

In the period under discussion, joint efforts have proceeded along the two tracks of participation and co-operation. The Representative of the Chairman-in-Office participates, as an observer, in the consecutive Co-ordinating Council sessions, the three working groups on security, refugees and economic issues established in November 1997, and in the high-level Geneva mechanism for negotiating a political settlement in Abkhazia. Co-operation with functional UN agencies has been extended and increasingly institutionalized. Following the April 1997 Memorandum of Understanding outlining the modalities of co-operation, the OSCE Mission to Georgia currently contributes one officer to the UN Human Rights Office, which opened premises in the city centre of Sukhumi (Abkhazia) on 1 July 1997 and has assured the continuing functioning of the Office during the more than four months of absence of a UN appointed Director in the first half of 1998. Another example of co-operation resides in the Memorandum of Understanding with UNHCR, signed on 15 October 1998, that provides for the establishment of regular channels for information exchange at all levels of operation and joint assessments of the refugee situation in areas of common concern. At the Oslo Ministerial Council in December 1998, the OSCE declared its readiness to assist the UN with the implementation of a transitional administration in the Gali district (Abkhazia) if an agreement were reached. To that effect, the Chairman-in-Office has been asked to explore, in close consultation with the

10 Examples of this institutionalized relationship include: the declaration at the 1992 Helsinki Summit by the OSCE Heads of State or Government of their understanding that the OSCE is a regional arrangement of the UN in the sense of Chapter VIII of the UN Charter; the Framework for Co-operation and Co-ordination between the UN and the OSCE (26 May 1993) and subsequent UN General Assembly resolutions on co-operation between the UN and the OSCE (e.g. A/RES/53/85 of 26 January 1999).

UN Secretary-General, the usefulness of opening up an OSCE branch office in Gali. The Georgian call for the OSCE to assume a more active (broader humanitarian) role in Abkhazia - alongside its human rights mission - might be evidence both of an effort to secure a stronger counterbalance against Russian mediation and of a strategy aimed precisely at invigorating UN involvement, as some competition between both organizations is prevalent, though not outspoken. This friendly rivalry could however constitute an important catalyst to set off new initiatives for progress in the region.

Encouraging Signs amidst the Absence of a Final Settlement

Overall, the OSCE Mission to Georgia has proven effective within the limits of what can be accomplished through post-conflict deployment (as opposed to pre-emptive action and *preventive diplomacy*). It has performed its "indirect" *peacekeeping* function with observable success (increased transparency); its *peacemaking* mission will take understandably longer to bear fruit. Nevertheless, the Mission has made substantive contributions to pave the way forward by trying to capitalize on the momentum for seeking a comprehensive political settlement. The record of its *peace-building* capabilities also must be judged in the longer term. An interim evaluation leads the author at present to applaud the reconstruction and rehabilitation efforts where headway is currently being made. As to the human rights component, one could argue that human rights education has been overemphasized in comparison with the monitoring of human rights violations. The OSCE Mission's presence and visibility in South Ossetia in particular remain important, both for the international community - for which stabilized conflicts have lost priority, especially since the conflict zone is not considered a strategic location in the Caucasus - and for regional powers, such as Russia that are deeply involved.

A breakthrough in one of these two frozen conflicts in the Caucasus - which have similar separatist claims and conflict developments - will set the tone for, and expedite the resolution of, other current and latent conflicts. To that effect, consensus among the region's neighbours (especially Russia) on the settlement of the disputes is as consequential as agreement among the parties themselves. The OSCE's work, which must be continued and reinforced, has prepared the ground for workable solutions in Georgia and Nagorno-Karabakh.

The OSCE Long-Term Mission to Tajikistan

The Conflict

The origins of the conflict in Tajikistan go back to the collapse of the USSR when the Tajiks in 1991 were facing the fateful decision on the future political orientation of their young state. This, along with the transformation of the political and economic system and other structures, gave rise to a vigorous conflict which the participants took to the point of civil war (1992-1993). In the course of the conflict two main parties emerged: the "People's Front" under the current President, Emomali Rakhmonov, and a coalition of representatives of the opposition parties (the "United Tajik Opposition", UTO) dominated by the "Party of Islamic Rebirth" (PIR) which seeks the transformation of Tajikistan into an Islamic state.

However, from the beginning, this clash did not derive its force from differing ideological and political points of view but from the conflict of interest between Tajik *regional elites*. Because of the traditionally pronounced fragmentation of society into regional groups (ethnic, cultural, economic and political), the young state lost, with the fall of the old centralist Soviet structure, its greatest strength - its national facelessness. As long as the central state functioned and the Tajiks were not in a position to seek out their own national profile, this national facelessness helped to ensure that the differences between regions did not predominate. But when the Soviet structures fell apart and lost their authority, that strength - this same national facelessness - was transformed into the country's greatest weakness. The regional elites, immediately following national independence, began to give the state a Tajik face and started competing with one another to see who could shape that face the most: which region would it be? The Kulyab or the Leninabad, Karategin, etc.? This competition, which ultimately turned into civil war, reflected the fundamental defect in the political system of Tajikistan - the lack of consistency between the traditional political power structures and the time-honoured regional identities of the Tajiks.

Initially, the "People's Front" emerged as the military victor at the end of 1992. The leadership of the PIR and, to some extent, the other opposition parties fled into exile in Afghanistan; using it as a base, the UTO had been conducting a war against the government since 1994, infiltrating its "Mujahideen" into Tajikistan.

At the beginning of 1994 during this phase of civil war, the OSCE Mission began work in the capital city of Dushanbe. It moved in on a many-layered domestic social conflict which, although this was scarcely noticed by the Western public, is one of the most vigorous in the OSCE area and has almost everything a "modern" conflict "can offer": a political power struggle, ideological-philosophical controversies, Islamic "fundamentalism", rivalries over economic resources, regional disputes, problems with national minorities, and the intervention of regional powers. Despite the many victims (some estimates run as high as ca. 200,000 dead between 1992 and 1997), a half million refugees, most of whom have fled to neighbouring countries, and massive human rights violations, no external power has considered a military intervention. Thus outside institutions concerned with the conflict such as the OSCE, the UN and international NGOs can focus exclusively on political methods of conflict settlement.

The OSCE Mission mandate requires it to maintain contacts with the regional and political forces in the country and to facilitate dialogue and confidence-building between them. It is to actively promote respect for human rights, support and monitor the observance of OSCE norms and principles, and find ways in which the OSCE can help with the development of legal and democratic political institutions and processes. In addition, the Permanent Council in 1995 gave the Mission the responsibility to monitor the human rights situation of repatriated refugees and assist them with their reintegration into Tajik society. This work is being pursued in close co-operation with the UNHCR. For that purpose the Mission established three branch offices in the south of Tajikistan - in Sharituz, Kurghon-Teppe and Dusti.

When the Mission started work in February 1994 it was the responsibility of the French Central and West Asian expert, Olivier Roy, to give form and substance to its activity. As the result of a fact-finding trip on the Tajik conflict that he had carried out for the CSCE in 1993, Roy concluded that the civil war of 1992 had been "waged on the basis of regionalist rather than ideological division"¹ between hostile camps.

At that time, Roy reached the following conclusions with regard to conflict settlement and the *external* management of it, especially the role of the OSCE: as for national reconciliation, there remains (for external conflict managers) the question of priorities - negotiations with the armed opposition in Afghanistan (i.e. negotiations in an international framework) or activities within the country? Although these two approaches reinforce each other, any approach to the question of national reconciliation, in view of the fact that the conflict is more of a regional than ideological character, should be aimed at enhanced representation of the regions in the central government as well as at

1 Olivier Roy, Report on Tajikistan, CSCE Forum for Security Cooperation, Vienna 1993, p. 6.

the institutions of a state governed in accordance with the rule of law.² Roy recommended that for strategic purposes two lines of conflict management be established: one aimed at diplomatic negotiations with the armed opposition and the countries of the region, the other at political stabilization *within* the country. Although these two lines are mutually supportive, Roy stressed the need to pursue them *independently of each other* because the parties to the conflict would otherwise be frozen into their respective positions and the Tajikistan problem reduced to a matter between *two* ideological groups when in fact it was infinitely more complicated than that.³

The steadily growing intensity of the conflict and the high level of "socialization" that it had experienced between 1993 and 1997 later confirmed the correctness of Roy's recommendations. The most prominent element of Roy's approach was his understanding of the Tajikistan conflict as a *social* conflict, to treat it as such and organize the activity of the Mission accordingly.

For a variety of reasons, however, the OSCE and its Mission never succeeded in establishing the second line of conflict management recommended by Roy, aimed at political stabilization *within* the country. But this is precisely the approach that is urgently needed for constructive transformation of the conflict in Tajikistan. Before we go into the reasons for this, however, a brief overview of the Mission's most important fields of activity is in order.

Activities in the field of human rights had priority. For a long time a prominent part of this was the establishment of the office of an ombudsman as an independent Tajik human rights institution. This office was to be answerable only to the Parliament and all Tajiks were to have free access to it. Underlying this project was a decision of the Permanent Council of the OSCE and a draft law worked out by the Tajik side. There are many reasons an ombudsman would have represented a significant step towards democratization, legal certitude and a relaxation of the political climate in Tajikistan. These include the prevailing atmosphere of legal uncertainty in the country, continuous violations of human rights during the civil war and thereafter, crude offences against elementary principles of press freedom and freedom of opinion, the murder of independent journalists and prominent scientists, forced recruitment military personnel and failure to provide basic care for members of the military and prisoners, and other violations of law on the part of the state which were documented and sharply criticized by international human rights organizations and also by Tajiks themselves. There were Tajiks, up to and including people in the office of the President, who recognized these facts and were interested in setting up the institution of an ombudsman. In co-operation with them and with independent, democratic Tajik jurists, draft laws were worked out. But despite very intensive work by the Mission - especially by its Head of Mission at that time, the Bulgarian diplomat Gancho Ganchev - which was enthusiastically supported by Western embassies, particularly

2 Cf. *ibid.*

3 Cf. *ibid.*, p. 14.

the German Ambassador Alexander Beckmann, the project failed in the face of resistance from hardliners in the office of the President.

The Mission does a great deal of work to promote democratic processes and institutions and to build a system embodying the rule of law. Contacts and joint events with Tajik NGOs are a part of this - with independent associations of judges and attorneys, for example, or women's organizations and university students. In co-operation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw a number of measures were also carried out jointly with the Ministry of Justice whose Minister is well aware of the country's weaknesses in the area of legal certainty and open to co-operative efforts to overcome them.

It is hard to find adequate words of praise for the activity of the Mission members in the branch offices in southern Tajikistan who, working under difficult conditions, help with the reintegration of civil war refugees who have returned home. The often complicated obstacles that occur (occupied houses, rejections, legal disputes, etc.) have to be reconciled in detailed and difficult dealings with the local authorities frequently enough not without danger.

Of special significance for the OSCE was its role as observer at the so-called inter-Tajik talks between the two parties to the conflict which were conducted under the aegis of the UN from 1994 until 1997. Although the OSCE was "only" an observer, the related contact work required a fair measure of diplomatic skill and co-operation with the United Nations Mission of Observers in Tajikistan (UNMOT). The Mission began early to put together ideas for peace consolidation measures to be undertaken in collaboration with UNMOT and the specialized organizations of the UN represented in Tajikistan. It took the lead in the area of "reconciliation and democratization". In addition, the Mission is represented in the international Contact Group to monitor observance of the Moscow agreements.

Of course, these many and varied responsibilities can only be met through intensive contact work at various levels of society and political life, e.g. with the office of the President, the Foreign Ministry and other ministries, social institutions and representatives of science, other international organizations that are represented locally, NGOs and the diplomatic corps.

But let us return now to our reasons for the observation that constructive conflict management in Tajikistan still urgently needs a line of approach aimed at political stabilization *within* the country but that the OSCE and its Mission did not succeed in establishing this approach.

A One-Sided Approach to Settlement

A political-diplomatic conflict settlement between the two warring parties - described here as a "horizontal settlement constant" - was pursued by the United Nations and UNMOT in agreement with the OSCE. There was agree-

ment in and between the two organizations that settlement of the Tajik conflict called for a balance of interest between the political and regional actors of *Tajikistan*. This insight was followed, in the policies and documents of both the UN and the OSCE, by an appeal to the parties to the Tajik conflict to achieve "national reconciliation". Thus national reconciliation can be understood in this context as a political goal of external conflict management whose realization, expansion and stabilization call for the choice of an instrument that will serve that purpose. But there was no clear definition of how national reconciliation was to be understood in concrete terms (political content, possible forms, internal forces on which to focus support) under the conditions prevailing in Tajikistan and of what the appropriate instruments to strive for might be.

Early UN documents make clear that "national reconciliation" was postulated as a fundamental requirement for both internal and external conflict management. The UN and the OSCE understood this to mean the inclusion in the settlement process of the largest possible circle of Tajik political forces. Thus the President of the Security Council (among others) on 23 August 1993 called upon the government and *all* opposition groups to take part in a negotiating process *with the broadest possible participation of all political groups and all regions of the country*, aimed at the goal of national reconciliation. And he called upon the affected parties to respect the fundamental political rights of *all* groups in Tajikistan in order to achieve stable reconciliation.⁴

What emerged from the diplomatic process - which we do not intend to describe in detail here - was, however, just the opposite. The main political instruments chosen for a peaceful settlement of the Tajikistan conflict were: first, the inter-Tajik talks which were set up under the aegis of the UN and under the observation of a number of countries and regional organizations, including the OSCE; second, a Joint Commission of both warring Tajik parties, established to monitor observance of the Agreement on a Temporary Cease-fire that these parties concluded on 17 September 1994 in Teheran and has regularly been breached ever since. The Joint Commission was regarded as the "formal machinery for implementing the Agreement".⁵ Through Security Council Resolution No. 968 of 16 December 1994, UNMOT was bestowed with a mandate to assist the Joint Commission, clarify cease-fire violations, and maintain close contact "with *the* parties to the conflict" (author's emphasis).⁶ The "Government of Tajikistan and *the* Tajik opposition"⁷ (author's emphasis) were thus recognized as *the two sides* in the settlement of the Tajikistan conflict and therefore internationally accepted and legitimized.

4 Cf. United Nations, Department of Public Information, The United Nations and the Situation in Tajikistan, Reference Paper, New York, March 1995.

5 Ibid.

6 Cf. Resolution No. 968 (1994) of 16 December 1994, in: United Nations, Department of Public Information, Yearbook of the United Nations 1994, The Hague/Boston/London 1995, pp. 596-597, here: p. 596.

7 Statement By The President of The Security Council, S/PRST/1994/56, of 22 September 1994, in: *ibid.*, p. 594.

The inadmissibly generalized term "opposition" was synonymous with and thus legitimized the UTO which was operating mainly militarily from its base in exile.

There is an obvious discrepancy between the valid goal of national reconciliation on the broadest possible level set by the UN as well as the OSCE and those instruments finally chosen for this job. The result was that in the course of external conflict settlement the range of negotiating partners on the Tajik side was diminished substantially although the UN and OSCE had originally regarded them indispensable for national reconciliation. Moreover, this reduction in opposition parties was institutionalized by the UNMOT mandate.

Because of what he saw and experienced in Tajikistan the author cannot avoid speaking openly about the consequences of the above-described discrepancy. The group of militant politicians from the Party of Islamic Rebirth, originally relatively small, who pursued their political goals in exile - mainly through the use of violence - had succeeded in using the war to achieve international recognition.

The "Socialization" of the Conflict

The reduction described above was also contrary to the development of the conflict itself. In its further course, this conflict, which had been a political confrontation between two groups with isolated crises, spread rapidly "downward" into the broad base of society. The reason for this development was as follows: after their initial military victory, the clan elite of the Kulyab region established themselves at the head of the state. The group of people who took over the state in this way began immediately to secure power to assert their own particular interests. Accordingly, they put their own people in the top positions in the central and regional governments and ensured that the legislation of the young Tajik state as well as its political and economic systems served their interests.

It was at this point, at the latest, that the *content* of the conflict in Tajikistan became more important than a power struggle between *two* actors because in a fundamental way a certain direction had been set for the entire process of transition and state-building. The content of the social transformation process was determined by one regional segment of society and was directed primarily not towards representative democracy but towards a kind of "clan oligarchy".

The Kulyabi policy of outvoting in turn provoked the elites, clans and large families of the other regions. Just like the Kulyabis, they found themselves at the very beginning of a social transformation, and they too began to advocate their own interests in a "robust" fashion. Disputes over the division of state property and privatization, which leading international economic organiza-

tions emphatically wanted to see hastened in order to improve the overall conditions for development of a market economy, added to the strength of their resolve. Along with that there was a mechanism which has characterized the behaviour of elites caught up in the transition process in all CIS countries: the essence of that specifically post-communist understanding of how to assert power under the conditions that prevail during the transition to a market economy lies in seeing the quickest possible (and most irreversible) transfer of political power into property as the key issue. Consequently, political power, too, is viewed as a kind of property which (as is the case with economic property) one tries not to share. Thus the sharing of political power is at the same time automatically perceived and conceived of as sharing of economic power, and vice-versa. The elites in other regions, in their various zones of influence, went over to the practice of securing access to their own economic resources and sources of profit. Rivalry over these resources triggered vigorous disputes between field commanders and others in positions of responsibility at the national, regional, communal and local levels. In these grass roots disputes the use of weapons and violence was almost as widespread as in the war itself.

The OSCE Mission was often a direct witness to these disputes. Ordinary Tajiks as well as communal representatives with complaints over forced occupation of houses or land often turned to the Mission's branch offices for assistance. Women from the Kolkhoz complained about the illegal seizure of land, peasants appealed for assistance against the arbitrary behaviour of field commanders. These people rightly saw such events as a violation of their human rights and not infrequently the OSCE Mission was even able to help them obtain redress. But this was no more than a drop in the ocean and did nothing to solve the conflict. The social processes accompanying changes in the nature of the conflict, brought about by the establishment of the clan oligarchy, led to the growth of the number of actors and parties involved.

For a better understanding of the dynamics underlying the conflict it is important to remember that the more the conflict penetrated society, the weaker the support for the warring sides became. From about summer 1996 on, weariness over the war prevailed in the country along with dissatisfaction with all those who were continuing the war and the armed clashes. This dissatisfaction was directed above all towards the two main actors in the civil war, the government and the UTO.

Under these conditions an "internal opposition" developed which could be seen more or less clearly in all regions. This opposition combined rejection of the Kulyabi centre policy of outvoting other clans with the war-weariness of the population and began to search for a way out of the dead-end street into which confrontation between two warring parties had led the entire society. This in turn resulted in a further aggravation of the sub-conflict between the centre and the regions. Especially in the important northern region of Leninabad, the backbone of the Tajik economy, a "Bloc for National Rebirth" took

form around Abdulmalik Abdullayev, the former prime minister and rival of Rakhmonov in the presidential election of 1994. This Bloc and people close to it demanded a right of participation in the inter-Tajik talks and for the first time offered alternative ideas as to how this framework could be used to eliminate the fundamental weakness of the Tajikistan political system. Its proposals were also presented to UNMOT and the OSCE Mission.

Thus within a few years the object of the conflict and the actors involved in it - hence the conflict itself - had been "socialized" resulting in a very complicated situation. It proved extraordinarily difficult to deal with this because the effort to do so touched on the underlying causes of the conflict: the fundamental weakness of the political system mentioned above and the competition between the various regional elites. A "formless mass", and "vertical conflict variable" emerged out of this which led into the social depths of the conflict causes and for which international organizations were in the final analysis unable to develop adequate instruments.

The Ends and Means Dilemma

By the middle of 1996 it was obvious that the warring parties in Tajikistan had become isolated. The special representative of the UN Secretary-General and director of UNMOT, Gerd D. Merrem, after only a few months as mediator in the country described the two main actors in the conflict as political minorities: "If the two blocs took part in a fair election they would (...) not even get ten per cent of the votes. Neither President Rakhmonov nor the opposition stand for a national idea with which the people can identify."⁸

For those of us who as members of international organizations - including the OSCE Mission with its political responsibilities - were trying to deal with the conflict, there appeared as a consequence to be a discrepancy between the high degree of "socialization" that the conflict had by this time reached and the very limited social base of the conflict parties with and through whom the conflict was supposed to be settled. At the same time, this made clear that a *discrepancy* had developed *between the ends and means of conflict settlement*. The Mission had come to a fork in the path, a situation that called for conceptual decisions. Should our treatment of the Tajikistan conflict continue to focus on the two *warring actors* as the central parties (and hence our point of contact) and leave them at the centre of both *national and international efforts to settle the conflict*? Or should we try to bridge the discrepancy and aim at substantive arrangements and a group of participants that might open the way to a balance of interests (consensus) between the regional elites? What results could or should international conflict management attain: de-escalation between two warring parties *or* a substantive settlement of the conflict's causes? Was the "or" in this case even permissible? For the purposes of

8 Cf. Neue Zürcher Zeitung of 7/8 December 1996 (editor's translation).

a conceptual approach to the further management of the conflict, could one even make a distinction between de-escalation and a substantive settlement of the conflict's causes? Or did they mutually reinforce each other?

Both the OSCE Mission and UNMOT had recognized the need to aim at such substantive arrangements and a group of participants that might open the way to a balance of interests and consensus between the regional elites. The difficulty, however, lay in expanding the internal social base for conflict management in such a way that it did not interfere with the inter-Tajik talks under UN leadership aimed at ending the civil war. There were certain political tendencies in the UTO that made one suspect that they would have liked to play the OSCE and the UN off against each other and against the government. This too had to be kept constantly in mind while the OSCE was monitoring inter-Tajik talks.

But the UN and the OSCE had themselves worked their way into a contradictory situation. On the one hand the UN, through the talks, tied the actual warring parties into an international diplomatic process and exposed them to the pressure of the Security Council. This was an important controlling factor. On the other, the warring Tajik actors were well aware of the international monopoly position they enjoyed by having the UN as external conflict manager. This position gave them room to manoeuvre. Without the connections provided by the inter-Tajik talks they would under normal (i.e. peaceful) circumstances probably never have had such close contact with world political powers or with economic and financial organizations such as the IMF and the World Bank. The clan oligarchy, in particular, discovered in the inter-Tajik talks a kind of "reversible pressure potential" vis-à-vis international organizations, which played into the hands of their quest for monopoly power. This nourished their self-confidence and gave them the strength to turn aside every effort by a second or third international organization even to raise the subject of expanding the domestic social base of conflict management (working concepts: "national reconciliation" or "consensus of the elites").

The result was that, given the currently established external approach with its own range of instruments, the latitude for introducing another line of conflict management with the objective of reaching a "consensus of the elites" had become extraordinarily narrow. Every move towards such a supplementary line of management had to be made in such a way that the approach taken by the UN was not interfered with and certainly not called into question, because that would only play into the hands of the "irreconcilables".

Under these difficult conditions the OSCE Mission developed its own specific instruments:

- Round tables as forums for dialogue between representatives of different groups to give these groups the opportunity for an exchange of views.

- A public discussion club serving intellectuals, journalists, politicians and representatives of national minorities as a place to exchange ideas. The Mission took topics like "urgent issues" which the authorities had declared taboo or did not like to have publicly discussed for this purpose. After the July round of the inter-Tajik talks in Ashgabad, Gerd Merrem took the floor - the first UN chief negotiator to do so - and for the first time provided public information on the status of the talks. The Mission gradually drew representatives of the government and parliament into this discussion so that it began to take on characteristics of an informal exchange between the opposition and the government.
- OSCE symposia and seminars were conducted on certain subjects. Particularly noteworthy was the international OSCE symposium on confidence-building in Central Asia in April 1996 where, before a representative forum of OSCE States, representatives of the Tajik opposition took the floor and presented their views to government representatives. ODIHR seminars on the role of the judiciary in a state governed by the rule of law, and simultaneously a seminar by the OSCE Mission on the same subject but applied to regions, put the question of legal certainty at the centre of discussions involving experts and the public.
- An "economic forum" of the OSCE Mission, at several events held in various regions and Dushanbe, raised the issue of the relationship between economic security and conflict settlement in light of the worsening socio-economic conditions in the country. The various forums took pains to give small and medium-sized businesses in different regions the opportunity to contact each other and present their concerns, complaints and demands to representatives of public authorities and the government who were present.
- Together with the Academy of Sciences and the Institute for Strategic Studies at the office of the President of Tajikistan, the OSCE Mission in February and April 1997 organized scientific symposia on the subject of national priorities in the consolidation of peace. Representatives of the "internal opposition" and of the UTO took part in both of these events.⁹

Among the most important political initiatives was the effort to bring representatives of both warring parties and representatives of the other regions, political groups, national minorities, intellectuals, and military people together at a round table in a neutral place. This OSCE initiative was supported by the UN. That it ultimately failed was mainly due to the problem described above of too little latitude: it met with determined resistance from the government. The clan oligarchy felt that its image as the "elected" representative of all Tajiks had been diminished - an image which as a result of the painful power compromise with the UTO was already being stretched to its limits.

⁹ The materials from these symposia were made available to the public in a joint publication of the OSCE Mission and the Tajik institutions mentioned.

Finally, this initiative was also sacrificed to questions of more priority. At a certain point in the inter-Tajik talks, when the power compromise between the two warring sides began to take shape and they were more or less observing the armistice, it was given up without a murmur. This came about because the one-dimensional political-diplomatic level of operation, while it could not keep pace with the rapid "socialization" of the conflict, did at the same time develop a strong "logic" of its own that after a certain point could only have been avoided by endangering the inter-Tajik talks. That would have been frivolous, however, and so UNMOT exploited both internal and external motives prompting the government and the UTO towards a "power deal" and accompanying them, with great diplomatic skill and the emphatic support of Russia and Iran, all the way to the agreements of Moscow.

Until the very end no successful way was found to overcome the discrepancy between ends and means. In essence, the two leading political organizations, the UN and the OSCE, had blocked each other with this ends-means discrepancy. They were unable to use their own "reversible pressure potential" which lay in the fact that with a concerted expansion of conflict management towards a consensus of the regional elites, carried out with a carefully balanced division of labour, they could have hit the two warring parties on their real Achilles heel - their own internal isolation.

The ends-means dilemma turned out to be a handicap not only for the OSCE, whose "practical cooperation regrettably has remained scarce", - in Merrem's estimate - "while the personal relationship between the two organisations has been excellent",¹⁰ but for all international conflict management in Tajikistan.

In the inter-Tajik talks, the UN had succeeded in developing an instrument that, given the relatively clearly defined military opponents - government and UTO - was appropriate for the conflict in its first phase and thus for that "horizontal conflict constant". It was at once important, right and difficult enough to pursue this approach but, with all its complications, it was politically and diplomatically comprehensible and in this sense the UN was able to support the two warring parties consistently on their path to the ultimate power-sharing compromise. However, the international organizations proved unable to develop adequate instruments for dealing with the "vertical variables" of the conflict - i.e. its more profound social causes. Here, the failure to take into account Roy's far-sighted strategic approach had negative consequences. It did not stick in the memory of the OSCE headquarters or in that of the Mission and this was surely not only because of the frequent changes of Heads of Mission (the Mission currently has its fifth Head of Mission, in the fifth year of its existence) but because of an inadequately thought-out division of labour between the OSCE and the UN.

10 Gerd D. Merrem, *What Peace is there to Keep? Challenges for UN Peacekeeping in Tajikistan*, in: Susanne Baier-Allen, *Synergy in Conflict Management*, Baden-Baden 1998, p. 57.

Right now the Mission, in co-operation with other international organizations and NGOs, is concentrating its efforts on the work of peace consolidation. This work is based on the results of the inter-Tajik talks - the "General Agreement on the Establishment of Peace and National Accord in Tajikistan" and the "Moscow Declaration".¹¹ They give the Tajiks a *chance* to change the course of their social development in the direction of democracy and the rule of law, restoration of the foundations of their socio-economic life, and national consensus. However, the UN Secretary-General has himself observed that the General Agreement and the separate Protocols "constitute a broad mandate for political change but do not themselves provide a detailed blueprint".¹²

By now the various bodies agreed upon have taken up their work. Making arrangements for the transitional period is turning out to be extraordinarily difficult. There have repeatedly been serious breaches of trust, attacks and even the murder of politicians on both sides. The wounds opened by the civil war have not healed and the obstacles to communications between the regional elites appear not to have been bridged, as can be seen from the continuing disputes with third parties and armed groups.

Conclusions

The author belonged to the OSCE Mission to Tajikistan for over a year and a half, until the summer of 1997. A number of conclusions can be drawn from his experiences there.¹³

- (1) The Tajik civil war was regarded and treated first and foremost as a war between *two* actors rather than a *social* conflict. The internal dynamics of the conflict and its external treatment resemble two pyramids mirroring one another. While the conflict emerged from a confrontation between two political camps with isolated crises and then continued its course in a "downward" direction rapidly gaining social breadth, it was handled for

11 The "General Agreement" is essentially a collation of agreements that the two Tajik sides concluded in the course of their negotiations. Its most important components are separate Protocols dealing with basic principles for the establishment of peace and national accord in Tajikistan, political aspects of an 18-month transitional period leading to new parliamentary elections, the responsibilities and powers of a Commission for National Reconciliation (CNR), military issues, the repatriation of refugees and guarantees for compliance with the "General Agreement".

12 VNSR, S/1997/4, September 1997, p. 5, point 18.

13 Here the author is relying, among other things, on his own investigation "Synergetische Bestandsaufnahme von Konfliktregelungs- und Krisenmanagement-Instrumenten führender internationaler Organisationen im OSZE-Raum am Beispiel des Tadschikistankonflikts" ["Synergetic Stocktaking of the Conflict-Settlement and Crisis-Management Instruments of Leading International Organizations in the OSCE Area, Illustrated by the Example of Tajikistan"], commissioned by the German *Bundestag's* Office of Academic Services in 1998, as well as on a study on the transformation of the political system of Tajikistan commissioned by the *Volkswagen* Foundation.

the most part with only one "single" instrument - the UN's inter-Tajik talks - thus moving in precisely the opposite direction. This way of handling the situation neglected the early perception that the settlement of the conflict required a broad social approach and limited itself instead to dealing in detail with only the two warring parties. The high level of "socialization" that the conflict eventually reached not only changed the conflict situation but altered the requirements for a solution and the participants needed for such a solution. In 1996/1997 these participants were more varied and numerous than at the beginning of the conflict in 1992. Neither the internal nor the external treatment of the conflict managed to find a way to resolve its key issue in the agreements that were finally signed and there was no success in the search for an underlying consensus to overcome the fundamental weakness of the political system as described here. These facts can also be regarded as a fundamental defect in the results of conflict management.

- (2) The "socialization" of the conflict ought to have called for changes, both in substance and in the choice of instruments for conflict management - and in the methods of co-ordination between the international organizations and NGOs. *Instrumentally*, a *dual approach to management* had begun to take form which should have been more closely co-ordinated between the UN and the OSCE but which could have eliminated the ends-means discrepancy and established a line of conflict management *parallel* to the UN's negotiations with the two warring parties, and aimed at building a consensus among the regional elites. In this case, however, the understanding of roles and of division of labour ("one leads, the other supports") displayed by the OSCE and the UN failed in the face of the intensive "socialization of the conflict".
- (3) The course of the Tajikistan conflict shows a direct causal relationship between the evolutionary intensity and the high level of socialization of the conflict, on the one hand, and the transformation of the system - as well as the political and economic approaches to that transformation - on the other. The course of the Tajikistan conflict has made clear that system transformation and the capacity of a society for civil conflict management influence each other. System transformation, combined with that militant and confrontational political approach that won acceptance in the struggle over changing the political system of Tajikistan, created a conflict situation that seems to be more or less immune to external management and yet is unmanageable or only partially manageable even with isolated measures because in such a situation society loses its capacity for social self-regulation and conflict settlement.
- (4) The confusing mixture of social causes and content evidenced in the Tajikistan conflict - in which it is extremely difficult to implement external conflict management - is not specific to Tajikistan. It can be seen, more or less clearly, in almost all countries in transition in the CIS area. It

makes sense, therefore, to draw conclusions for the activity of peace missions in this area. They are as follows: conflict management, in substance and choice of instruments, ought to attach more importance to interpreting and settling ethnic/national, ethnic/regional and/or political/religious conflicts, even limited and local ones, as social conflicts. In the case of social conflicts, this objective requires a *dual approach* from the very beginning in which *one* political-diplomatic line of management concentrates on making peace between the immediate warring parties while, *parallel* to this, *another* line, making use of a broad range of national, international and/or regional organizations and NGOs, devotes itself to a dialogue with other socially relevant actors in order to establish, in the course of conflict management, a broad foundation for mutually acceptable solutions. It is precisely internal social conflicts such as the one in Tajikistan which for their peaceful transformation and the building of a *stable* peace require the broadest possible inclusion of the whole society. This is also of particular importance for conflict prevention.

Existing international and regional organizations already have what is needed for a dual approach of this kind, but it has to be well thought through and undertaken in a co-ordinated fashion. Whether and to what extent this succeeds depends largely on the political and economic circumstances under which external conflict management and conflict prevention are carried out. As the Tajik example has shown it is hard for external conflict managers to keep up with the evolutionary intensity and the high level of "socialization" which internal social conflicts tend to develop under the conditions of transition. They should not be held responsible for this, of course, because transitional processes are not influenced by them but by much more powerful external actors - mainly by Western countries and the leading international financial and economic organizations. The adaptation of policy on this level can only be accomplished by collaboration between states, international and regional organizations and NGOs.

A joint conceptual approach ought to aim at finding a way to introduce and maintain system transformation in an evolutionary and reform-oriented manner so that it can follow a generally peaceful course and ultimately help to bring a superordinate criterion to the fore: namely, maintaining a society's ability to function during the phase of transition.

The OSCE Presence in Albania

1998/1999 have been remarkable years both in terms of political developments in Albania itself and because of events in Kosovo, which have affected not only Albania but also the region as a whole. The latter events in particular, because of the enormity of their political, humanitarian and economic impact, put Albania's still fragile democracy and infrastructure under very considerable pressure. But they also brought Albania into a new relationship with the international community and institutions that it could not have expected or aspired to before the crisis occurred. How Albania succeeds in coping with these dramatically changed circumstances in the longer term is a challenge not only for its government and people but also for the international institutions themselves, including the OSCE.

Against this background, the OSCE Presence in Albania has seen the need to respond and adapt flexibly to many unexpected situations and challenges, and it will continue doing so in the year to come. At the same time it must also seek to ensure, for the long-term good of the country, that the basic tasks for which the Presence was established - namely the promotion of democracy, the rule of law and the development of civil society - remain firmly in the forefront of public attention and the agenda of government.

In terms of domestic developments, 1998/1999 have seen some major steps forward in re-establishing the rule of law and the authority of the elected government in Albania following the near-total breakdown of both in the first half of 1997. A new Constitution was adopted by referendum at the end of 1998, a Civil Service Law and a State Police Law were drafted, aimed at depoliticizing these two important organs of civil administration, and the first steps were taken towards the decentralization of governmental authority through the reinforcing of local government. A number of other important organizational and qualitative reforms of similar significance to the development of a more just and civic society were introduced. There was also an encouraging growth in the activities of the NGO sector, at national and local levels, in areas such as the environment, refugee assistance and human rights defence.

In all of these developments the OSCE Presence has been closely involved in support of both the government and individual sectors in society. The Presence has also been active in a number of other areas, as diverse as weapons collection and destruction, economic and security liaison, parliamentary observation, and the monitoring of incidents on Albania's troubled northern borders - the latter proving its worth particularly during the conflict in Koso-

vo and the subsequent refugee influx. In most if not all of these activities, the Presence has been much assisted in its work in Tirana by a growing network of field office teams throughout the country. These offices have proved to be a major asset to the Presence and to the Organization, greatly enhancing the visibility and reputation of the OSCE and highly valued by the government and people of Albania.

The Presence's activities have also been strongly supported since October 1998 by the additional dimension of the local and international "Friends of Albania" group. Set up in reaction to the attempted coup of September 1998, the "Friends of Albania" bring together, on an informal and open-ended basis, representatives of all those countries and international organizations active in providing financial support, technical assistance and other forms of aid to help Albania realize its potential, and, in due course, join the Euro-Atlantic mainstream. The group, which meets locally in Tirana under the Chairmanship of the OSCE Head of Presence and internationally under the joint Chairmanship of the OSCE and EU in Vienna and Brussels, is engaged in a regular exchange of information to facilitate and co-ordinate international efforts, while at the same time encouraging and monitoring those of the government in tackling a number of key political and economic reform issues. In February 1999, in preparation for the group's second meeting at an international level, a comprehensive matrix was drawn up by the local "Friends" reflecting all the Albanian government's reform objectives. This matrix forms the basis of the group's monitoring of internal progress as well as the international assistance they give. Improvements in maintaining public order and the fight against corruption have been identified by the local and international "Friends" as a pre-requisite for the future political and economic development of the country. The issue was first highlighted at the second international meeting of the "Friends" held in Vienna in February, and even more prominently in the Conclusions of the third such meeting in Brussels in July 1999. These Conclusions had considerable resonance on the domestic political scene and succeeded in putting law and order issues high on the party political agenda for the rest of the year.

But as the events of September 1998 clearly indicate, progress has not always been achieved easily, nor has the process of democratization and reform enjoyed the universal support of all democratically elected forces in the country. Problems have been most evident at the party-political level, where disputes between the main opposition Democratic Party (DP) and the government have been mainly pursued outside the democratic framework of the Parliament, which the opposition has boycotted for most of the period since losing the June 1997 elections, until returning again in July 1999. In some instances this has complicated the work of government and deprived the democratization process of the wider consensus it deserves; in others it has

come very close to derailing the process completely, as happened in September 1998.

Faced with such reminders of the vulnerability in the democratic process, which at the same time it is working to develop, the Presence has frequently been required to lend its "good offices" for political brokerage between government and opposition. In September 1998, this became necessary to avert the risk of breakdown in the democratic system altogether, but more often it has been in an effort to build bridges to help it function better. The review that follows seeks to illustrate these very different but mutually supportive roles of the Presence with accounts, on the one hand, of the rule of law activities of the Presence's Legal Counsellor's Office, and, on the other, of the political brokerage which has been a particular feature of the work of the Head of Presence over the same period.

The Kosovo crisis and the refugee emergency in Albania, have added yet another layer of urgency and complexity to the challenges already facing Albania, and hence to the tasks of the Presence. As the emergency developed from the end of March until mid-June 1999, the Presence responded in a variety of ways to requests from the Albanian government and international organizations for assistance. Because the crisis involved the Presence and its personnel in activities and areas not normally dealt with by the OSCE, it seems appropriate that these activities, and those of colleagues from the OSCE/KVM Refugee Task Force seconded to Albania to provide assistance, should also be detailed in this review.

Rule of Law

In early 1998, the need was recognized for a rule of law centre working with the OSCE Presence, as well as the international community, to analyse and help address the serious legal conflicts arising regularly in Albania. Accordingly, and in close co-ordination with the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), on 9 March 1998, with initial grant funding from the Open Society Foundation for Albania (OSFA/Soros) and the Constitutional and Legal Policy Institute (COLPI) - and with logistical, financial and other support from the OSCE Presence in Albania - the centre began operations as "The Legal Counsellor's Office" (LCO).

Mandate

The purpose of the LCO is to promote democratization through the development of democratic institutions, legal culture, and the rule of law, and to promote the protection of human rights. In promoting the development of the

rule of law in Albania, the LCO's mandate is quite broad. Among other things, the LCO

- serves as a legal think tank, providing rapid analyses of legal conflict situations that arise in Albania;
- implements and supervises a domestic human rights investigation and reporting programme called the Human Rights Alert Programme (HRAP);
- implements the constitutional law programme of the Administrative Centre for the Co-ordination of Assistance and Public Participation (ACCAPP);
- monitors judicial proceedings;
- assists in the co-ordination of legal reform efforts in Albania; and
- provides other forms of direct technical legal assistance to Albania.

Accomplishments

The following represent some of the LCO's accomplishments and activities during its first year of operations:

- Legal Conflict Resolution/Analysis. During its first year of operations, the LCO has provided the Presence with legal analyses relating to numerous political and social conflicts. For example, the LCO assessed last-minute amendments to the Local Election Law and through its analysis helped the Presence avert a threatened boycott of local by-elections. The LCO supported the Presence in reaching agreement with striking judges on amendments to the controversial 1997 Law on the Organization of Justice. The LCO also issued formal analyses/statements on the removal of the President of Albania's Constitutional Court, the removal of chairpersons of local government district councils, a draft law for the investigation of the Hajdari murder, and the voting and appeal procedures under the Albanian Referenda Law. The LCO recently prepared a written analysis identifying constitutional and other problems with the draft Law on State Secrets, and worked with members of Parliament and the legal expert of the National Information Service (SHIK) to modify the draft law before its approval. The LCO informally reviewed the new Law on the Organization of Justice after its quick passage through Parliament in December 1998, identifying certain incompatibilities with the new Constitution. The LCO has also prepared internal papers on socially tense issues, including the rules governing compelled testimony in a criminal case, the scheme of property laws relating to the claims of former property owners, and the laws governing building construction.

- Human Rights Alert Programme (HRAP). The LCO has also developed the OSCE's Human Rights Alert Programme - a programme to investigate and report on alleged human rights violations and other abuses by the state administration. Still in its initial phase, the HRAP has received over 161 complaints, has investigated/analysed 39 of these, and has fully resolved eight others. Through the HRAP, the LCO has observed and will report on incidents of police violence, problems in the enforcement of court judgements, claims of wrongful employment termination, and a variety of other issues. In the coming period, the HRAP will focus on field investigations in several serious cases. HRAP is designed to include domestic NGOs in the investigation and reporting process, and will thereby develop local NGO capacity.
- Constitutional Programmes/ACCAPP. In January 1999, the LCO began to implement the continuing projects of the Administrative Centre for the Co-ordination of Assistance and Public Participation (ACCAPP). As the name suggests, ACCAPP provided administrative assistance to Albania in gathering widespread public participation and input, and domestic and foreign technical expertise, in the constitution drafting process. After approval of the new Constitution by popular referendum in November 1998, an equally important process is to begin - teaching the citizenry the principles found in the Constitution and building an expectation in society that constitutional rights will be honoured. Moreover, all legislation should be reviewed for consistency with the new Constitution. Thus, important post-referendum Constitution projects include: (1) the publication of educational and historical materials on the Constitution; (2) the design and implementation of education programmes on the Constitution; and (3) the review of new and existing legislation for consistency with the Constitution (when requested by the appropriate authorities during the law drafting/revision process). Thus far in 1999, the LCO-ACCAPP Project Unit has published and distributed throughout the country 21,000 copies of a pamphlet containing the Constitution and background materials; presented the first and only post-referendum educational programme on the new Constitution; and assisted in the review for constitutional compatibility of the Law on State Secrets, the Law on the Organization of Justice, the Law on the General Prosecutor's Office, a draft law on investigation of the Hajdari murder, and the State Police Law.
- Judicial Monitoring. In the role of neutral judicial monitors, the LCO lawyers have observed several criminal and civil proceedings at all levels of the Albanian court system. The LCO has monitored such proceedings when requested by one or both of the parties to the dispute. The LCO acts as an impartial observer in this role, attempting to encourage a

fair judicial process. The LCO does not represent any party to the dispute; nor does it act as "judge" or try to influence the outcome in any case. Under these strict guidelines, the LCO has monitored proceedings relating to six former government functionaries accused of crimes against humanity; an internal dispute relating to the leadership of the Christian Democratic Party (CDP); cases involving claims of unfair employment termination; criminal cases relating to the 14 September 1998 riots; a housing dispute; and other matters. On occasion, the LCO will issue monitoring reports containing observations on matters of civil and criminal procedure and judicial process, human rights issues, and other legal principles of general application in Albania - all with the goal of suggesting systemic improvements to the judicial system.

- Co-ordination of Technical Legal Assistance Efforts. The LCO has played a significant role in co-ordinating domestic and international efforts on several legal reform projects. For example, the LCO co-ordinated domestic and international assistance efforts relating to the draft Law on the People's Advocate (Ombudsman) and continues to work to facilitate the development of this important Albanian institution. The LCO has also worked closely with the Tirana Law Faculty staff and Soros/COLPI, and in co-operation with these organizations has drafted a Comprehensive Multilateral Action Plan (CMAP) to provide long-term assistance to the University of Tirana Law Faculty. The LCO has also helped design, and is facilitating the implementation of, an ODIHR/British government assistance programme at the University of Shkodra Law Faculty. The LCO has also provided technical assistance and support to a Catholic Aid (CAFOD/LAS) legal services clinic for the socially disadvantaged.
- Direct Technical Legal Assistance. The LCO's direct technical assistance efforts have included providing training and expertise on ethnic minority rights, assisting in regional round tables on the Constitution, drafting concept papers on constitutional issues, and providing input on the drafting of anti-dumping and countervailing measures legislation. The LCO has also assisted the OSCE Presence's Local Government Liaison Officer on local government decentralization issues. Moreover, LCO lawyers currently teach courses at the Magistrates' School and the University of Tirana Law Faculty in constitutional law, legal writing and reasoning, human rights, international public law, EU law, and bankruptcy law. The LCO provided assistance to a project of the Netherlands Association of Municipalities (VNG) teaching local government law. Finally, the LCO has prepared a draft plan for the development of the Albanian bankruptcy law, and stands ready to provide other direct technical legal assistance as needed.

Starting from a single international staff member in March 1998, the LCO has grown into a dynamic legal reform and assistance project in Albania. It combines the strength of its Albanian legal experts and project managers with OSCE's experienced international lawyers and human rights experts. Operating in its initial phases under the auspices of the OSCE Presence in Albania, the LCO has the potential to become in its own right one of the leading and most effective domestic organizations for the development of democratic structures and rule of law in Albania.

Political Brokerage

Constitutional Drafting Process

In June 1998, the Presence again became active in trying to convince the opposition - who had returned to Parliament a few months previously following a boycott - to join the constitutional drafting process, which by this time was well under way. This draft Constitution was under constant, and therefore fully transparent, review by numerous international experts, and was also being subjected to comment from national NGOs, as well as special interest groups such as lawyers, journalists and others. The Presence called for a second tri-parliamentary delegation (OSCE, Council of Europe, and the European Parliament), in order to promote dialogue and an inclusive final phase of the constitutional process. The visit duly took place on 29-30 June, and in its recommendations the delegation called on the Democratic Party to be constructive in its role as the main opposition party, whilst at the same time requiring the government to be firm and effective in addressing the serious problems of corruption, smuggling and insecurity in the country.

Unfortunately, within two weeks of the tri-parliamentary visit, hopes for improved dialogue between government and opposition were smashed. An ugly debate in Parliament on the findings of the Ngela Commission, set up to investigate the riots of Spring 1997, resulted in many personal accusations against Democratic Party leaders, as well as calls for their prosecution for alleged roles in the unrest. The debate culminated in a walkout by the majority of the opposition parties, and a second boycott of Parliament by the DP.

Efforts by the Presence to reconcile the two main parties, at least on the issue of the Constitution, continued. By promoting the idea that it should be seen as a national, non-partisan endeavour, and one for the benefit of all Albanians, the Presence succeeded in bringing about a review within the ranks of the DP. Sali Berisha offered to hold an all-party round table on 31 August in order to put forward what he promised would be serious, "professional"

comments on the draft Constitution. Although the government parties preferred a normal parliamentary discussion of the draft, they accepted the proposal on the basis that such dialogue might lead to a more regular bi-partisan approach.

This was not to be, for on 22 August 1998 the Prosecutor General ordered the arrest of six prominent former DP officials in connection with the riots of 1997. This move was one regretted by the Presence and the Council of Europe, (and publicly stated in a joint press statement) not least because of the timing, which caused an outcry from the DP and the immediate cancellation of the round table.

September Riots

In September 1998 the political climate grew steadily worse, despite ongoing attempts by the Presence to find a "middle road" wherever possible. Daily demonstrations in Tirana's main Skenderbeg Square, marked by vehement rhetoric, and marches down the main boulevard to the Prime Minister's Office, served only to heighten the tension. Party presses carried vitriolic articles day after day.

The tragic circumstance, which brought matters to a head, was the assassination of Democratic Party Member of Parliament Azem Hajdari on 12 September 1998, by persons unknown, though the blame was firmly placed by the DP on the ruling Socialist Party (SP). This murder was followed the day after by orchestrated rioting around the Prime Minister's Office, during which a number of cars were burnt. On 14 September, the funeral of Azem Hajdari took place, linked to another DP rally and march. Ugly scenes followed, with all the appearances of a coup d'état: the centre of Tirana echoed to the sound of heavy gunfire. The Prime Minister's Offices were first hit by gunfire and grenades, before being entered and set alight. Demands for the immediate resignation of the government were accompanied by the storming and plundering of many other government buildings, as well as the State Television studios.

The Presence tried to maintain calm by incessantly calling on radio and private TV channels to admonish people not to be provoked, and urging the demonstrators to leave the streets, abandon the State TV studios (from which a call of "victory" had been made) and to hand back two tanks that had been captured from a local army unit. Throughout this highly charged day the government made itself noticeable by its absence, and only the Interior Ministry held out, which was subsequently to prove the salvation of the situation. In the main though, this was achieved thanks to the non-response of the population to the violence, both in Tirana and in the countryside: by showing clear disgust with the way politics had once again turned ugly, the people en-

sured that the troubles orchestrated in Tirana did not spread to other areas. 14 September was, however, used as an excuse for widespread criminal activities not directly connected to the uprising. As the day wore on the police gradually retook possession of the streets and drove back the remaining rioters to the area of the Parliament building and the DP headquarters. The State TV studios were freed during the evening, following a tense period of negotiation by the Presence between the 200 or so occupiers, some of them armed, and a heavy presence of Special Police, intent on gaining entry to the building. By 15 September all resistance had been broken and order restored. These traumatic events caused a total breakdown of trust between government and opposition, rendering any attempt at reconciliation, a return to Parliament, and participation in the drafting of the Constitution, useless. Parliament, without the DP, approved the Constitution and set a date for a popular referendum on it.

Some positive steps however followed. In October, as a result of the 14 September riots, the government was reshuffled, and an active campaign to urge the people to speak out on the Constitution was launched. The DP called for a boycott by voters, rather than a NO-vote, despite international calls to have maximum participation in the referendum, and give all a chance to air their views. The Presence encouraged and facilitated wide dissemination of the text of the Constitution, and organized public information meetings. But while urging people to use their democratic right to go and vote, the Presence remained neutral on the substance of the vote throughout the whole campaign.

November Referendum

On 22 November 1998, the referendum duly took place, and despite gloomy predictions on the part of some, it transpired peacefully. OSCE monitors were present in many locations, together with monitors from the Council of Europe and the European Parliament. Following completion of voting, a joint declaration was issued, indicating the general correctness of the voting process (and indeed a significant improvement). The declaration also confirmed the participation of more than 50 per cent (just) of the electorate. Of the 50 per cent that turned out, 95 per cent gave their approval. Of course, the boycott called for by the DP kept a large number of NO-voters away, and in addition an estimated 30 per cent of the electorate stayed abroad and so were not in a position to vote. On the 28 November - Albania's National Day - the new Constitution was formally proclaimed by the President.

After the referendum, the political climate improved in December 1998, with the new Prime Minister making conciliatory gestures, and the Presence at the same time strongly encouraging a resumption of dialogue. A student strike offered the opportunity of a direct meeting between, on one side, SP leaders Pandeli Majko and Ilir Meta (Prime Minister and Deputy Prime Minister) and, on the other, DP leader Sali Berisha and his Vice Chairman Genc Pollo. The Presence had helped to break the stalemate over the strike, together with and at the request of, senior DP Parliamentarian Ylli Visiu, and was credited with having paved the way for this first SP-DP encounter. More confidence-building steps followed, including a soccer match between government and opposition refereed by the Head of Presence and televised live!

Sadly this progress was short-lived, and during the month of January 1999 the momentum failed and a return to more confrontational politics became noticeable. Although the six arrested DP-officials were released and placed under house arrest, as had been repeatedly urged by the Presence, and the Hajdari murder case had been more professionally reopened - with the assistance of a Norwegian prosecutor, provided by OSCE - there still appeared little willingness on the part of the DP leadership to return to Parliament, despite calls to the contrary from within the party.

In March 1999, the Kosovo crisis took more and more precedence over domestic issues, but sad to record, even an event of such magnitude failed to unify the two main parties giving them a common ground. Initial joint stances quickly dissolved into further political division when Berisha called for the rejection of the Rambouillet Agreement - this a stand he reversed after a few days. When the conflict over Kosovo escalated and hundreds of thousands of refugees poured into Albania, again both opposition and the government stood apart, with the DP accusing the government of total incompetence and fraud over aid deliveries.

One result of the Kosovo crisis, however, was to emphasize the degree to which the Democratic Party's policy of non-co-operation had isolated and marginalized it at a time when Albania was very much at the centre of world attention, and government leaders were playing host to numerous visiting world leaders. Once the crisis began to ebb at the end of June 1999, the DP leadership, responding to pressure from within the Party, from various international parliamentary bodies and from the OSCE Presence and the US Embassy in Tirana, took the decision to abandon its boycott, and finally returned to Parliament on 21 July 1999.

For some four months from March until mid-July 1999, Albania became the place of refuge for up to 470,000 deported Kosovo Albanians, almost 15 per cent of its native population, who entered the country either directly from Kosovo or via neighbouring countries.

Despite the tremendous burden this unexpected influx placed on Albania's already fragile infrastructure and economy, the Albanian people and government were united in insisting that all displaced Albanians entering the country should be cared for within Albania, so as not to further the ends of "ethnic cleansing" or prejudice the prospects of an early return of the refugees to their homes.

The OSCE Presence has a remit to assist Albania, working closely with the government of Albania and other governments and international organizations, to promote democracy, the rule of law and the development of civil society. As such, the Presence has an established and well-defined role in support of the Albanian government and people, which predates the refugee emergency, and will continue through and beyond it. The OSCE is not a relief organization, but given its relationship with government and the role and presence of its field offices throughout Albania, it found itself in a unique position when the crisis occurred to contribute to the co-ordination and implementation of national and international relief efforts.

When therefore it became clear, within the first few days of the emergency, that Albania was having difficulties establishing procedures and an operational plan to handle the refugee influx, the OSCE Presence, at the request of the government and working jointly with UNHCR, lent its support, advice and personnel for the foundation of an Emergency Management Group (EMG) within the Prime Minister's Office to oversee and facilitate national and international relief efforts.

As the emergency developed and the international relief effort grew in size to meet the challenge, the role of the Presence evolved within its broadly defined remit to facilitate and assist co-operation between government and the lead international players. With the assistance of the assets of the OSCE/KVM Refugee Task Force (some 75 ex-KVM staff members withdrawn from Kosovo), the Presence and its Field Officers supported the emergency co-ordination efforts of the government and UNHCR in the following specific areas:

- In Tirana, OSCE Presence and KVM Refugee Task Force members staffed the Information Desk of the EMG which acted both as a "clearing house" for information within the Group itself, and as a source of information on the status of the emergency for other Albanian and interna-

tional partners. Central to this work was the production by the Information Desk of situation reports twice a day, collating, assessing and distributing information about needs and the means of satisfying them to the government and relevant national and international partners.

- The OSCE has also assisted with the liaison between the EMG and local government and prefectures throughout Albania using the network of the Presence's field offices and mobile KVM teams to monitor and assist in the local relief efforts, identify difficulties and needs, and report back rapidly to the EMG. The mobility and communications assets of field offices and KVM teams greatly facilitated the allocation of aid and the timely identification and resolution of shortcomings and bottlenecks.
- In addition, through its network of Field Offices and KVM teams, the OSCE provided logistical and *ad hoc* support wherever possible, using its staff and vehicles to supplement the efforts of the local prefectures and international agencies to deliver aid and facilitate communications.
- The Presence continued to assist as described from the start of the repatriation process in mid-June until early July 1999, when the KVM Refugee Task Force teams were withdrawn from Albania, and the last of the OSCE staff seconded to the EMG returned to the Presence, having been replaced by UNHCR and Albanian government personnel.
- Last but by no means least, the OSCE Presence in Albania did not see its role in the emergency as confined to helping the government and international agencies to address the needs of the refugee situation alone. It also sought to ensure, through the continuation of its existing programmes of work, that the regular business of government and the established pace of reform were maintained to the greatest degree. The Presence has continued to work with the government of Albania to help it meet the combined challenges of the crisis and the ongoing task of developing civil society in Albania. In doing this, it has not only had the advantage of a mandate and a relationship with government established more than two years before the emergency, but the assets of its nationwide network of internationally-staffed field offices, giving it a unique capacity for assisting Albania and its people at local as well as national and international level.

The OSCE Mission in Kosovo

On 1 July 1999 the OSCE decided, for the third time since 1992, to set up a long-term mission in Kosovo.

It could be described as an operation involving three lines of approach which, taken together, represent the OSCE's main contribution to the efforts of the international community to settle the Kosovo conflict since the collapse of Yugoslavia.¹

The persistence of the Kosovo conflict and its intensification in the last year and a half² are reflected in the development and the outcome of these approaches. As the political and humanitarian situation in Kosovo worsened, international involvement intensified, leading to the use of military force by NATO.

At the same time it became clear that the OSCE, with its "soft" resources, would not alone be able to put an end to the conflict.

Most recently, the establishment of an international transitional administration, in which the OSCE is one of a number of participants and which is supported by an international security force dominated by NATO, has brought new opportunities for a long-term settlement of the Kosovo conflict.

The First OSCE Mission to Kosovo

The first Kosovo Mission lasted from 8 September 1992 until 29 June 1993 and was the central part of a three-part Mission established for the largest minority areas of the Federal Republic of Yugoslavia (FRY) - Kosovo, Sandjak and Vojvodina. At no time did its staff exceed 20 persons. Due to Serbian-Yugoslav refusal, the use of an international military force could not be considered.

Under relatively non-violent outward circumstances in Kosovo, the Mission's mandate, in accordance with a decision of 14 August 1992 by the Committee of Senior Officials (CSO), provided for:

- promoting dialogue between the public authorities and representatives of the populations and communities,

1 The "Implementation Mission" of the OSCE (IM) provided for in the "Interim Agreement for Peace and Self-Government in Kosovo" (Rambouillet Agreement) of 23 February 1999, which for lack of Serbian-Yugoslav adherence to the agreement never came into being, is not considered here.

2 State of affairs as of July 1999.

- collecting information on violations of human rights and fundamental freedoms as well as promoting solutions for such problems,
- establishing contact points for the solution of problems, and
- providing assistance in obtaining information on relevant legislation in the fields of human rights, protection of minorities, freedom of the media, and democratic elections.

This mandate did not state any goals towards the restoration of autonomy for Kosovo or improving the lot of minorities and it contained no instructions on conducting mediation or negotiations. In this sense it was in line with Serbian-Yugoslav interests.

The first Mission did, however, have a responsibility in dealing with human rights violations which, as a practical matter, opened up the opportunity for coping with the situation of the Albanian ethnic group. For the latter, the establishment of the Mission was an important step towards the internationalization of the Kosovo problem which their leaders had been demanding.

The work of the first OSCE Mission coincided in part with the terms of office of the Yugoslav Prime Minister, Milan Panić, and the Foreign Minister, Ilija Djukić, who were interested in an opening towards the West. It was judged favourably by all sides. Even Slobodan Milošević told international visitors that the OSCE Mission had reported objectively and that its members stayed longer in the country and were more useful than short-term international visitors. Nevertheless, the mandate of the first Mission could not be extended beyond 28 June 1993 because the FRY, following the dismissal of Panić and Djukić, tied the extension of the mandate to Yugoslavia's readmission to the OSCE, which had suspended the FRY's participation beginning in July 1992 because of Belgrade's role in the Bosnia conflict. As a result of this FRY position, it became impossible to continue the OSCE presence in Yugoslavia - and thus in Kosovo - and this remained the case until the Special Envoy, Richard Holbrooke, and President Milošević came to an understanding in October 1998.

At that time, the first OSCE Mission was the only inter-governmental representation of the international community in Kosovo. Its withdrawal in 1993 marked the beginning of a five-year vacancy. As weak as its authority was, its withdrawal, viewed in the light of later developments, must be regarded as a serious loss of a potentially significant instrument for influencing the situation in Kosovo.

The second OSCE Mission to Kosovo - the so-called Kosovo Verification Mission (KVM) - operated from 25 October 1998 until 8 June 1999. Its establishment was preceded by the escalation of the Kosovo conflict in the form of an armed rebellion by the "Kosovo Liberation Army" (KLA, also known as UCK), excesses on the part of Serbian security forces and the expulsion and flight of portions of the population. Growing pressure from the international community in response to these developments forced Milošević, among other things, to agree to an international monitoring mechanism.

This opened the path for a renewed OSCE presence in Kosovo without the issue of the FRY's readmission to the OSCE having to be considered. It meant that the FRY continued to be excluded from OSCE participation. Although Milošević had retracted to some extent, he was nevertheless influential in seeing that only a relatively mild monitoring system was implemented - one which depended on "verification" by unarmed OSCE emissaries while NATO's military surveillance was confined to the air. The establishment of the KVM was a vital part of the agreements for a peaceful solution of the Kosovo conflict which Holbrooke and Milošević announced on 13 October 1998 in Belgrade. Shortly thereafter, on 16 October 1998, the Chairman-in-Office of the OSCE, Bronisław Geremek, and the Yugoslav Foreign Minister, Zivadin Jovanović, signed another agreement in Belgrade which, together with the mandate adopted on 25 October 1998 by the Permanent Council of the OSCE, constituted the basis for the KVM. The KVM's chief responsibilities were verification of the maintenance of the cease-fire, the retreat of Serbian security forces and the cessation of coercive acts against the civilian population as well as the monitoring of the police, conduct and supervision of free elections in Kosovo, supporting the establishment of democratic institutions and assisting humanitarian organizations, particularly those concerned with the return of displaced persons.

The various verification tasks involved no controlling authority in the sense that there was no interference in lines of command, but only the observation of the parties with regard to certain kinds of behaviour. The agreement between the FRY and the OSCE granted complete freedom of movement and access to Mission personnel but the parties' obligations to provide information and to collaborate in other respects were quite restricted. For example, the reporting requirement on the movements of forces was only retrospective, i.e. those that had taken place during the preceding week. The Mission had somewhat more extensive authority in accompanying police units and removing roadblocks. With the procedures as they were it was very difficult to prevent violations of regulations. Nonetheless, the Mission was able in only a few months to establish four regional centres and ten local offices, a network

that essentially covered the entire territory. With a highly visible presence and energetic reactions to human rights violations the Mission was able periodically to make a substantial contribution to relaxing military tensions and ameliorating human rights problems. Kosovo Albanians with whom the author spoke expressed their satisfaction over the Mission's existence as a link between Kosovo and the outer world and as the world's "eye" on Kosovo. In this context, the following processes were crucial: the compilation and review of information in the Mission's headquarters in Priština as well as in the co-ordinating office of OSCE and NATO in Kumanovo/ Macedonia, the reports to OSCE institutions (and hence to the participating States), as well as the press and public relations work of the Mission.

Increasing numbers of Yugoslav troops and special police were brought in at the beginning of 1999 in violation of the obligation to withdraw security forces. The situation with respect to security and humanitarian affairs deteriorated rapidly. Without suitable resources, the OSCE Mission could not prevent this. The developments confirmed the observations of an earlier OSCE technical assessment mission which had concluded in July 1998 in Belgrade and Priština that the cease-fire could not be guaranteed without the tough presence of international military forces.

These developments led on 20 March 1999 to the Mission's withdrawal to Macedonia and, shortly thereafter, the begin of the NATO air offensive.

The Mission set up its headquarters in Skopje. Of the original over 1,300 strong mission for the moment about 350 members remained. Russia and Belarus, in protest against the NATO operation, no longer took part in the Mission. The remaining staff occupied themselves with problems arising from the mass expulsion of Albanians from Kosovo. For example, the KVM assisted the UNHCR in registering refugees and systematically collected eyewitness reports on human rights violations in Kosovo.

In June 1999, as a result of the NATO air offensive and diplomatic mediation with active Russian participation, Serbia-Yugoslavia for the first time agreed to an international military presence in Kosovo under the aegis of the UN and to the assumption of executive responsibility by the international community.

The Third OSCE Mission in Kosovo

Thus the OSCE had the opportunity to concentrate on core areas and specific capabilities within the framework of an operation encompassing all relevant international organizations - one in which there is a tough element of military deterrence to support and relieve the OSCE.

The basis for establishing a new, third OSCE Mission in Kosovo can be found in Resolution No. 1244 of the UN Security Council of 10 June 1999. It

empowers the UN Secretary-General, with the assistance of relevant international organizations, to set up a "civil presence" aimed at providing an interim administration for Kosovo, establishing and overseeing the development of provisional democratic self-governing institutions. According to the UN Secretary-General's report of 12 June 1999 and the agreements reached at that time, the leading roles in these various civilian activities were divided up as follows amongst the most important organizations:

- interim civil administration: United Nations;
- humanitarian matters: UNHCR;
- institution-building: OSCE;
- reconstruction: European Union.

The OSCE got ready for the new situation by first declaring that the KVM had ceased to exist and then establishing a Task Force to make preparations for a new mission.³

Shortly after NATO's arrival the OSCE, too, returned to Kosovo in the form of the Task Force.

On 1 July 1999 the Permanent Council decided on the creation of a new - third - OSCE Mission in Kosovo as "a distinct component within the overall framework of the United Nations Interim Administration Mission in Kosovo (UNMIK)".⁴

The decision of 1 July 1999 describes the Mission's responsibilities in detail as follows:

1. human resources capacity-building, including the training of a new Kosovo police service in a police school to be established and operated by the Mission, training of judicial personnel and of civil administrators at various levels, in co-operation especially with the Council of Europe;
2. democratization and governance, in particular development of a civil society, non-governmental organizations, political parties and local media;
3. organization and supervision of elections;
4. monitoring, protection and promotion of human rights, including the establishment of an ombudsman institution, in co-operation, *inter alia*, with UNHCHR;
5. such tasks which may be requested by the Secretary-General of the United Nations or his Special Representative, which are consistent with Resolution No. 1244 of the UN Security Council and approved by the Permanent Council.

³ Cf. PC.DEC/296 of 8 June 1999.

⁴ Decision No. 305 of the Permanent Council of the OSCE, PC.DEC/305 of 1 July 1999, p. 1.

The guiding idea behind the activities of the Mission has been bringing about mutual respect and reconciliation among all ethnic groups and establishing a viable multi-ethnic society in which the rights of every citizen are fully and equally respected.

From the mandate of 1 July 1999 it is not possible to tell in detail just how the Mission will actually operate. Whether it will provide chiefly advisory services or itself intervene in an executive capacity remains, in particular, an open question.

Now that the civilian presence as a whole and the OSCE Mission as a part of it have taken over the responsibility of making provisional arrangements for democratic self-government, it is to be assumed that neither the Yugoslav institutions in Kosovo, to the extent that they still exist, nor the "shadow administration" of the Kosovo Albanians (which has come to be controversial even amongst the Albanians themselves) will be able to function as an equal partner of the international civilian presence.

For the OSCE Mission, too, its own executive role is likely to predominate, at least during the initial phases. This executive function is defined in detail in three sections of the mandate: establishment and operation of a police school (as a further development of the authority the OSCE Mission to Croatia has), creation of the institution of an ombudsman for human rights (comparable to the same responsibility at the OSCE Mission to Bosnia and Herzegovina) and, most obviously, in the organization and supervision of elections (a further development of the central task of the OSCE Mission to Bosnia and Herzegovina which, theoretically, was limited to monitoring elections but in fact involved organizing them). The third Kosovo Mission is to have a staff of approximately 700. Thus it will be significantly smaller than the second, whose mandate was broader but, as it turned out, could not be carried out in its entirety.

The Head of Mission is the former Head of the OSCE Presence in Albania, the Dutch diplomat Daan Everts.

The success of the third OSCE Mission - like that of the whole international presence in Kosovo - will in the final analysis be measured by the extent to which it is able to create a viable self-government for Kosovo Albanians and Serbs while strengthening the peace. It is to be hoped that this Mission, unlike its two predecessors, will have sufficient time to complete its task.

Encounter with Croatia

*Confidence-Building and Post-Conflict Rehabilitation, as Seen by an OSCE Observer*¹

At first sight, Croatia appears to be a place where the capital city, Zagreb, corresponds to one's ideas of a young democracy with a lively metropolis. Strikingly fashionable young people dominate the street scenes, pubs and bars alternate with designer shops and on the streets, along with fresh fruit and vegetables, chocolate, cigarettes and coffee from Germany and Austria are sold. The historic buildings have been carefully restored and a few weathered facades give one a sense of the past glory of the old Habsburg monarchy. Croatian flags characterize the view of the city.

Names like Vukovar and Ilok do remind us of the events of 1991 - of the war that raged here, leaving behind a country fragmented in many respects. But Eastern Slavonia seems a long way away, as though it belonged to another time and another country, and there are only a few visitors who are willing to undertake the four-hour journey to Vukovar.² Still, we don't have to look very far for a confrontation with Croatia's recent past and for an immersion in this chapter of its history. Only a few kilometres east of Zagreb the region of Western Slavonia begins where the war also left unmistakable traces - a region which is an important symbol for the difficult process of normalization in this country. Western Slavonia has not received much attention in the media but here too, the war has left open wounds.

1 The author has worked in West Slavonia since December 1997 as observer and political analyst for the OSCE Mission to Croatia, first in the field offices in Lipik/Pakrac and Nova Gradiska and in the Co-ordination Centre in Daruvar. In July 1998 she was transferred to the headquarters of the Mission in Zagreb to help prepare a conference on the subject of "Reconstruction and Development". Since January 1999 she has worked as a political officer in the political-economic section of the Mission. This paper is based mainly on the author's experiences in West Slavonia because her encounter with the problems of that region had a decisive influence on her activity as a member of the OSCE Mission. The article presents the personal experiences and views of the author and not the official position of the OSCE Mission to Croatia.

2 For a detailed report on the situation from 1991 to 1997, the role of the United Nations and the background of the OSCE mandate, see: Joachim Eicher, *The OSCE Mission to Croatia*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1997*, Baden-Baden 1998, pp. 191-197, and Elena Drozdik, *The Difficult Business of Perception - OSCE Observers in Croatia*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1998*, Baden-Baden 1999, pp. 195-201.

Approaching the villages of Pakrac and Lipik one passes the "Turistički Biro Lipik". The paneless windows of the completely burnt-out building seem to stare at the visitor. A sign reads "Welcome to Lipik" and yet there are entire streets where there is hardly a house with a roof on it and the facades have visible signs of bullet shots. The glass dome of the former spa-and-bath house lies there in shards. Ivy twines through the paneless windows and doors. A house whitewashed in light pink stands in stark contrast to all this dreariness; it is the Lipik orphanage, financed by private donors. Opposite it, right on the main street that leads to Pakrac, which has also been shot to bits, a blue-white flag is flying over a house with no plaster: it is an OSCE field office with an OSCE jeep parked in front.

The OSCE Mandate and the Mission

The creation of the OSCE Mission to Croatia is based on a decision of the Permanent Council of the OSCE of 18 April 1996 and it began work in mid-July of that year. The mandate has already been extended three times; the last extension began on 19 November 1998 and is to last until 31 December 1999. The Mission's tasks are to ensure the protection of human rights and rights of minorities, to assist the return of refugees and displaced persons, and to contribute to the observance of the rule of law and democratization.³ The mandate was expanded on 26 June 1997 through another decision of the Permanent Council.⁴ The Mission has been instructed to provide assistance and offer monitoring and observation services as well as to work out specific recommendations to the Croatian authorities. However, there is no provision for rights of direct intervention and the use of coercive mechanisms, comparable to the OSCE Mission to Bosnia and Herzegovina.

3 "The Mission will provide assistance and expertise to the Croatian authorities at all levels, as well as to interested individuals, groups and organizations, in the field of the protection of human rights and of the rights of persons belonging to national minorities. In this context and in order to promote reconciliation, the rule of law and conformity with the highest internationally recognized standards, the Mission will also assist and advise on the full implementation of legislation and monitor the proper functioning and development of democratic institutions, processes and mechanisms." OSCE, Permanent Council, PC-Journal No. 65, Agenda item 1, Decision No. 112, PC.DEC/112, 18 April 1996.

4 Decision No. 176 of the Permanent Council of 26 June 1997 authorizes the Mission 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; to make specific recommendations to the Croatian authorities and refer, as appropriate, urgent issues to the Permanent Council (...)", OSCE, Permanent Council, PC-Journal No. 121, Agenda item 1, Decision No. 176, PC.DEC/176, 26 June 1997.

Tasks and Challenges

Against the background of this mandate, different priorities emerge for the Mission and its observers. First, a network establishing links between various offices, along with co-ordination centres and field offices, and the local authorities in Croatia must be guaranteed. Beyond that it is a question of observing and monitoring the system of justice and the police, the rule of law and the observation of human rights, of supporting the reintegration of refugees and displaced persons, and of bringing about democratization and a liberalization of the media.

Structure of the Mission

In addition to its headquarters the OSCE Mission to Croatia now has three co-ordination centres in Knin, Sisak and Vukovar, and over 17 outposts - so-called field offices. The number of international Mission members has grown from 140 to almost 250 since 1997. Among them are 108 police observers who have been working for the Mission since October 1998. The international police officers, who during their service as OSCE Mission members are freed from their responsibilities at home, accompany Croatian policemen on their patrols and assist them with written office work. The international policemen do not limit themselves to giving advice but make the Croats aware of internationally accepted legal norms and clarify these when Croatian officers violate them. If in such a case the officer in charge makes no effort to alter his approach to the method protested against, the upper level of the OSCE office, at the recommendation of police observers, is prepared to intervene at the political level.⁵

The OSCE Mission to Croatia aims at co-operation and partnership with the host country. Therefore, its opportunities for action are limited and the Mission is confronted at all levels with these limitations. They apply to the observer in a field office just as much as to the head of a co-ordination centre and the Head of Mission. This structure offers a special opportunity, however, because the lasting influence of a mission free of the constraints of operating as a protectorate is more likely to bring about long-term revision towards a co-operative and collective security concept. But visible progress can only be made slowly and is often hard to grasp because normalization, democratization and reintegration are long-term processes.

5 On the police observation work of the OSCE see Gerald Hesztara, The Future of the Civilian Police within the OSCE Framework, in: OSCE Yearbook 1998, cited above (Note 2), pp. 243-248. The Police Monitoring Group of the OSCE Mission to Croatia compiles a monthly report to the OSCE in Vienna (Police Monitoring Group Report).

The reality of Croatia forces a visitor to this country into a permanent balance between hope and resignation - a balance that is hard to maintain if one is not first and foremost a guest in the country but, rather, a critical observer from an international organization with a political mandate. After a comprehensive introduction in Bonn and Vienna to the work of the Mission and the responsibilities of the OSCE in Croatia, the observers are first sent to the Mission's headquarters in Zagreb for a short orientation. At the introduction in Vienna special attention is given to security precautions, because there are still many weapons in private hands and the situation can be tense in many villages. The problem of mines and their related risks are the chief topic in Zagreb. Along the former confrontation line, there are innumerable mines which are not all indicated on the United Nations Mine Action Center (UNMAC) maps, however there are many suspected mined areas.⁶

After the orientation observers are sent to one of the three co-ordination centres, where they meet with other Mission members, both international and Croatian, to get an overview of the concrete problems in the area where they are to be stationed.

On their way to the co-ordination centres, the observers witness a Croatia different from the modern, developed and lively Zagreb which they saw at first. In the country-side, time seems to have come to a stillstand. Men and women pull their ploughs by hand and offer their products for sale along the edge of the road. The state of the villages, which show the marks of war only too clearly, doubtless leaves none of the observers untouched. The houses riddled with bullets, the numerous abandoned villages - the dreariness of this sight doesn't really fit in with the surrounding nature. Unimpressed by political events, it continues to grow rampantly. Bushes and trees grow out of many of the roofs of destroyed buildings and sometimes smoke rises from an occasional chimney where individual families have returned and are eking out a miserable existence under wretched conditions. One feels helpless in the face of such a situation but there is also a trace of enthusiasm because one is here to make an effort to improve the situation. But the opportunities of observers to really change things are limited, in spite of - but perhaps also because of - their manifold responsibilities.

Reality and Ideals

It is essential for the work of the observers to hold regular meetings with the local authorities. The observers meet with prefects, mayors and local authori-

6 Cf. United Nations Mine Action Center (UNMAC), Report of the regional center in West Slavonia, internal document for the information of a delegation of the European Community on 24 February 1998. More than 1,000 mine fields are assumed to be still in the region. These mines constitute one of the biggest obstacles for the returnees and for a lasting and secure settlement of Croatia.

ties as well as with representatives of other international organizations. At these meetings, developments and problems of the region are discussed, especially with a view to the return of refugees and displaced persons, their social, political and economic integration, and related problems. Also, special attention is given to facilitating peaceful relationships and community life through co-operation between the local authorities and national and international non-governmental organizations (NGOs) which are active in this area. Although the OSCE does not seek to solve individual problems, it is occasionally necessary for the Organization to intervene. An example is the frequently confused situation with regard to living space and the delayed financial and social support for returnees. An oral or written intervention by the Organization can help to set the bureaucracy in motion and even to find a concrete solution to problems, so that refugees and displaced persons can really return to their houses and receive social assistance. If the Mission intervenes, members of the Organization also point out structural problems of the region, e.g. the lack of clear guidelines dealing with property issues. Here, too, the Mission reaches its limits because these interventions depend on a friendly and co-operative relationship and respect for Croatian sovereignty must be ensured. However, if there have been violations of guidelines and agreements that Croatia has accepted, it is the responsibility of the Mission to talk emphatically with the authorities about these matters.

Observers participate regularly in seminars and workshops dealing with matters relevant to the OSCE mandate such as the return process, confidence-building and post-conflict rehabilitation. These meetings also serve to establish valuable contacts. In addition, observers attend court hearings, monitor the implementation of the rule of law and offer legal advice to returnees and refugees. The observers also follow closely developments in the media. In the course of 1998, there has been more intense discussion on democratization, especially with a view to the forthcoming elections, and this has taken place in close co-operation with NGOs for the purpose of revitalizing civil society and providing political support for Croatian citizens' rights and human rights organizations. The main focus of observers' work, however, is to follow the process of returning refugees closely.

Passing on and Evaluating Information

The Mission prepares a weekly report on their activities that is sent to the OSCE in Vienna. The report informs all 55 OSCE participating States on the situation in Croatia especially in view of the political events. The report reflects the extent of individual observations by Mission members only to a limited degree since it aims to deliver a political message and is a political document. Observers start by collecting the most concrete information available on the local situation and pass it on to the co-ordination centres. The observations are analysed there. These analyses of the situation and events in

the areas where observers are stationed are then sent on to Zagreb. While the reports from observers serve to give their colleagues at headquarters a detailed overview of the local situations, a decision is made in Zagreb on which information from the field reports can be used for reporting purposes to Vienna and which information calls for action. Thus, the weekly report to Vienna contains a political message as to progress and regress of the Croatian government's fulfilment of agreements. The same applies to the progress report which the Mission produces every four months to assess the fulfilment of international commitments by the Croatian government.⁷

These various ways of processing information are often a source of frustration to the observer in the field: solving problems has usually been initiated by the Croatian government based on long-term political dialogue and appeals to its own interests - while the problems themselves call for a quicker and less bureaucratic solution. When people cannot return to their homes because they have been occupied, when they receive no social services or other forms of support, then they suffer in a concrete and immediate way and turn to OSCE observers in the hope of quick assistance. But the latter are seldom able to help these individuals because immediate intervention is not part of the observer's task to monitor and advise and the possibilities for changing the situation are mainly in the hands of the authorities. Observers do occasionally intervene, in writing or verbally, but they do not solve any individual cases.

OSCE observers are not social workers and they provide no humanitarian assistance. The mandate of the OSCE Mission to Croatia provides for observers to contribute to stabilization and democracy in the country by calling attention to problems that crop up in connection with the return of refugees and displaced persons, the protection of human rights, the process of normalization and reintegration. For that reason it is sometimes difficult for an observer to strike a balance between the urge to provide practical assistance, on the one hand, and the actual need to limit himself to observation, reporting and advising, on the other. It is also hard to avoid feelings of resignation because the many individual hardship cases are touching and contribute to a picture of Croatia that is difficult to reconcile with the image of a modern, democratic country. It is hardly acceptable, for example, that returnee families, even after a court decision acknowledging their property rights, are unable to return to their houses and apartments, or Croatian displaced persons living in third countries are not permitted to vote. The hope of making at least a small contribution to improving democratic practices and living conditions in this country gives motivation to OSCE observers. But this motivation cannot always be easily sustained in view of the many problems in this country and the frequently one-sided and prejudiced attitude of the population. These

7 The progress reports of the OSCE Mission to Croatia have so far appeared four times, between May 1998 and May 1999: OSCE Mission to Croatia, Progress Report No. 1, 20 May 1998; No. 2, 8 September 1998; No. 3, 26 January 1999; No. 4, 18 May 1999.

problems are clearly visible in Western Slavonia and are typical in all of Croatia.

The Process of Return

Many returnees follow the official path of "organized" return which is run by the local authorities in co-operation with the United Nations High Commissioner for Refugees (UNHCR). The waiting period for confirmation of a possible return can be lengthy and many people circumvent this process because they have personal and economic reasons for a rapid return. This "spontaneous" return creates substantial problems. Even when the return has been organized by the state, local conditions - economic, political and social - often do not permit a long-term stay in the region under circumstances adequate for human beings. Difficulties arise, for example, in getting the necessary papers, legal protection, health care and social services. Often, there is no electricity or running water, jobs are in short supply, and large parts of the country are still mined. Things are made more difficult for the "spontaneous" returnees because of the problem of obtaining valid papers, access to their property as well as finding an alternative place to live.

There is discrimination in many areas, particularly with respect to discriminatory legislation and its application to particular population groups, but also in the social area, owing to the unequal distribution of social services, and in political matters - especially with regard to the right to vote and freedom of expression.

Observers learn a great deal about the destinies of people who have returned from other parts of Croatia or third countries after years of absence. But it is only with time that observers acquire a balanced view of their area of assignment, develop contacts and find out who is able to provide dependable information and who is less interested in the truth.

Economic Problems and the Aftermath of War

There was a flourishing industry in Western Slavonia before the war (textiles, furniture, chemicals) and substantial agriculture, along with fisheries and wine growing. Almost every mayor in this region speaks with pride of how Western Slavonia was once attractive to tourists because it had extensive hunting areas and countless thermal baths. During the war the line of confrontation ran directly through this area which not only had devastating economic and political consequences but left behind deep psychological wounds. Under these circumstances there is little room for reconciliation or peaceful coexistence.

Status of Refugees and Displaced Persons

As a general rule neither the Croatian government nor the people living here welcome or support the return of refugees or the influx and settlement of displaced persons. As a young and independent country, Croatia has many problems, and the subject of refugees is only one of many. The Croatian people are just as concerned about unemployment, which in some places is over 80 per cent, the high cost of living, the lack of a promising future, the generally deteriorating economic situation and corruption. The resulting atmosphere hardly favours an open relationship with minorities nor engenders a positive attitude towards them.

In 1991, about 55,000 people lived in this region; of these around 70 per cent were Croats, 20 per cent Serbs and ten per cent other minorities (mainly Czechs, Hungarians and Italians). There are no dependable figures on the present composition of the population. However, it is obvious that the hopeless economic situation as well as the difficult social and political circumstances have largely destroyed the foundations of life in this region and brought a fundamental change in the structure and composition of the population.

Return and Reintegration under Difficult Conditions

The few Serbian families that stayed in this region or returned to it suffer more or less open discrimination and it is difficult for them to integrate into society. Hardly a family succeeds in asserting their ownership claims. The returnees are received in a hostile atmosphere. Envy often plays a role as well because there is an opinion amongst the population that the international community - particularly the OSCE - is only interested in the fate of the Serbs. Apart from a few initiatives - e.g. that of the European Community - there are hardly any government projects for the construction of Serbian housing. Serbs are often denied public assistance. Without any real protection under the law there is little hope of justice in the event of arbitrary expropriation and when it comes to job distribution, Serbian returnees often have the poorest chances in comparison with other applicants.

The situation is similar for refugees from Bosnia the majority of whom are Croatian citizens now, and thus more likely to have their rights acknowledged than Serbs, but who nonetheless feel themselves to be second-class citizens. Their integration into Croatian society also occurs with much discord and in some villages of Western Slavonia the situation has become so tense that mayors openly admit that they would rather have Serbs back than refugees and displaced persons from Bosnia or Kosovo. Such comments are really astonishing in view of the generally negative attitude towards Serbs, however they are an accurate reflection of the mood in this region.

The problems in Western Slavonia cannot be separated from the problems in Bosnia and Herzegovina. Very few Bosnian refugees are likely to return to their homeland. This is not only due to the destitute economic situation but also to political circumstances in Bosnia. Many of these Bosnian refugees today live in houses that were abandoned by the Serbian population during the war. When the Serbs now return from third countries (e.g. Germany or the Republic of Yugoslavia) or from other parts of Croatia they often have to take administrative and/or legal steps to get back their property and back into their houses. And even when they have received a favourable decision recognizing their property rights, it cannot be taken for granted that the problem has been solved; indeed, that is more the exception than the rule because it is seldom that the returnees, refugees or displaced persons, have alternative housing. There are housing commissions in these communities meant to deal with these problems but in many places they process cases very slowly if at all. As an observer, one sees the limited options on the local scene very clearly, but one has to wonder whether the ineffective involvement of the commissions has practical causes or results from a lack of political will. Still, it is true that structural problems of this kind cannot often be solved at the local level because the communities, in their work and in the decision-making process, are bound by the instructions of the Croatian government. In any event, there is no visible will by officials to introduce momentum to the return process, and this is of course reflected in the work of the communities. The efforts of the OSCE Mission to Croatia, in collaboration with the Mission to Bosnia and Herzegovina and with other international organizations, to bring movement into this confused situation seems to be having some initial success. For example, the number of Bosnians who want to resolve their property affairs at home or at least learn what condition their homes are in, has been growing.

Political Culture and Local Change

Owing to prevailing leadership structures and the dominance of the Croatian Democratic Party (*Hrvatska Demokratska Zajednica*, HDZ) the political situation is extremely inflexible, so that local changes can be made only slowly and hesitantly. Through dialogue between observers and local authorities and organizations, as well as the locals themselves, the OSCE attempts to reinforce the protection of minorities and create political rethinking. This works when small steps are taken but has proved to be a very difficult and protracted process. Success was achieved, for example, when the occasional mayor who had been very resistant in dealing with the problem of returnees and taken no initiatives to bring about a more constructive atmosphere in the

community finally began trying to find solutions to housing problems and other sources of conflict that poison the atmosphere in the region. This effort started, as a rule, when the mayor realized that more could be accomplished in the long-term interest of the region by co-operation and partnership with the OSCE and other international partners than by insisting on past practices and holding fast to unfair treatment and taking advantage of people. A vivid example is provided by the village of Dragalič in Western Slavonia which succeeded in obtaining financing for the reconstruction of certain facilities and for mine clearing from international donor organizations. Dragalič is regarded as "returnee territory" even though mines are actually visible along the path to the school and the overall economic situation is very tense. But a plan was worked out, in co-operation between the local authorities and a field office of the OSCE Mission, to improve the conditions of life in this community and determine what financing options might be available. This plan provided the basis for contacts with donor organizations and was an important reason why the proposals received a favourable response.

Nevertheless, problems continue to exist. The state is organized centrally and action can only be taken upon directives from the capital. The personal/local initiative is to a large extent stifled rather than promoted and local successes are only small steps on the path to normalization. In addition, the people here still suffer from the consequences of the war and there are hardly any official initiatives to conduct a dialogue aimed at rapprochement and reconciliation between the various population groups. Indeed, the opposite is the case: the refugee problem is often used as a political device for conjuring up images of aggression and expulsion.

Leading Figures and Challenges to Society

It is only in exceptional cases that politicians, particularly those in cities such as Pakrac that were hit hard by the war, have the will to change the situation. They often simply continue spouting inflammatory, nationalistic war rhetoric. The leading figures of society do little to alter this situation. Bishop Antun Skvorčević of Požega, capital of the Požeško-Slavonska region in Western Slavonia, is surely an exception when he calls for reconciliation between the various population groups and emphasizes the importance of a multi-national identity for Croatia, thus engaging the church as a conciliatory element in the process of normalization. Nevertheless, the Croatian people need practical assistance in building a civil society and above all time to come to terms with the memory of the war and the ability to live with it.

Western Slavonia is only a small part of Croatia but the problems associated with the complex reintegration process, rapprochement, coming to terms with the past and the protracted process of normalization are typical for Croatia as a whole. These multiple problems provide fertile soil for tensions and conflicts which should not be underestimated. The sense behind the OSCE Mission and its effectiveness as well as the presence of observers are closely linked to two factors: Croatia's strategic patience along with the long-term developments occurring there and a political transformation of the generations, their convictions, and their attitudes.

In its function, the OSCE Mission to Croatia reflects the international commitment to Croatia. In any regional structure for security and stability, a democratic and modern Croatia will have to play a key role. The Mission and the observers have to perform gradual political persuasion and in the process appeal to Croatia's long-term self-interest which must be understood in terms of coming closer to European norms and continuing the process of normalization and democratization. Croatia is in a very difficult and onerous transitional phase of its history and faces the decision of whether to model itself upon Europe more closely or to remain standing on its threshold. The effects of the most recent Balkan war and Croatia's active role in that conflict remain a constant factor in its political, economic, cultural and social development. As a result of the Kosovo conflict, Croatia, especially in 1999, has had to fight against the stigma of still being a crisis region and as a consequence ran the risk of missing the European connection and slipping off into political and economic isolation.

It remains an open question, despite our involvement in this region, what path Croatia will follow with the help of the international community.

Levelling the Political Playing Field: Democratization through Supporting a Pluralistic and Moderate Party System in Bosnia and Herzegovina

"We have found that non-ethnically-based political parties are openly supported by the various international organizations."¹

Introduction

In November 1990, the first post-communist elections were held in Bosnia and Herzegovina. Although all established in the year of the elections, the three main nationalist parties representing the three main ethnic groups attained an overwhelming victory. Bosniacs voted mainly for the Party of Democratic Action (SDA), Bosnian Croats for the Croatian Democratic Union (HDZ) and Bosnian Serbs for the Serbian Democratic Party (SDS). After their victory these parties formed a government coalition on 18 November 1990. All levels of government, central and de-central, in virtually all locations were divided up between the three coalition partners. The parties developed a tight grip on the armed forces, police, judiciary, humanitarian aid, media, economy and other crucial sectors on their own territory.² So far they have maintained a strong level of control.

The signing of the General Framework Agreement for Peace in Bosnia and Herzegovina in November 1995, brought into existence a weak central state, comprising two entities with strong self-governing powers: the Republika Srpska and the Federation of Bosnia and Herzegovina. While the large majority of Republika Srpska inhabitants are Bosnian Serbs and its main nationalist parties are SDS and the Serbian Radical Party (SRS), the large majority of inhabitants of the Federation are Bosnian Croats and Bosniacs. In the Federation, political power is still divided between SDA and HDZ. The Federation does not function properly and its political powers are split between the two parties. The country is thus *de facto* divided into roughly three sectors.

The international community has been following a "deliberate policy to hold elections frequently in order to (...) accelerate the erosion of support for

1 Report on the conformity of the legal order of Bosnia and Herzegovina with the Council of Europe standards, AS/But/BiH (1999) 1Rev., Strasbourg, 7 January 1999, p. 39.

2 Cf. John B. Allock/Marko Milivojevic/John J. Horton (Eds.), *Roots of Modern Conflict. Conflict in the former Yugoslavia*, California 1998; European Community Monitor Mission (ECMM), *An Overview of the Bosnia and Herzegovina Political Spectrum*, Pre-election Special Report, Sarajevo 1998; David A. Dyker/Ivan Vejvoda, *Yugoslavia and After*, New York 1996, p. 99.

hardline nationalist politicians".³ A few years of international involvement were to move the country up the road of Western democracy, and moderate political forces were expected to come to the fore. This was a serious over-estimation. The same nationalists not only overwhelmingly won the first post-war 1996 elections, but also failed to lose their majority in the subsequent 1997 and 1998 elections. An exception forms the central government in the Republika Srpska, where a moderate nationalist coalition (SLOGA) is in power.⁴ Opposition parties have been growing, but not fast enough to contest the nationalist parties throughout the country. As the former director of the International Crisis Group (ICG) for Bosnia and Herzegovina⁵, Christopher Bennett, observed after the 1998 elections: "The elections resemble an ethnic census and those politicians playing the ethnic card perform best."⁶

More importantly, soon after the first post-Dayton elections, it became clear that the elected nationalist parties could not deliver peace and stability as they simply continued to wage war by political means. As early as 1997, the OSCE became aware that high-level authorities, leaders of dominant political parties, armed forces and police were blocking OSCE democratization efforts. The very influential Peace Implementation Council (PIC)⁷ has traditionally been critical of nationalist rule. For instance, a Ministerial PIC meeting of 9 June 1998, noted that "the Bosnian political leaders elected in 1996 have largely failed to serve the interest of the people of Bosnia and Herzegovina in rapidly implementing the Peace Agreement and in laying the basis for a peaceful and prosperous future".⁸ On 15 June 1999, it expressed deep concern about the lack of progress in the implementation of the Dayton Peace Agreement. Along with its resentment of the nationalist parties, the PIC has been very supportive of multi-ethnic opposition parties. This support was especially explicit in their June 1998 conference: "The Steering Board encourages political parties and non-governing organisations in member countries of the Peace Implementation Council to support and assist pro-Dayton and

3 Report on the conformity of the legal order of Bosnia and Herzegovina with the Council of Europe standards, cited above (Note 1), p. 39.

4 For a majority, the moderate SLOGA coalition depends on the support of the Federation-based Coalition for a Whole and Democratic Bosnia and Herzegovina (KCD, headed by the Bosniac nationalist SDA).

5 The ICG is a non-governmental organization, mainly involved with writing political analyses.

6 European Voice, 22-28 October 1998.

7 The PIC is the main international political policy body overseeing the implementation of the Peace Agreement. It has a Steering Board (SB) which operates under the chairmanship of the High Representative. It consists of representatives of Canada, France, Germany, Italy, Japan, Russia, UK, US, the EU Presidency, the EC and Turkey (in the name of the Organization of the Islamic Conference). International organizations like the UN and OSCE are also represented. The Steering Board gives the High Representative political guidance. Cf. Conclusions of the Peace Implementation Conference Held at Lancaster House, London, 8-9 December 1995 and information given by Mr. Lonnback (Office of the High Representative, Sarajevo).

8 Declaration of the Ministerial PIC SB, Article 61, Luxembourg, 9 June 1998.

multi-ethnic political parties in Bosnia."⁹ The continuing division of the country not only calls into question the viability of the state, but a multi-ethnic, self-sustainable Bosnia and Herzegovina is the ultimate "exit-strategy" of the international community. Before outside assistance can be scaled down significantly, moderate parties will have to gain considerable support from the voters.

This article will discuss four instruments which the OSCE uses to support moderate and multi-ethnic opposition parties: political support, material/in-kind support, training support and legislative electoral support. The first three of these are being provided (or have been) by the Democratization Department of the OSCE Mission to Bosnia and Herzegovina. The electoral support is provided by the Office of the High Representative (OHR) in collaboration with mainly OSCE election staff. Before we turn to these instruments, we will first briefly review the set-up of the Mission and the place of the Democratization Department within it.

The OSCE Mission to Bosnia and Herzegovina

Bosnia and Herzegovina has been an OSCE participating State since April 1992. The Organization's presence in the country began in 1994, when a human rights Ombudsman was appointed and a Mission to Sarajevo established. However, the OSCE Mission to Bosnia and Herzegovina as we know it today was established on 8 December 1995 at the fifth meeting of the OSCE Ministerial Council and has three tasks: supervision of the preparation and conduct of elections; monitoring and reporting on human rights issues; and negotiating and implementing confidence- and security-building measures and arms control.

The Mission has five departments: Elections, Democratization, Human Rights, Regional Stabilization, and Media Affairs. Besides these there are sections for political affairs, press, administration, staff and operations. Additionally, it operates two election bodies: the Provisional Election Commission (PEC) and the Elections Appeals Sub-Commission (EASC). The OSCE has four regional centres and twenty-four field offices throughout the country. Its international staff is largely seconded by participating States. In April 1999, 223 international staff were working at the Mission, mostly seconded by North America and Western Europe (88 per cent). It is these same countries that provide over 90 per cent of the budget, which totals approximately 56 million US-Dollars for 1999. Central and Eastern European participation in the Mission is small. The Mission is very independent. Although it must comply with its mandate from the General Framework Agreement and directives of the Vienna Permanent Council and the Peace Implementation Council, it has vast room to manoeuvre.

9 Ibid.

In early 1996, a small democratization unit was created within the Human Rights Department, focusing on civil society, confidence-building initiatives and dialogue. Its activities were mainly considered an instrument to secure conditions for free and fair elections and fell under the election-related annex of the General Framework Agreement. After the OSCE Lisbon Summit of December 1996, it was decided to establish a separate branch for democratization.¹⁰ Throughout 1997 the PIC encouraged the OSCE to continue democratization activities, which were subsequently declared a high priority by the OSCE Ministerial Troika in Warsaw in January 1998.¹¹ The concept of democratization was broadened over time and is no longer strictly elections-related as it was in 1996. Today the Department conducts programmes to develop civil society, political parties, good governance and promotes the rule of law. The main office of the Department is located in Sarajevo and is represented in all regional centres and field offices. In 1997, the first budget of the Democratization Department was a little over a million US-Dollars and consisted solely of voluntary contributions by four participating States. By 1999 the budget had risen to over four million US-Dollars and was being financed through the regular Mission budget constituting about seven per cent thereof.

Political Support

In November 1998, the OSCE Mission's Democratization Department organized a conference on "The Role of the International Community in the Development of a Democratic and Multi-Ethnic Political Environment in Bosnia and Herzegovina". The conference included national and international experts as well as NGOs and embassy representatives. It concluded, *inter alia*, that the international community should continue supporting multi-ethnic parties. In order to assist these "multi-ethnic parties" in their development, the OSCE Democratization Department runs different projects under its "Political Party Development Programme". These mainly aim to support two parties and one coalition:¹²

- The Social Democratic Party recently merged (February 1999) out of the "old" Social Democratic Party (SDP), which was the reformed former Republican League of Communists, and the Social Democrats of Bosnia and Herzegovina (SDBiH, founded in 1993). The new party is multi-ethnic/socialist-oriented. It is - by far - the strongest opposition party to the

10 Cf. Siri Hustad, OSCE in Bosnia and Herzegovina: Lessons Learned - Building Democracy in Former Yugoslavia: The Democratization Programme 1996/97, Norwegian Institute of Human Rights, Oslo 1998, pp. 3 and 8

11 Cf. OSCE Press Communiqué, 21 January 1998, CIO.INF/7/98.

12 Cf. OSCE Mission to Bosnia and Herzegovina, Democratization Department, Semi-annual Report, January-June 1999, p. 13.

SDA. The party has its main power bases in the large urban Federation centres and operates mainly in that entity.

- The New Croatian Initiative (NHI) was founded on 27 June 1998 when moderates left the nationalist HDZ. It is a moderate nationalist Croat party, operating in the Federation. It has been relatively unsuccessful in obtaining support throughout the country, but did attract some votes in middle and northern Federation areas. It is considered the largest moderate opposition party to the HDZ, but remains weak.
- The SLOGA Coalition is an unstable moderate Serb nationalist alliance of three political parties (Serb National Alliance, SNS; Party of Independent Social Democrats, SNSD; Socialist Party of the Republika Srpska, SPRS), two of which were established by former SDS members. Like SDP and NHI, it is strongly supported by the international community. Unlike the NHI and SDP it is actually the ruling coalition on the Republika Srpska entity level. For a majority on this level, it depends on the support of Federation-based parties in the Republika Srpska. It has significant influence only in the western part of the Republika Srpska, the other (eastern) half of the entity remains under strong SDS/SRS control. The SLOGA coalition is the largest coalition against the radical SDS/SRS coalition.

Material/In-kind Support

Although numerous forms of material/in-kind support have been provided, only two crucial forms are discussed here: financial/in-kind electoral campaign support (since the 1996 elections) and political resource centres (prior to the 1998 elections).

Since 1996, four elections have been held in Bosnia and Herzegovina. In all of these, the OSCE helped political parties run their election campaigns through direct financing (1996 and twice in 1997) or in-kind support (1998). Whereas in 1996 and 1997 the OSCE Provisional Election Commission was responsible for this support, the OSCE Democratization Department reformed and implemented the programme in 1998.

Prior to the 1996 elections, the OSCE provided an estimated 4.2 million US-Dollars in support for political parties. In these elections all parties received funding. This caused a very embarrassing incident, as the OSCE awarded the party of the accused war criminal¹³ Zeljko "Arkan" Raznjatović 200,000 US-Dollars.¹⁴ At the time, Reuters noted: "In campaign literature paid for by the OSCE, Arkan's candidates oppose reunification of Bosnia as required by the

13 The US State Department had accused Arkan's notorious paramilitary forces of committing war crimes as early as 1993. For instance, see: Telegram from Istanbul US representative to State Department, code: 93istanb03414, 14 September 1993.

14 Cf. The Balkan Institute, *Balkan Watch* 37/1996.

Dayton treaty and advocate unification with neighbouring Serbia."¹⁵ OSCE officials responded that as long as the International Criminal Tribunal for the former Yugoslavia had not formally indicted Arkan, they must be even-handed in supporting all sides and could not censor campaign literature.

Approximately 1.44 Million US-Dollars were allocated to the 1997 municipal elections. As the three ruling parties were entitled to receive public funds, they received no additional funding from the OSCE. As in the first elections (and all subsequent elections), amounts released to parties were not published, which was criticized by an ODIHR observation mission: "Not making the fund distribution public could create suspicion among the parties and candidates and does not favour the transparency of the electoral process."¹⁶

Prior to the 1997 Republika Srpska national assembly elections, all parties were entitled to funds, with the exception of Arkan's party whom the Criminal Tribunal had meanwhile secretly indicted. The OSCE spent an estimated 821,000 US-Dollars on these funds.

During the 1998 pre-election campaign, three aspects of the support significantly changed. First, the Democratization Department administered the type of support, which was renamed the "In-kind Assistance Programme". Secondly, money was no longer given directly, but the OSCE paid bills for campaigning activities and provided different types of in-kind facilities. This change of strategy was evaluated positively by ODIHR as it "avoided the mis-use of cash which occurred in 1997".¹⁷ Third, and most significantly, support was targeted more extensively towards so-called "multi-ethnic parties". A total of approximately two million US-Dollars was spent.

Out of these two million US-Dollars, 750,000 were spent on political campaign support limited to 20 parties and one independent candidate with a moderate, or multi-ethnic orientation. Neither the SDA, SRS, SDS, nor HDZ qualified for extra support.¹⁸ The OSCE was no longer allowed to provide direct monetary contributions but could provide parties with in-kind support. "To the extent that the OSCE provides in-kind assistance, political parties, coalitions, and independent candidates which support multi-ethnicity, either through a multi-ethnic platform or multi-ethnic candidate lists, shall have priority to the in-kind assistance."¹⁹ The policy shift is significant, especially if one realizes that in 1996, the OSCE financed all parties who ran in the Bosnian elections - even one of a suspected war criminal.

The ODIHR observed that in the Republika Srpska the parties of the SLOGA coalition benefited most, and in the Federation the SDP, SDBiH and NHI were the main beneficiaries. These are the same parties the OSCE Democra-

15 Internet Periodical "This week in Bosnia-Herzegovina", 12 September 1996.

16 ODIHR Election Observation Report, Bosnia and Herzegovina Municipal Elections, 13-14 September 1997, Warsaw 1997.

17 ODIHR Election Observation Report, Bosnia and Herzegovina Elections 1998, 12-13 September 1998, Warsaw 1998, p. 7.

18 Cf. *ibid.*, p. 7.

19 OSCE, Provisional Election Commission, Rules and Regulations, Article 7.140, Campaign Funding, as adopted on 2 April 1998.

tization Department later chose as priority parties for training support (see below). The list of parties which were supported and the amounts spent on each of them is considered confidential.

The indirect financial support to moderate and multi-ethnic parties was criticized by the ODIHR: "(...) it necessitates some discriminatory decisions on behalf of the election authorities, as they essentially provide assistance to some registered parties and not others on the basis of the parties' political programmes. This can harm the parties' perception of the election authorities. It is common practice in many countries for assistance, be it cash or in-kind assistance, to be given on a proportional basis (...) it is unusual that such assistance, particularly appropriated by the election authorities, is dependent upon the political content of the parties' programmes (...) such practice is not in line with OSCE commitments on equal treatment of all political parties by the authorities."²⁰

Nevertheless, the "In-kind Assistance Programme" was very important, especially since opposition parties have to compete with foreign financed ruling nationalist parties, which additionally (covertly) use government sources for their campaign expenses. Neutrality in the sense the ODIHR sees it would therefore greatly benefit these strong, nationalist ruling parties. Although the OSCE in 1996 had *de jure* been neutral, *de facto* it had certainly not.

In addition to the 750,000 US-Dollars targeted for multi-ethnic and moderate parties, the same amount was to be spent equally on all parties. This was used for training seminars, 16 political parties support centres (discussed below), and newspapers containing political party platforms. An additional half million was spent by the Media Development Office.

Political Resource Centres (PRCs)

As part of the "In-kind Assistance Programme", 16 political party service centres (PPSCs) were established throughout the country, two and a half months before the 1998 elections. During the pre-election period these centres organized over 500 events for political parties (including public meetings, round tables, radio/TV debates and press conferences). Among other things, they offered office space and phone, fax or photocopier facilities.

The Democratization Department concluded that PPSCs "primarily benefited the alternative parties supporting multi-ethnic democracy, which tend to be smaller and lack sufficient resources to set up proper local offices or campaign efficiently around the country".²¹ Evidence suggests that PPSCs have indeed helped opposition parties to obtain seats. Elections in Goražde are a good example of this. Here, support on the canton level for moderate and

20 ODIHR Election Observation Report, Bosnia and Herzegovina Elections 1998, cited above (Note 17), pp. 7-8.

21 OSCE Mission to Bosnia and Herzegovina, Democratization Department, Semi-annual Report, July-December 1998, p. 13.

multi-ethnic parties has grown significantly in the most recent elections. In 1996 a coalition of five multi-ethnic/moderate parties and one other moderate party together obtained five per cent of the votes and one out of 31 seats in the Canton Assembly.²² In 1998 support for such parties rose to 28 per cent and nine seats.²³ It is difficult to determine the exact influence the PPSCs had on the results, as other factors undoubtedly also played a role and growing support for moderate parties was a general trend throughout the country. After the elections, ten centres continued to operate, which were renamed political resource centres (PRCs). They are managed by a national manager and assistant. The PRC activities include: facilitating training of moderate and multi-ethnic opposition parties; offering office facilities; assisting in organizing press conferences and voter-meetings; facilitating contact between opposition parties and helping to form opposition co-ordination boards.²⁴ Besides having their own activities, the PRCs assist the OSCE in the implementation of other programmes.

Training of Opposition Parties

*"We just finished OSCE/FES training. It was very, very good (...) We also got financial support for printing our posters (in the pre-election campaign, YdP). Without their help our work would be very hard, so much more difficult."*²⁵

Parties qualifying for training overlapped to a large extent with those which received the campaign assistance. The Federation-based SDP and NHI as well as the Republika Srpska based SLOGA coalition were given priority to take part in training.²⁶ As we have seen before, these are considered the most viable parties supporting a multi-ethnic democracy and have the potential to develop into real political actors. These parties were offered "prioritized support (...) individually tailored to the needs of each party".²⁷ SDP training was the first of these to be implemented.

International support for the SDP was evident at the merger conference of the Social Democratic Party and the Social Democrats of Bosnia and Herzegovina. Important representatives from the international community attended the conference, which was held on 27 February 1999 in Sarajevo. International organizations such as the OHR, UN, OSCE, Council of Europe and the EU were represented as well as ambassadors of all of the most important for-

22 Cf. Zoran Tomic/Nevenko Herceg, *Izbori u Bosni i Hercegovini, Sveuciliste u Mostaru, Mostar 1998*, p. 156.

23 Cf. Official Gazette of Bosnia and Herzegovina, Year II, No. 23, Sarajevo, 15 November 1998, pp. 660, 664.

24 Cf. Semi-annual Report, cited above (Note 21), pp. 14-15.

25 Selim Beslagić, second man of the SDP and mayor of Tuzla, in an interview.

26 Cf. Semi-annual Report, cited above (Note 21), p. 13.

27 Ibid., p. 14.

eign states.²⁸ Subsequently, the OSCE, in collaboration with the Friedrich Ebert Foundation (FES) and the SDP, developed a training programme. The FES, affiliated with the Social Democratic Party of Germany, had been working with the SDP since 1996. The training took place in March 1999 in the form of workshops for 200 party officials. Especially in combination with the many other kinds of training the party is receiving from European Social Democratic Parties and the American National Democratic Institute (NDI), this training can be expected to have an impact.

Individual training for the other two SLOGA parties was scheduled to go ahead in late summer 1999. Support to the NHI consisted mainly of facilitating links with the Norwegian Christian Democratic Party, which will assist in building the NHI party infrastructure, developing party PR materials etc.²⁹

Legislative Electoral Support

*"The new Permanent Election Law is the first step towards our victory. The current electoral law supports the nationalists."*³⁰

The new Permanent Electoral Law (PEL) is a form of backing that originated primarily from the OHR and OSCE election staff, and was supported by the Democratization Department.

Under Dayton, an OSCE-chaired Provisional Election Commission, using so-called "rules and regulations", was mandated to guide the 1996 elections. Thereafter a nationalized permanent commission under a new law was to take over responsibility for future elections.³¹ This has been delayed: to date all elections have been conducted under the Dayton arrangement. Simultaneously, mono-ethnic parties drawing support from a single ethnic group dominated all elections. The electoral system is not penalizing parties who seek support only among their own ethnic group, but rather encourages this.

In Bosnia and Herzegovina, basically all elections are held on the entity level and in the Dayton Accords no provision for a national election is made. The Presidential election is a good example and is very narrowly defined under Dayton: "The Presidency of Bosnia and Herzegovina shall consist of three Members: one Bosniac and one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of the Republika Srpska."³² It is thus impossible for a Bosniac or Croat from the Republika Srpska, or for a Serb from the Federation to be elected. In practice,

28 Cf. ONASA Election Service, Sarajevo, 26 February 1999; ONASA Evening Service, Sarajevo, 27 February 1999.

29 Cf. Semi-annual Report, cited above (Note 21), p. 13.

30 Selim Beslagić, cited above (Note 25).

31 Cf. The General Agreement for Peace in Bosnia and Herzegovina, Annex 3, Elections, Article V: Permanent Election Commission, Dayton, 21 November 1995.

32 The General Agreement for Peace in Bosnia and Herzegovina, Annex 4, Constitution, Article V: Presidency, Dayton, 21 November 1995.

these Presidency members are elected by - and represent - only their own ethnic group.

Currently however, the OHR and OSCE - in a joint effort - are making headway on the new law, which will regulate the autumn 2000 general elections. The law might significantly influence politics in Bosnia and Herzegovina. Besides stabilizing the country, this would also further the OSCE's own agenda; its exit-strategy is entirely dependent on a stable Bosnia and Herzegovina. Alternatively, Bosnia and Herzegovina is bound to stay a protectorate for an indefinite period. Therefore, the Madrid PIC (in November 1998) called for the new law to, *inter alia*, "promote the concept of a multi-ethnic state" and "encourage candidates, parties and coalitions to seek a broad base of support amongst all citizens of Bosnia and Herzegovina".³³

A system which encouraged parties to take the vote of all ethnic groups into account would stimulate moderation in politics. A Bosnian Serb is unlikely to vote for a nationalist Bosniac candidate, but would rather support a moderate - and vice versa. It would help current moderate parties to obtain more mandates and encourage nationalist politicians to seek a more moderate political line, as the support of one ethnic group would no longer guarantee them an election victory.

An OSCE survey from March 1999³⁴ at first sight casts serious doubts on the feasibility of a multi-ethnic voting system. Based on these findings, one could argue that it would be best to maintain the ethnically divided system.³⁵ However, it would be wrong to conclude immediately that all nationalist voters are for the ethnic division of the country. Many of them, according to the ICG, might in fact be "hidden moderates": "Some Bosnians vote for nationalist parties simply because they want Bosnia to remain divided. But others feel obliged to vote nationalist for defensive reasons, out of fear of extremists in other groups. The effects of the 'fear vote' maintain the strength of all three national party structures. If this fear were removed voters might be more willing to vote for more moderate parties. The existing electoral system offers them no incentive to do this, nor is there any way to tell how numerous these hidden moderates are."³⁶

A system that would create moderation simultaneously amongst all three groups, might thus defeat this *de facto* "prisoners dilemma". Thus the law is

33 Conclusions of the Madrid Peace Implementation Council, Section V, Democratization, 16 December 1998.

34 Between 21 and 25 March 1999, a local firm conducted a survey for the OSCE on electoral issues. A total of 3,000 citizens of Bosnia and Herzegovina of voting age were interviewed throughout the country. From: <http://www.oscebih.org/PEL/SurveyGraphs-eng/Survey-graphs-Eng-2.htm>.

35 In response to the question "What was the main reason you voted the way you did in the last elections?" voters answered: "Best represents the national interest of my people": 31,3 per cent; "I have always voted that way": 17,8 per cent; "Citizens of other nationalities voted for their own": 12,1; "I am a member of the party for which I voted": 7,4 per cent; "Good economic program": 7 per cent; other nine reasons: 24,4 per cent.

36 International Crisis Group Report, Breaking The Mould: Electoral Reform in Bosnia and Herzegovina, Sarajevo, 4 March 1999.

obviously not just a legal/technical issue, but a vital political tool and will - to some extent - determine the political future of Bosnia and Herzegovina. ICG: "Different voting systems favour different outcomes. Voters with different political views may support various types of reform depending on their own agenda. Systems can be designed which will favour any of a range of broad results."³⁷

On the other hand, the nationalist parties are wary of any changes the international community might bring into the system. They are aware that the changes foreseen by the international community could seriously erode their power base.

Although the new law is meant to promote moderation and reform, it has limitations. In this respect the PIC noted that the Election Law has to be consistent with Annexes 3, 4 and 7 of the Dayton Peace Agreement.³⁸ By insisting on this, the PIC sets substantial limitations on the level of reform possible. It will, for instance, be difficult to have all citizens of Bosnia and Herzegovina vote together in one election. The Presidential elections, as outlined previously in this paper, will be almost impossible to change. Moreover, no one except Bosniacs, Serbs or Croats can be elected to the Presidency at all. This directly conflicts with, *inter alia*, Paragraph 7.5. of the OSCE 1990 Copenhagen Document, (which is an attachment to the election annex of the Dayton Peace Accords) that requires that one "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination".³⁹

As early as April 1998, the OHR, OSCE and the Council of Europe produced a first draft law. This draft was rejected by these same organizations and never published. After the writing of this stillborn draft, it was decided to increase Bosnian involvement in the process. A seven-member national working group (NWG) was formed on 1 August 1998 by the OHR, which started work as of mid-September. In February 1999 the PIC Steering Board demanded results and set a 1 July deadline for a draft. At the same time it concluded that more international guidance was needed. However, the PIC did not explicitly state which international organization was to take the lead in the process, and leadership over the process shifted up and down between the OHR and OSCE for a while. In May, the OHR appointed a permanent new head of the drafting group. Simultaneously, the OSCE established a PEL secretariat. These new resources enabled the project to move forward.

Currently the draft has been sent to the Council of Europe and the PIC Steering Board for comments. After all relevant international actors have been able to respond, the Law will be sent to the Bosnian Parliament. Be-

37 Ibid.

38 Cf. Conclusions of the Peace Implementation Council, cited above (Note 33).

39 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen, 29 June 1990, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 439-465, here: p. 444.

cause nationalists from the three ethnic groups have a clear majority in Parliament, passage of a progressive Electoral Law is unlikely, as they would be voting for a law which would diminish the number of their seats. It is thus expected that the High Representative will impose it. However, although the new law will diminish their influence, the nationalist parties will probably retain overall political control after the year 2000 elections. It will thus be extremely difficult for the OSCE to hand over responsibility for the implementation of the law to the authorities, which will still be made up of members of the nationalist parties that oppose it. Is it then possible to "transfer responsibility to state institutions"⁴⁰ as the PIC Madrid meeting calls for? This seems highly unlikely as "the moment Carlos Westendorp imposes something, he creates a foreign fact. People would reject it (...) If they make and impose a new law, they are responsible and they'll have to stay to implement it", Brian Hopkinson, the ICG director observes. It is thus safe to assume that OSCE presence will be necessary for a while to come.

In an interview, an OHR source warns that many will be disappointed by the limited changes that the new Election Law will be able to achieve: "The Election Law can push the margins, but cannot change the opinion of 95 per cent of the people (...) the PEL has been overloaded with unrealistic expectations."⁴¹ And indeed, in a first reaction to the draft, the ICG and SDP have shown their disappointment in the mild changes proposed.⁴² The international community will push for gradual, rather than radical changes, as the latter would enrage the nationalist parties, in which case the international community might lose grip on the situation in the country.

Conclusion

The international community undoubtedly hoped that by now nationalist parties would have been replaced by more moderate ones. Although the 1998 elections have shown increasing support for moderate opposition parties, they still do not seriously challenge the nationalist parties (except in the western part of Republika Srpska).

Since Dayton, the OSCE has increasingly involved itself in political life in Bosnia and Herzegovina. In 1996 it was possible, under the naïve banner of neutrality, for the political party of an indicted war criminal to receive financial support. Fortunately, OSCE support now - 1999 - is focused on moderate and multi-ethnic parties. Political, financial, training and legal support help those political forces that are expected to offer the country a better future. Although support is extended to a large range of moderate parties, it is con-

40 Conclusions of the Madrid Peace Implementation Council, cited above (Note 33).

41 The source requested to remain anonymous.

42 Cf. Office of the High Representative, OBN News Review, 12 August 1999 (<http://www.ohr.int>).

centrated on the Federation-based SDP and NHI and the SLOGA coalition in the Republika Srpska. This support has been politically validated by, *inter alia*, the PIC. Nevertheless, it is obvious that political reality changes slowly in Bosnia and Herzegovina and that there are certain limits to what can be accomplished through international involvement.

Support is not without risks. Firstly, support from international organizations can be politically counterproductive. The ICG also noted the problem of overly open support by the international community for the leader of the SLOGA coalition partner SNSD: "It would be harmful for him to be perceived as a puppet of Western policy in Republika Srpska - he is not, but the extreme and obvious international support for him risks making him appear so."⁴³ This same problem can be expected with regard to the NHI. Confidence in the OSCE is rather low among the Bosnian Croats and Bosnian Serbs. A 1998 USIS survey illustrates the point. According to this survey 72 per cent of the Bosniacs have confidence in the OSCE, but only 25 per cent of the Bosnian Croats and 21 per cent of the Bosnian Serbs share this opinion.⁴⁴

Secondly, the neutrality of the Organization was questioned by the ODHIR. As an organizer of the elections, ODHIR believed, the OSCE should not discriminate between parties based on political programme. This conclusion (which the ODHIR applied to 1998 campaign support but which it logically applies to all forms of support) does, however, not take due account of the political reality in Bosnia and Herzegovina. We have seen that the nationalist parties have an enormous majority and hold a tight grip on political life in the country. Moreover, they all receive substantial foreign support. Neutrality, as the ODHIR understands it, would greatly benefit the strongest, nationalist parties and would thus be only a falseneutrality. It seems the OSCE cannot, and should not, avoid applying some form of "counter-engineering" to level the playing field. The policy shift towards "levelling the playing field" can most certainly be welcomed and hopefully will persist during the election in the year 2000. Needless to say, this support should be the subject of constant democratic control and discussion within the Organization. Certain limits should be set and respected. In this respect Christopher Bennett, former ICG director, observed after the 1998 elections that "officials of the OSCE (...) complain of having pressure exerted on them to send out, together with the absentee ballots, campaign material on behalf of favoured parties - pressure which, it must be pointed out, they refused to succumb to".⁴⁵

This last issue touches upon the principle of sovereignty and political independence of OSCE participating States, as laid down in the Helsinki Final Act. But drawing on these principles would certainly miss the point, as Bos-

43 ICG Report, Republika Srpska - Poplasen, Brčko and Kosovo: Three Crises and Out?, Sarajevo, 6 April 1999.

44 Cf. USIS Survey, Public Opinion in Bosnia and Herzegovina, Volume V: Two years after Dayton, Table 7, Washington, April 1998.

45 European Voice, cited above (Note 6), p. 19.

nia and Herzegovina might *de jure* be a sovereign state, *de facto* it is an international protectorate,⁴⁶ where, as has become obvious, different standards inevitably apply. And with Kosovo as the second international protectorate, it is high time to start a political discussion within the OSCE on the necessity, possibilities and limitations of political interventionism. Especially as it is becoming clear that strong OSCE involvement in the region will be inevitable for a long time to come.

46 Cf. ICG Report, *Whither Bosnia?*, Sarajevo, 9 September 1998.

The Human Dimension and the Development of Democracy

The OSCE Central Asia Liaison Office

The OSCE Central Asia Liaison Office (CALO) began operations in June 1995 in the Uzbek capital of Tashkent on the basis of a decision of the Permanent Council of 16 March of that year. Integrating the five Central Asian countries of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan more fully into the OSCE is regarded as CALO's most important job. In establishing CALO as an OSCE representation in Central Asia, the Organization was reacting to infrastructural and financial difficulties in Central Asian countries that made it harder for them to make more of a commitment to the OSCE.

While the mandates of OSCE missions are generally adapted to specific conflicts, CALO's work is oriented towards the overall goals of the OSCE such as the establishment of democratic procedures and advancing the structures of civil society, along with sustainable economic development. This difference is also reflected in CALO's formal status; unlike the missions, it is a part of the OSCE Secretariat rather than of the Conflict Prevention Centre (CPC). Thus it is directly subordinate to the Secretary General and reports to him, not to the director of the CPC as the missions do.

Until May 1996 CALO was staffed only with a Head of Office and local secretariat personnel. Since that time the Head of Office has been assisted by a human dimension expert. In early 1998 the Office was enlarged to include an additional human dimension expert and an economic and environmental expert. Since the beginning of 1998 a regional election co-ordinator from the Office for Democratic Institutions and Human Rights (ODIHR) has also been delegated to CALO to run its election assistance programmes. Thus the Office personnel structure reflects to some extent the chief elements of its work: monitoring and providing assistance in the field of human rights and promoting the building of civil society including, in particular, non-governmental organizations (NGOs). The economic dimension of the OSCE is a part of this as well; for example, CALO analyses developments relating to the environment and the economy insofar as they affect security and makes available OSCE mechanisms to regulate them. In addition, CALO supports the Central Asian countries in their efforts to implement and improve democratic election procedures.

CALO works directly with political parties and movements, local and international NGOs, scientific and scholarly institutions and international organizations, just as it does with the governments of the five Central Asian countries. In contrast to international donor organizations and assistance programmes such as the World Bank, TACIS and the UNDP, the OSCE offers almost no programmes for, say, technical or financial assistance. CALO has,

however, succeeded in turning to its own advantage the fact that there is little or no money for co-operative projects of a technical nature. Organizations that have no programmes of their own can serve as mediators between competing donor organizations. They are capable of introducing a point of view that is independent of financial interest and the pressures of implementation into bogged down negotiations between governments and donor organizations.

Despite the steady expansion of staff, CALO was unable, with four members (plus the ODIHR representative), to meet its regional responsibilities fully. Because distances are too great and the infrastructure too weak, the Tashkent office has not been able to co-operate satisfactorily with the other countries. Although most CALO employees spent half of each month travelling in the other Central Asian countries or in the provinces of Uzbekistan, this was not enough to dissipate criticisms from the governments in Bishkek, Almaty and Ashgabat that CALO was concentrating too heavily on Uzbekistan. A clear division of labour has been worked out with the OSCE Mission to Tajikistan through which the Mission has taken over CALO's responsibilities in that country while CALO gives the Mission logistical support.

If co-operation between the OSCE and the Central Asian countries is not yet very intensive, it would nevertheless be wrong to explain this solely in terms of CALO's inability, as a result of its geographic situation and meagre staffing, to operate throughout the entire territory. A number of Central Asian countries also bear responsibility for their own rather superficial co-operation with the OSCE because their governments, in certain areas such as human rights and electoral procedures, are not interested in having OSCE involvement beyond the level of mere declamation.

As a result of the Permanent Council's decision of 23 July 1998 to open OSCE Centres in Kazakhstan, Kyrgyzstan and Turkmenistan CALO's responsibilities have undergone a change. Even though its mandate and status had not been altered as of the end of 1998, so that it formally retains its regional responsibilities, CALO's activities since the opening of the other OSCE Centres have been limited to Uzbekistan alone.

The Main Focal Points of CALO's Work

Because a second adviser on human dimension issues has been added to the staff this field has become a focal point, simply through personnel restructuring. As a consequence CALO has been in a position to give special attention to joint action with the local NGOs and to the relaxation of tensions in relations between them and the institutions of government. In other important areas of work, as in the human dimension, it holds true that conditions for co-operation vary a great deal in the various Central Asian countries. What this means is that the structures of civil society are differently developed and that

there is also great variation in the willingness of governments to accept NGOs as partners or to allow them to act as pressure groups.

CALO regularly organizes discussion groups with representatives of the NGOs and government in order to enhance mutual understanding for the interests and needs of each side. These talks have frequently revolved around a subject area agreed upon in advance - e.g. women's affairs or environmental problems - so as to ensure that they result in improved and readily verifiable co-operation on both sides. In 1998 more than ten such meetings between government and NGOs occurred in this manner. As CALO saw it, it was important to hold these discussions not just in capitals but also in the provinces because that is where the institutions of the state have particularly strong reservations about the NGOs.

The discussion groups have turned into a very effective instrument for reducing mutual prejudices amongst NGOs and government representatives. But there have been misunderstandings as well - both between government representatives and NGOs and also with respect to the OSCE's role. Government representatives, in particular, were unhappy with CALO's policy of inviting, among others, those NGOs which had not (yet) been given governmental approval. For the OSCE, however, it was important to insist on this procedure because government institutions are in the habit of using refusal or delay of such approvals as a method of repression against NGOs. NGO representatives, on the other hand, accused the OSCE of having a double standard: for example, they felt that it did not criticize certain matters such as legislation on NGOs or elections as toughly and persistently as it would have done in the case of comparable legislation in a Western democracy.

The discussion groups initiated by CALO are supplemented by co-operative bilateral relationships with the government and with NGOs. One topic of special talks with governmental institutions, for example, was the national legislation on NGOs, which the OSCE regarded as unsatisfactory in a number of cases. CALO's direct collaboration with NGOs emphasizes the arrangement of contacts with donor organizations and assistance programmes such as those of UNDP and USAID. In cases where it seems justified CALO also acts as an advocate for the NGOs in their relations with the government.

In addition to the meetings between government and NGOs arranged by CALO there are also numerous events dealing with the human dimension which it plans in collaboration with ODIHR. These include, e.g., seminars on human rights for lawyers, human rights training for border guards and a regional seminar for NGOs that work for the advancement of women in Central Asian societies.

The second focal point in connection with the human dimension involves monitoring the human rights situation. Limiting regional representation to Tashkent was particularly disadvantageous in this area. One reason was that such procedures as the observation of criminal trials where political motivation was suspected were strictly limited to Uzbekistan. Moreover, the sus-

pected victims of human rights violations who have found their way to CALO have been almost exclusively from Uzbekistan and its capital, Tashkent.

When a number of police officers were murdered in the Fergana Valley of Uzbekistan and Islamic extremists were held responsible, CALO took a particular interest in the trial of the suspected offenders. Another court proceeding that attracted interest involved Afghan refugees in Uzbekistan who had fled during the war in Afghanistan and now, after over ten years, were to be deported to their homeland. Close co-operation with other international organizations such as the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), as well as with the embassies of OSCE participating States and NGOs, proved to be very effective in such situations. Often CALO co-ordinates with NGOs, international organizations and the diplomatic representations of OSCE participating States on concrete proceedings at their regularly initiated "discussion group on human rights".

The OSCE's economic dimension, which until the appointment of a Co-ordinator of OSCE Economic and Environmental Activities in early 1998 tended to be a stepchild of the Organization, has since May 1998 been represented in CALO by an economic and environmental expert - the first time it has been present in one of the field offices of the OSCE. The work of this expert is aimed at analysing security-relevant developments in the fields of economics and the environment and, in some cases, offering Central Asian governments the services of the OSCE as negotiator in conflicts that arise in these areas.

With regard to the economic dimension, CALO views regional water management as a matter of particular concern. All countries of Central Asia are directly dependent on the distribution of water from the two great rivers, Syr Darya and Amu Darya. But they have not yet reached the point of deciding who is going to get how much water. The governments of Central Asia know that as a result of the explosive population growth in the region this issue has especially dangerous potential and they have so far refused categorically to discuss the problem. Rather, the differing interests of the upstream countries - Kyrgyzstan (Syr Darya) and Tajikistan (Amu Darya) - and the downstream countries - Kazakhstan (Syr Darya), Uzbekistan (Syr Darya and Amu Darya) and Turkmenistan (Amu Darya) - with regard to seasonal use of water and purposes for which it is used, have assumed ever greater importance. Kyrgyzstan, for example, depends on water during the winter for generating electricity while Uzbekistan and Kazakhstan need it during the summer to irrigate their cotton fields. However, the two downstream countries do not have sufficient storage capacity to store until summer the water that Kyrgyzstan uses for energy production during the winter and it is consequently lost to them. During the Soviet period there were agreements between the Central Asian republics which took account of the close relationship between water and energy management and consequently required that

the downstream countries deliver fuel or energy to the upstream countries in winter. After independence, the downstream countries no longer felt bound by these agreements and the parallel use of water resources in winter and summer over a period of years would have already led to a collapse of the water supply in 1998 if there had not been an unusually large amount of rainfall.

The situation in the Aral Sea region is closely tied to the problem of water management in Central Asia. There are still about three million people who live there with polluted drinking water. Infant mortality and the spread of the typical diseases of deprivation and poverty such as typhus, anaemia and tuberculosis are many times higher in this region than they are in other areas of Central Asia. That there has as yet been no migration on a scale to threaten security is due solely to the traditional strong roots binding the residents of the Aral Sea region to their homeland.

In the area of economics, along with the other problems characteristic of states in transition, particularly trade barriers between the Central Asian countries are a cause for concern. High import duties and taxes imposed illegally by customs and police units result in such high transportation costs that trade in certain goods is no longer profitable. One example is that vehicles with Tajik license plates are completely forbidden to cross the border into Uzbekistan, a condition under which the northern part of Tajikistan, in particular, suffers greatly. Frequent changes in import and export regulations also lead to delays or to the complete collapse of deliveries.

In May 1998 CALO began working on an inventory of regional and national environmental and economic problems in Central Asia. From the very beginning the governments of the Central Asian countries welcomed this OSCE initiative. First CALO was forced to make clear to international donor organizations, which view the OSCE exclusively as a political actor, that the OSCE does not want to be placed in the category of donor organization in development work with Central Asian states. On the contrary, the OSCE perspective also in the environmental and economic sphere must remain based on security policy. Initially, the representations of the EU member countries also took a wait-and-see attitude towards the OSCE's involvement in economic and environmental matters.

The Central Asian governments, despite or perhaps precisely because of their strong interest in the OSCE's economic dimension, are trying to use the Organization as a forum for the formulation and implementation of their national economic interests. For the most part CALO supports this policy, but there are two exceptions: first, there are many problems - e.g. water management and the related problem of the Aral Sea - which can only be solved at the regional level; second, from the standpoint of security the OSCE is strongly interested in an intensification of regional economic co-operation. This position does not contradict the national interests of the Central Asian states but it does shift the focal point of OSCE involvement. As a conse-

quence, CALO is trying very hard to support regional organizations, institutions and associations and, as far as possible, to give them a voice in the network of OSCE institutions. Among them are the Interstate Council of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan (ICKKTU), which seeks to advance economic co-operation in the region, and the Regional Energy Dispatcher Board, an association of Central Asian energy suppliers, and also the initiative of Central Asian NGOs to found a regional centre for the environment.

An OSCE seminar on "Regional Environmental Problems and Co-operative Approaches to Solving Them", held in September 1998 in Tashkent, was aimed at making clear the OSCE's willingness to serve as a forum for negotiating on environmental conflicts. In putting together the programme for the seminar CALO sent a clear signal that the OSCE does not only view environmental problems as the cause of human tragedies but also takes them seriously as a risk to security. Along with regional water and energy management, the discussion also went into the cleaning up of storage sites for radioactive waste. These stock piles, where among other things waste material from East German uranium mines is stored, were started in the fifties and sixties in areas where landslides are frequent and are today at risk of being washed away by rain and rivers, which could result in the radioactive contamination of the entire Syr Darya river system.

In 1999 the economic and environmental expert will have the job of making clear that the OSCE is a reliable partner to the Central Asian governments in negotiations on regional economic and environmental problems. The same holds true for the OSCE's collaboration with the United Nations Economic Commission for Europe (UNECE). Guided by its experiences in other regions, UNECE has established a Special Programme for Central Asia (SPECA) which is designed to bring about closer co-operation between Central Asian governments in the fields of transportation, small and medium-sized firms, and water and energy management. Since UNECE does not have its own office in Central Asia, there are plans to have the OSCE take over SPECA responsibilities on the local scene. Here, too, only the future will reveal how well the OSCE can perform the role assigned to it.

The OSCE's regional election co-ordinator does not belong directly to the CALO staff but is delegated by ODIHR. Still, he must be included in any analysis of the work done by CALO. CALO's partners all view him as a member of the Office. Moreover, his activities, over and above the ODIHR's election assistance programmes, have a strong influence on CALO's overall policies. The OSCE's election assistance programmes for Central Asia include election monitoring, training for members of national election commissions, and the responsibility for subjecting election laws to a critical analysis and, in some cases, offering suggestions for their improvement. CALO has not been equally successful in all fields.

Co-operation with the Central Asian countries in monitoring elections has by now become a more or less routine and professional matter. It involves not only requests from the Central Asian countries themselves - e.g. for the dispatch of OSCE observers to the presidential elections in Kazakhstan in January 1999 and to a constitutional referendum in Kyrgyzstan in October 1998 - but also the sending of OSCE observers from Central Asia to observe elections elsewhere, for example in Bosnia in September 1998. The OSCE's decision not to send observers to the Kazakh presidential elections was a clear message to the Central Asian countries that the OSCE is not prepared to give undemocratic election procedures *a priori* legitimization through the presence of OSCE observers. Through regular visits to Kazakhstan in advance of the elections by the Head of the Liaison Office and the election co-ordinator, CALO tried to co-ordinate the efforts of the various diplomatic missions of OSCE participating States with the aim of persuading the Kazakh government to correct its election procedures.

The ODIHR's training programmes for members of election commissions in the Central Asian countries as well as a seminar for "young election professionals" were also very successful. Despite initial reservations and a few refusals on the part of Central Asian governments these events were marked by open and critical discussions. The fact that the election co-ordinator was "on the scene" and not a great distance away in the ODIHR in Warsaw was considered a big plus in the later assessment of the seminars.

The efforts of the OSCE to exercise a corrective influence on national election laws turned out to be more difficult. In Uzbekistan and Kyrgyzstan CALO tried to discuss the election laws in workshops with representatives of appropriate government offices, following an analysis by the ODIHR. The reservations of the Central Asian governments could be clearly seen in the fact that in one case it took six months to persuade the government even to agree to such a workshop. Nevertheless, both workshops in the end produced very fruitful and open discussions.

Old Structural Problems and New Responsibilities

The Permanent Council's decision to open OSCE Centres in Kazakhstan, Kyrgyzstan and Turkmenistan solved a big problem for CALO - how to meet the responsibilities of a regional office without the necessary personnel resources for the job. The quadrupling of staff and the three additional Centres in Central Asia made it possible for the OSCE to co-operate on an equal basis with all of the Central Asian countries.

The new Centres, which were opened at the end of 1998 and the beginning of 1999, will have an additional effect on the work of the OSCE, whether this is wanted or not; in many fields it will result in a nationalization of their activities. This could already be observed in December 1998 in CALO when the

Head of Office changed course by visiting various provincial governors. Previously his visits had all been to representatives of the national government level, so that this pointed to a new emphasis in CALO policy.

Nationalization will lead to greater efficiency in several classic fields of OSCE activity. The human dimension, for example, involving observation of the human rights situation and providing support for the structures of civil society, can be readily taken out of the regional context and adapted to national requirements. However, in other areas such as the economic dimension there is certainly the risk that the establishment of national Centres will be at the expense of badly needed regional cohesion. Water and energy management, along with the easing of cross-border trade, are matters that in Central Asia have to be dealt with multilaterally. In these areas the OSCE Centres will also have to work very closely together.

Up to a certain point there are structural reasons that make it difficult for the OSCE to meet its objective of enhancing security in Central Asia by improving regional co-operation. Even though the Central Asian governments constantly express, at least verbally, their strong support for regional co-operation as an instrument of security policy, this hardly conceals the fact that since the collapse of the Soviet Union the notion of national security has in fundamental ways been tied to a striving for autarchy. In economic and energy policy and in connection with water management it becomes especially clear that national security is being equated with the greatest possible independence from imports. The many and varied agreements on intensifying regional co-operation - the ones signed in the Interstate Council, for example - should not mislead us into thinking that these are anything but declarations of political intent which the governments, without hesitation, can rapidly contradict a short time later through national ordinances or laws.

Although political efforts to orient the idea of national security towards national borders are understandable in light of the co-operation formerly prescribed by the Soviet Union, in everyday political life the current security doctrines of the Central Asian countries represent a serious obstacle to CALO's desire to translate the security relevance of regional co-operation into political action. Whether the opening of new OSCE Centres strengthens the regional content of security policy or leads to a further nationalization of the security debate will depend not least on the co-operation of these Centres with one another. The experience of the OSCE missions has shown that, even though the missions need a measure of freedom in their operations, their work urgently needs to be co-ordinated by the CPC in Vienna.

The image of the OSCE as it has developed since the establishment of CALO in Central Asia is a problem that should not be underestimated. Although its field of responsibility is actually much broader, the OSCE is viewed in Central Asia above all as an organization that has put respect for human rights at the centre of its activity. Central Asian governments in particular find fault with CALO for having in the past put too little emphasis on other areas of

security policy and for concentrating too strongly on the problems of human rights. Understandably, the Central Asian governments have little interest in being criticized constantly by the OSCE for the weaknesses in their human rights policy. From the institutional standpoint this perception represents a problem because nothing could be more damaging for the OSCE than if in its local activities it is perceived as being nothing more than a human rights organization.

In this connection CALO managed to gain some ground in 1998 through the enlargement of its staff. Support for the building of civil society, assistance with elections and their preparation, and CALO's involvement in economic and environmental affairs present a more differentiated picture than in past years. Nevertheless, there is criticism, e.g. that a regional seminar on security policy held in February 1998 in Ashgabat was for the most part left hanging without further analysis or follow up. The Organization must make better use of such opportunities to demonstrate to its partners in Central Asia with greater emphasis, co-operativeness and continuity that it is serious about the issues discussed at the seminars and about the objectives it enunciates in collaboration with the governments.

OSCE Policy on Roma and Sinti Must Be Changed

As early as 1975, in the Helsinki Final Act, the participating States of the Conference on Security and Co-operation in Europe (CSCE) identified the protection of "national minorities" as an indispensable requirement for a democratic state under the rule of law. In the "Charter of Paris" of 21 November 1990, the Heads of State or Government of the CSCE stated: "Determined to foster the rich contribution of national minorities to the life of our societies, we undertake further to improve their situation (...) We further acknowledge that the rights of persons belonging to national minorities, must be fully respected as part of universal human rights."¹

A Critical Comment on the OSCE Council of Ministers

There has been no willingness up to now on the part of the various participating States to recognize that Roma and Sinti essentially enjoy the same rights as other national minorities. Nor are they treated as such by OSCE bodies and other international organizations. At all of the regular review conferences and meetings on the human dimension a formal distinction has been made between matters concerning "national minorities" and "Roma and Sinti".

Based on the traditional prejudices and clichés about "travelling gypsies", the Roma and Sinti continue to be classified as alleged "marginal social groups" while Roma and Sinti issues are treated as "social problems".

With regard to the policy of the individual European countries towards the Roma and Sinti minorities, who have lived in these countries since time immemorial, the Ministerial Council of the OSCE recently - on 3 December 1998 - drew up a "Decision on Enhancement of the OSCE's Operational Capacities Regarding Roma and Sinti Issues".² The decision contains a blanket description of the entire Roma and Sinti population in Europe as being an "integration problem". The Central Council of German Sinti and Roma criticized this decision at the supplementary OSCE human dimension meeting on 6 September 1999 in Vienna as disparaging and exclusionary towards the Roma and Sinti who in their various homelands have always lived as integrated national minorities. In its decision, the Ministerial Council calls on

1 Charter of Paris for a New Europe, Paris, 21 November 1990, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 537-566, here: p. 542.

2 Seventh Meeting of the OSCE Ministerial Council, Oslo, 2-3 December 1998, in the present volume, pp. 455-549, here: pp. 464-465.

OSCE participating States "to develop (...) common approaches designed to facilitate full integration of Roma and Sinti communities into the societies they live in".³ There is no other minority in Europe which the OSCE Ministerial Council would characterize in this way, referring to them merely as "communities" rather than as national minorities.

In place of this exclusionary policy the Central Council calls for an OSCE decision to recognize and realize minority rights for the Roma and Sinti such as are contained in two documents of the Council of Europe, namely the "Framework Convention for the Protection of National Minorities" and the "European Charter for Regional or Minority Languages".

Work of the "Office for Democratic Institutions and Human Rights" (ODIHR) in Warsaw

Following the Budapest Summit Meeting of the Heads of State or Government in 1994 the so-called "Contact Point for Roma and Sinti Issues" was established at the "Office for Democratic Institutions and Human Rights" in Warsaw, but this did not lead to the change in the former OSCE policy towards the Roma and Sinti that the Central Council demanded. Apart from arranging seminars, the work of the "Contact Point" consists mainly in developing a data bank containing addresses and collecting publications in all their diversity. That has of course not contributed to a changed attitude towards the Roma and Sinti.

In 1994, at the first meeting where the "Contact Point" was established, the ODIHR asked the Central Council of German Sinti and Roma to write an article for the "OSCE ODIHR Bulletin", which appeared in the spring 1995 edition under the title "Sinti and Roma as National Minorities in the Countries of Europe".⁴ In this article the Central Council calls upon the ODIHR to recommend to OSCE participating States that they formally recognize their Roma and Sinti minorities as national minorities, like other minorities, under the terms of the "Framework Convention for the Protection of National Minorities" and that their minority language is protected in accordance with the legally binding Part III of the "European Charter for Regional or Minority Languages".

Rather than persuading the ODIHR to adopt their recommendations evidently these statements were a cause for annoyance. For that reason, the ODIHR gave precedence to a paper presumably meant to present the views of the OSCE by publishing it ahead of the Central Council article.⁵ After making abstruse analyses of the Roma and Sinti, the argument was made - clearly in

3 Ibid. p. 465.

4 Romani Rose, Sinti and Roma as National Minorities in the Countries of Europe, in: OSCE ODIHR Bulletin 2/1995, pp. 41-45.

5 Nicolae Gheorghe/Thomas Acton, Dealing with Multiculturalism: Minority, Ethnic, National and Human Rights, in: *ibid.* pp. 30-40.

ignorance of the international agreements on the protection of minorities - that the concept of "national minority" which "Stalin (1942) codified for Communist countries" was now being "used much more randomly in the West".

This ODIHR attitude - particularly loud at the beginning of the nineties - is hardly surprising. The ODIHR works closely with offices of the Council of Europe in Strasbourg which pursued a highly prejudiced policy towards "gypsies" even in the seventies and eighties and repeatedly made corresponding recommendations and resolutions. In resolution 249/1993 of 18 March 1993, for example, the Council of Europe wrote in the jargon of colonial politics about "gypsies in Europe": "The Standing Conference of Local and Regional Authorities of Europe calls on the Roma/Gypsies themselves to ensure that regulations of countries where they live are observed." It is hard to imagine a clearer social exclusion or stigmatization by European organizations. Imagine public appeals of this kind from the Council of Europe to the Jewish communities in Europe asking them to "observe the regulations of countries where they live".

The report of that time by the CSCE High Commissioner on National Minorities, Max van der Stoep, on the Roma contained similar reflections. In his official report at the meeting of the Committee of Senior Officials on 21 September 1993 he stated in sweeping terms that to the "Roma in the CSCE region" "alternative resources may become increasingly attractive, including delinquency, begging, prostitution and sophisticated use of available social resources", than their regular sources of income.

At the time this kind of racist denigration and defamation of millions of people in Europe was accepted by everyone unconditionally - except the Central Council of German Sinti and Roma.

Demands for a Different OSCE Policy

It must be the responsibility and obligation of the OSCE - as well as the Council of Europe and the European Union - to ensure in an effective way that the fundamental rights protecting the Roma and Sinti minorities are observed.

The "Framework Convention for the Protection of National Minorities"⁶ is a fundamental convention through which the European countries undertake a binding obligation "to protect within their respective territories the existence of national minorities". The Preamble of the Framework Convention refers expressly to the CSCE Copenhagen Document of 29 June 1990. However, up to now, it has not been applied acceptably for the Roma and Sinti and there is no country in which it is employed adequately.

6 Council of Europe, Framework Convention for the Protection of National Minorities, Strasbourg, 1 November 1995, European Treaty Series No. 157.

The provisions of the Framework Convention include the most important rights and freedoms which "(p)ersons belonging to national minorities may exercise (...) and enjoy (...) individually as well as in community with others". When they are ratified in the individual member States they become part of domestic law and can be enforced. They contain a catalogue of anti-discrimination rules "to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law". Article 4, Paragraph 1 states: "In this respect, any discrimination based on belonging to a national minority shall be prohibited."

Furthermore, the Framework Convention provides for an obligation on the part of governments to take the necessary steps "to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority". This includes minorities' involvement in the political decision-making processes to the extent that these affect their affairs. In addition there is a provision for the participation of minority representatives in state bodies dealing with education, research and the media (e.g. radio and television councils).

The Committee of Ministers of the Council of Europe established a committee to monitor the Framework Convention. It asks for regular reports from the States and hears complaints from national minorities affected.

The Framework Convention guarantees that every person belonging to a national minority has the right freely to choose whether to be treated or not to be treated as such (Article 3, Paragraph 1). This regulation prohibits the kind of special registration of Roma and Sinti still frequently performed by the Bavarian police.

The Central Council of German Sinti and Roma expects the Ministerial Council of the OSCE to call on all participating States to sign the Framework Convention.

Applying the Minority Language Charter

The "European Charter for Regional or Minority Languages"⁷ also refers in its Preamble to the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE in 1990 and, in addition, to the 1975 Helsinki Final Act of the CSCE.

The Charter requires that for each recognized minority language every State party to the treaty "undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter" and that this be recorded for the international community in the ratification document (Article 2, Paragraph 2).

7 Council of Europe, European Charter for Regional or Minority Languages, Strasbourg, 5 November 1992, European Treaty Series No. 148.

The objective of the Charter, taking into account the required application of these regulations for the recognition of a minority language, is to guarantee "the protection and promotion of regional or minority languages (...) within the framework of national sovereignty".

The Romanes language of the German Roma and Sinti, for example, has its own language area in the territory of the Federal Republic of Germany. It has been in use for 600 years and along with German is spoken by the Roma and Sinti from their childhood on. As a minority language, the German Romanes is to be distinguished from the language of the Roma who live in Spain or France and also from the language of the Roma minorities living in Hungary and Romania. The protection of the Charter is of particular importance for Romanes in view of the fact that the Roma and Sinti, under the racist policies of the National Socialists, have already been excluded once from society as a so-called "non-European foreign race" and they as well as their culture and language were to be completely destroyed.

The "Measures to promote the use of regional or minority languages in public life" that are listed in Part III of the Charter provide a comprehensive catalogue of protective and promotional measures. Geared towards the individual situations in the member States of the Council of Europe, the catalogue extends from basic provisions to protect persons belonging to minorities and their language in public, legal and political life to detailed administrative procedures, arrangements and the texts of local sign posts in particular regions, insofar as this is appropriate. The various measures in the fields of education, culture and the media are arranged such that - depending on varying circumstances - they can only be partially assumed by member States. In accordance with the underlying idea of the Charter and for effective ratification, adoption or approval, at least 35 paragraphs or sub-paragraphs selected from the provisions of Part III of the Charter must be applied by member States to the minority languages denominated at the time of ratification, adoption or approval. Of these 35 paragraphs and sub-paragraphs, at least three must be from Articles 8 (education) and 12 (cultural activities and facilities) and one each from Articles 9 (judicial authorities), 10 (administrative authorities and public service), 11 (media) and 13 (economic and social life) - (Article 2, Paragraph 2).

The measures are intended to make it possible for members of minorities to retain their language within the family and pass it on to their children. Beyond that, inclusion in the Charter makes the minority and its language politically visible and manifest in a binding way. The inclusion of at least 35 protective provisions for Romanes in the ratification document would work against the exclusionary cliché of the "homeless gypsies".

The Central Council of German Sinti and Roma expects the OSCE Ministerial Council to make a recommendation along these lines with regard to the implementation of this fundamental convention on the protection of minorities.

The Central Council is opposed to any kind of special status, special settlement, or special institutions for the Roma and Sinti which in reality would lead to exclusion because it would - fifty years after the National Socialist genocide - be tantamount to the creation of second class minority rights for the Roma and Sinti.

The Central Council is critical of the recommendations of the Council of Europe, which the OSCE has expressly taken over in a variety of papers. Recommendation 1203/1993 of the Council of Europe uses the formulation "Gypsies" are "a minority that does not fit in the definitions of national or linguistic minorities". The consequence of this is that member States refuse to offer the protection to the Roma and Sinti minorities they would receive under the appropriate conventions. Nor is it any longer acceptable when the Roma and Sinti minorities are described in wholesale terms as "migrants" and "nomads". The classification of the minority languages of the Roma and Sinti into so-called "non-territorial languages" is equally intolerable. This is done to exclude them entirely from Part III of the "European Charter for Regional or Minority Languages" which is legally binding.

Political and Financial Reinforcement of Democratic Roma and Sinti Organizations

In working together with the Council of Europe and the European Union, the OSCE must use its resources to support the organizations of the Roma and Sinti in the various countries where they live so that they will be in a position to carry out their initiatives against racism and discrimination. Support from the funds of international organizations should be a part of this in cases where the individual countries are not yet in a position to provide their own support.

The ethnic conflicts that are escalating dangerously at the present time in a number of countries have led to a dramatic weakening of state power. Historical experience has shown that it is the minorities that suffer first when the authority of the state and public morality disintegrate while the willingness to use force grows. The Roma and Sinti minorities are old, established national minorities in the various countries where they live. The attitude towards life of the 70,000 German Roma and Sinti, for example, does not differ from that of the majority of Germans regarding such matters as housing, professions, education, religion, etc. They pursue their trades as businessmen, artisans, factory workers, employees, academics, public officials and artists from their places of residence.

In many countries, however, a large number of Roma are exposed to massive discrimination and, in a situation that is in any event characterized by terrible deprivation, suffer more than other people by being excluded and disadvantaged.

Refugee families who leave their country because of persecution and racist violence - as is happening now in Kosovo - must be given appropriate assistance, not least by the OSCE. The same holds true for the comparatively small number of people who have long been stateless. This is the only realistic policy and the only one that has a perspective.

The Situation of the Roma Minorities in a Number of OSCE Countries

It is with the greatest concern that the Central Council of German Sinti and Roma regard the situation of the Roma minority in Kosovo. Since June of 1999 there has been a proliferation of reports on murders, acts of violence, plundering and the burning of houses belonging to Roma families in Kosovo. At the OSCE meeting on 6 September 1999 in Vienna, the Central Council therefore called for a formal decision by the Heads of State or Government of OSCE participating States, at their Summit Meeting in Istanbul in November 1999, to provide protection and uphold the minority rights of the Roma in Kosovo.

Despite the presence of the KFOR troops, thousands of Roma families have flown from their home villages. With increasing frequency, even children, women and old people are becoming victims of torture and systematic, lawless violence. German members of KFOR have said these events can certainly not be viewed as "acts of vengeance". The Central Council expressly rejects the fraudulent justification of Albanian nationalists that these acts of violence are no more than "retaliatory measures".

As they begin to build a system of administration and law in Kosovo, the OSCE and the United Nations must from the start ensure that the minority rights of the approximately 150,000 Roma who live in this country are acknowledged. It is impermissible that there should be systematic expulsion from all parts of the country and that Kosovo should be divided into Albanian and Serbian segments while the Roma and other minorities lose their rights.

German Foreign Minister Fischer wrote to the Central Council on 24 June 1999 that "great importance has been attached to the protection of the rights of national minorities", as reflected in the Rambouillet Agreement and "would constitute a basis for the future peace settlement in Kosovo". The representative of the UN High Commissioner for Refugees in Germany, Jean-Noel Wetterwald, expressed, in a report of 7 July 1999 which the Central Council had requested, "great concern" over the "expulsion of the Roma from their home villages and cities" in Kosovo.

As a consequence the Central Council, on 9 July 1999, sent a public appeal to the Interior Ministers of the German states asking them not to deport Roma who had come from Kosovo. Roma from Kosovo have been living as refugees in other European countries as well.

There continues to be widespread racism against the Roma and Sinti in OSCE States, both induced or tolerated by governments, and there are repeated violent crimes by right-wing radicals against individual members of the Roma minorities.

During the summer of 1996 the Czech city of Kladno prohibited "Roma children under 15 years of age" from using the swimming pools with the racist justification that Roma children must be regarded as disease carriers. The Roma families in Kladno filed complaint but the county court upheld the racist prohibition in February 1997. Another court in the Czech Republic in August 1999 acquitted two young people because their plan to throw Roma children out of the window of a moving train showed "no identifiable racist motivation".

Until 1998 the Czech government rejected any formal acceptance of the Roma minority within the "Framework Convention for the Protection of National Minorities". This discriminatory policy and practice in the Czech Republic is still being used by radical right-wing thugs as a licence to commit acts of violence against Roma. In February 1998 radical right-wing skinheads in the Czech Republic threw a 26 year old Roma woman in the Elbe where she drowned in ice-cold water. In January and February 1998 unknown persons in Ostrava and in a village in North Moravia threw fire bombs into the apartments of Czech Roma families, some of whom were injured. In July 1997 a senator of the Czech governing party made a public appeal calling for the termination of rental contracts with Roma families in Prague. In July the Commission of the European Union considered it a "problem" that the Czech Republic was not adequately guaranteeing human rights and minority protection for the Roma of this country.

At the same time, skinheads attacked the Jewish senior Rabbi in the Slovakian city of Bratislava, seriously injuring him and shouting "Jews get out". Skinheads have also made repeated attacks against the Slovakian Roma minority. In December 1996 a Roma was murdered on his way home for Christmas vacation and another was seriously injured. The situation of the surviving victims of the flood catastrophe in eastern Slovakia in July 1998 provides a horrible example of discrimination. Although the Roma families lost their property and suffered 55 deaths, most of whom were children, they were disqualified from any public assistance. For them, greater involvement on the part of the community of OSCE States as well as the EU is necessary.

The Central Council is also familiar with the discrimination suffered by the Roma in Bulgaria; they are acutely impoverished in that country. The Bulgarian constitution prohibits the Roma minority from founding a political party of their own and in doing so violates the principles of the OSCE as well as the "Framework Convention for the Protection of National Minorities".

Murderous and violent attacks have also been carried out against members of the Roma minorities in Belgrade and in a number of Italian cities, as well as in Germany.

One important reason for this public mood of violence and prejudice against the Roma and Sinti is that public authorities pass on racist and stigmatizing reports to the press, not only in Western European countries such as Germany, France, Spain and Italy but also in Eastern European ones such as Bulgaria and Romania. It is the common practice of many authorities to publicly identify minority groups when reporting on accused individuals in the press. This was a significant element in Nazi racial propaganda against Jews, as well as Roma and Sinti, and fomented prejudice against the entire Roma and Sinti population. For that reason the Central Council of German Sinti and Roma demands that the OSCE, the German government and also the German states, prohibit discrimination in the laws governing civil servants and the press. Considering the Holocaust against the Roma and Sinti and the ensuing special responsibility for the Roma and Sinti minority, Germany should set a positive example to other European States by banning discrimination legally. Former Federal President Roman Herzog, speaking on the Holocaust against the Roma and Sinti on 16 March 1997 at the opening of the Documentation and Cultural Centre of German Sinti and Roma in Heidelberg, said: "The genocide against the Roma and Sinti was carried out with the same motive of racial madness, the same intention and the same will to deliberate and final destruction, as that against the Jews. Throughout the entire area under National Socialist influence they were systematically murdered, family by family, from small children to the elderly."

The Development of a Minority Policy in Germany

It was only after massive public and international protests by the Central Council against the original refusal of the federal government and the governments of the German states to accord the Roma and Sinti the same recognition granted to the Sorb, Frisian and Danish minorities, that the governments changed their political decision. On 25 February 1995 the Federal Ministry of the Interior issued a public statement of the Federal Republic of Germany on the forthcoming signing of the "Framework Convention for the Protection of National Minorities" at the Council of Europe. Within the framework of this agreement and with the approval of all of the states, the Frisians, the Danes, the Sorbs and the German Roma and Sinti are acknowledged as national minorities. With its ratification in February 1998 the German Parliament, for the first time, achieved this recognition through law. However, the ratification law for the Minority Language Charter initially provided guaranteed protection only for the languages of the Danish, Sorb and Frisian minorities and the lower German dialect, but not for the Romanes of the German Roma and Sinti. The federal government and the German

states had not been prepared up to that time to accept the minimum 35 protective provisions necessary for the recognition of German Romanes required by the Charter. It was not until the cabinet decision of the state government of Hessen, initiated by the then Minister-President Hans Eichel on 14 July 1998, that the Romanes of the Roma and Sinti living on the territory of the state of Hessen was recognized, protected and promoted by acceptance of the requisite number of protective provisions. The implementation of the Minority Language Charter throughout Germany by means of a simple addition to its ratification law by the *Bundestag* (lower house of German Parliament) and *Bundesrat* (upper house of German Parliament) has still not been made because the Interior Ministry has up to now refused to introduce a corresponding bill to the Cabinet and then the *Bundestag*. The former spokesman of the Hessian state government, Klaus-Peter Schmidt-Deguelle, justified the Hessian initiative at a joint press conference with the Central Council of German Sinti and Roma on 14 July 1998 on the grounds that as a result of the Holocaust the preservation and development of the German Roma and Sinti language had suffered immensely.

Since 1982 the German government has financed the office of the Central Council of German Sinti and Roma in Heidelberg which comprises a total of five employees. On 16 March 1997 the then President of Germany, Roman Herzog, opened the Documentation and Cultural Centre of German Sinti and Roma in Heidelberg with a permanent exhibition on the Holocaust against the Roma and Sinti. This Centre is also supported by the German federal government and the government of the state of Baden-Württemberg.

Despite these fundamental steps towards political recognition and support, significant forms of discrimination against the minority continue to exist. The Central Council of German Sinti and Roma is opposed to any kind of special registration in the data files of the police and other authorities. This practice of special registration is being continued, in particular, by the Bavarian police authorities. Roma and Sinti are specially identified by the shorthand expression "type of person - Roma and Sinti" (formerly "Gypsy type"). For a long time the Bavarian Commissioner for protection of data did nothing against this practice, arguing that registration was done "only on the basis of the outward appearance" of people.

In April 1999 the International Artists against Racism and the Central Council of German Sinti and Roma, along with a number of personalities such as Simon Wiesenthal, Ignatz Bubis, Gregory Peck, Tim Robbins, Armin Mueller-Stahl, Vanessa Redgrave, Senta Berger, Hannelore Elsner and Siegfried Lenz, published an international appeal to the Minister-President of Bavaria, Edmund Stoiber, encouraging the abolishment of this special registration of Roma and Sinti in police records in the New York Times and the German newspaper Die Welt. In July 1998 the Central Council filed a constitutional complaint and taxpayer suit with the Bavarian Constitutional Court calling for the elimination of registration practices based on traditional clichés and

stereotypes about an alleged "Roma/Sinti Type" or "Gypsy Type" and demanded that all data be destroyed.

In the meantime the Bavarian Commissioner for the protection of data, in his report of 16 December 1998, confirmed the criticism of the Central Council - namely that Roma and Sinti, without cause or legal reason, are generally registered in Bavaria and that even the licence plate numbers of their cars and other personal data are included. According to reports, the police justify these practices as being "preventive crime fighting" because Roma and Sinti "could represent a public danger".

At the supplementary human dimension meeting on 6 September 1999 in Vienna the Central Council called on the OSCE Ministerial Council for action saying that just as the community of states after 1945 had prevented such defamations and registrations of "Jewish type", this would now have to be done in connection with the continuation of these Bavarian registration practices.

The Central Council of German Sinti and Roma welcomed it when the OSCE High Commissioner on National Minorities, Max van der Stoep, made a proposal to this OSCE meeting in Vienna that the OSCE States hold a special conference to deal with existing police practices involving special registration of Roma and Sinti - practices which exist in other European countries as well. Furthermore, they welcome proposals, which have also been taken up in OSCE bodies, for laws against the kind of discrimination contained in the stigmatizing description of accused persons like "Roma", "Sinti", "Gypsy" and other synonyms used in reporting by public authorities and the media. And it is not only the Central Council of German Sinti and Roma that has regularly supported such a prohibition - at OSCE and other meetings - but a similar proposal was made by the US delegation to the OSCE in a statement on 12 November 1996 on the occasion of the OSCE review conference in Warsaw. In it the Chairman of the US Commission for Security and Cooperation in Europe, Ambassador Christopher Smith, said: "Guilt by association has no place in objective journalism. This kind of racist stereotyping must be challenged head on."

This ought to persuade even the bodies of the Council of Europe, which in their misguided racism have looked for "statistics" to use in supposed "scientific studies" of a presumed "gypsy crime rates", to change their policies.

The Building of Co-operative Security

Regional Arms Control in Europe: The Arms Control Agreements under the Dayton Agreement (Mid-1997 until Mid-1999)

The most recent conflict over Kosovo, the ethnic expulsion of hundreds of thousands of Kosovo Albanians, the calculated murder of civilians by Serbian troops and paramilitary units, the latent danger of a wildfire being set off in the Balkans - all of these things once again demonstrated to the entire world how necessary it is to stabilize the whole South-eastern European area. If foreign and security policy, along with development policy, are not to be exhausted repeatedly and with endless variations in crisis management, a political approach must be worked out to prevent the development of violent conflict in the region wherever possible and to create conditions under which democracy, market economies and regional co-operation can flourish. This is the aim of the "Stability Pact for South Eastern Europe", an initiative of the German EU Presidency developed jointly with its EU partners, under the auspices of the OSCE, which was formally adopted on 10 June 1999 by 38 countries (including the United States and the Russian Federation). It involves a long-term stabilization process that would bring together the countries of the region and representatives of the international community (including their organizations) at a "South Eastern Europe Regional Table" designed to reduce the prevailing political and economic structural weaknesses. At three Working Tables (democratization and human rights; economic reconstruction, development and co-operation; security issues) bilateral and multilateral agreements are to be worked out with the objective of overcoming the region's conflict potential. In a number of countries of the region this conflict potential has been exacerbated by a substantial arsenal of weapons, along with the readiness to use these weapons in the pursuit of their own interests. Arms control can work against this, through disarmament but also through transparency and confidence-building.

Arms control was and is a central component of the OSCE's comprehensive concept of security. The OSCE recognized very early the value of "regional tables" at which security concerns specific to the region were discussed and regionally effective measures for arms control could be negotiated. An example of the successful use of this approach is provided by the Agreements on Confidence- and Security-Building in Bosnia and Herzegovina in accordance with Article II of Annex 1-B of the General Framework Agreement of Dayton as well as on Disarmament for Bosnia and Herzegovina, Croatia and the

Federal Republic of Yugoslavia in accordance with Article IV of Dayton.¹ This paper investigates the status of their implementation and also their significance for the negotiations on creating a regional balance in and around former Yugoslavia according to Article V of Dayton which began in March 1999. In this context the long-term goal to be kept in mind is the inclusion of South-eastern Europe and, especially, the Federal Republic of Yugoslavia in the co-operative security structures of the OSCE with their tried and proven control mechanisms.

The Implementation of the "Agreement on Confidence- and Security-Building in Bosnia and Herzegovina" (Article II of Dayton)²

The ongoing implementation of the "Agreement on Confidence- and Security-Building in Bosnia and Herzegovina" of January 1996 was characterized increasingly by the willingness of the parties to work with rather than against each other in clarifying the open issues in the Article II Agreement and in finding the most harmonious solutions possible. This changed attitude was already reflected in a very positive way in the first Review Conference on the Article II Agreement of 16-20 February 1998. Not without pride, the Hungarian Ambassador István Gyarmati, who as the former first Personal Representative of the OSCE's Chairman-in-Office for the implementation of the Article II Agreement had been invited as guest speaker, stated that progress had been made from what was a "mission impossible" at the end of 1995 to a more or less implemented agreement. He found the reason for this OSCE success story in the common will and co-operation between the parties to the treaty and the Contact Group.³ By the end of this first Review Conference it had become clear that the parties were using the Conference primarily to draw up a balance regarding the implementation of the Agreements to date. They did not regard it as a forum for follow-up negotiations as has been successfully done for years in connection, say, with the review conferences on the Vienna Document and the CFE Treaty.⁴

1 On the negotiations and the initial results of the implementation of the Agreements, see especially: Rüdiger Hartmann, The Significance of Regional Arms Control Efforts for the Future of Conventional Arms Control in Europe, Exemplified by the Arms Control Negotiations in Accordance with the Dayton Agreement, 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.

2 The following observations are intended as a continuation of Rüdiger Hartmann's thoughts from 1997; cf. Rüdiger Hartmann, Regional Arms Control in Europe: The Arms Control Agreements under the Dayton Agreement (Mid-1996 until Mid-1997), in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1997, Baden-Baden 1998, pp. 273-280.

3 Members of the Balkan Contact Group are the United States, Great Britain, France, Italy, Germany and the Russian Federation.

4 On the detailed results and agreements see: Final Document of the First Conference to Review the Implementation of the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina, CIO.GAL/8/98, 5 March 1998.

In 1998, in addition to continuing inspections and monitoring, it proved possible to continue the aerial observation flights that had already begun in 1997 along the lines of the Open Skies Treaty with the aim of developing comparable arrangements for the purposes of transparency and confidence-building in Bosnia and Herzegovina. A workshop that was conducted with German and Russian support in May 1998 in Sarajevo familiarized the parties with the planning and preparation of such flights, and a German-Russian test flight with a Russian Open-Skies plane in July 1998, along with evaluation of the photos at the *Bundeswehr* Verification Centre in Geilenkirchen, provided information on their conduct and appraisal. These experiences ended with a proposal to recommend that the parties accept an aerial observation regime beginning in June 1999 - a regime which in terms of cost and effort is substantially below the level of the Open Skies Treaty, however.

Another milestone on the path to confidence-building, transparency and stability was the beginning of visits to weapon manufacturing facilities in 1998. The Personal Representative of the Chairman-in-Office for Articles II and IV (since autumn 1997 the former Italian General Carlo Jean) also developed, in close co-ordination with the Head of the OSCE Mission to Bosnia and Herzegovina, a network of seminars for the parties with the aim of strengthening co-operation between them. Further matters to be stressed in the action programme for 1998 and 1999 are civil-military co-operation during catastrophes, democratic control of armed forces and defence budgets, the development of a common military doctrine, and the creation of chairs for security policy at the universities in Bosnia and Herzegovina.

The second Review Conference on Article II, held from 15-19 March 1999 in Vienna, further strengthened the co-operation that had developed between the parties. How strong this has become could be seen in the way they continued to observe the terms of the Agreement after NATO air attacks in the Kosovo conflict had begun. The representatives of the Republika Srpska broke off their formal relations with the government of Bosnia and Herzegovina for a short time only, while continuing to meet their obligations under Article II. Despite this smoothly functioning practical co-operation between the parties, the Republika Srpska and the Federation have, to be sure, held to their fundamental refusal to give the central government the authority to act for all in foreign relations - in the context of carrying out the terms of the Vienna Document, for example.

The Implementation of the "Agreement on Sub-Regional Arms Control"
(Article IV of Dayton)

At a meeting of the Sub-Regional Consultative Commission (SRCC) in November 1997, the Norwegian Ambassador Vigleik Eide, who in his capacity as Personal Representative of the OSCE's Chairman-in-Office was responsi-

ble for matters related to the implementation of the Dayton Arms Control Agreement (Article IV Agreement of June 1996), was able to make a positive evaluation at the conclusion of the reduction phase (1 July 1996 - 31 October 1997). The parties had met their notified reduction liabilities with considerably increased professionalism. 6,580 weapon systems were reduced and of these 6,455 destroyed. This meant that the ceilings established in Dayton and the force relationship between the parties agreed upon there had been reached.⁵ There has been occasional irritation over figures provided by some parties to the treaty on weapon systems subject to reduction that were allegedly too low, but particularly with the help of German data experts it proved possible to clear these problems up. The main reason for these difficulties was that the parties to the treaty, and the NATO force (IFOR/SFOR) as well, were using different calculation methods for equipment to be reduced. Thus a determined negotiating effort by the OSCE Representative and the consistently helpful support of the member States of the Contact Group paid off.

At an initial Review Conference in June 1998, two years after conclusion of the Article IV Agreement in Florence, it proved possible to reinforce this success. All parties to the treaty (including the Republic of Yugoslavia) agreed to an extension of General Jean's chairmanship of the SRCC through the end of 1998; they saw in it, after all, a guarantee for the growth in confidence and transparency that had been achieved and that was making an important contribution to stability in the region. In addition, they succeeded in adapting the Protocol on existing weapon types to real conditions (destruction and new procurement). General Jean, as the Personal Representative for Articles II and IV, was thus in a position to give a favourable report on both Agreements at the meeting of OSCE Foreign Ministers in Oslo in December 1998 and to present his programme for 1999 in a spirit of optimism.⁶ In mid-December 1998 the parties agreed to take over responsibility for chairing the SRCC, thus freeing the OSCE from its leadership role in the implementation of the Article IV Agreement.

In April 1999 the Federal Republic of Yugoslavia, as a result of events in Kosovo, declared that the Article IV Agreement had been "suspended" for its territory - something which had not been provided for in the treaty.⁷ The other parties to the treaty and the members of the Contact Group rejected this Yugoslav move but said informally that they would be prepared to postpone

5 Under the Dayton Agreement the weapon systems were limited based on a relationship of 5:2:2 for the Federal Republic of Yugoslavia, Croatia and Bosnia and Herzegovina in that order. Within Bosnia and Herzegovina the relationship is 2:1 for the Federation and the Republika Srpska.

6 On this, see: Status of 1999 Programmes for the Implementation of the Vienna (CSBMs) and Florence (Sub-Regional Arms Control) Agreements, OSCE MC.GAL/5/98 of 2 December 1998; see also: Seventh Meeting of the OSCE Ministerial Council, Oslo, 2-3 December 1998, reprinted in this volume, pp. 455-549, here: pp. 546-548.

7 According to the valid text of the Agreement, a denunciation in accordance with Article XII would not be possible until 14 December 1999 at the earliest, i.e. 42 months after the beginning of the Agreement.

planned inspections under Article IV in the Federal Republic of Yugoslavia until a later time, to fulfil their own inspection obligations without delay, and to hold further meetings of the SRCC only on an informal basis until the fighting came to an end. This was intended to keep the possibility of Yugoslavian participation as a treaty party open in SRCC meetings and meetings of its working groups.

The Negotiations to Establish "a Regional Balance in and around the Former Yugoslavia" (Article V of Dayton)

Under the influence of the favourable developments in the implementation of Article II and Article IV a decision to begin negotiations on a mandate for an Article V Agreement was made at the meeting of Foreign Ministers in December 1997 in Copenhagen.⁸ The important elements of the decision, which foresaw a large number of participants under the auspices of the OSCE's Forum for Security Co-operation, were a comprehensive security dialogue, the development of specific confidence- and security-building measures (CSBMs) and other appropriate measures adapted to regional security requirements, above all the exchange of information and efficient verification, and linking these with already existing arms control agreements (Articles II and IV, the Vienna Document 1994, the CFE Treaty). Military significance, practicality and cost-effectiveness were to be the principles underlying the negotiations. Bosnia and Herzegovina must be represented in these negotiations by a single, unified delegation. The OSCE Chairman had appointed the French diplomat Henry Jacolin as Special Representative for the negotiations on Article V.

By April 1998 twenty countries⁹ had declared their willingness to negotiate on a mandate for Article V on the basis of equality, thus enabling Ambassador Jacolin, on 15 June 1998, to present an initial draft. On 27 November 1998, in time for the meeting of OSCE Foreign Ministers in December in Oslo, they were able to agree on the terms of a mandate to begin the negotiations on Article V.¹⁰

8 Cf. Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1998, Baden-Baden 1999, pp. 431-457, here: Decision No. 2, pp. 442-443.

9 In addition to the members of the Contact Group and Croatia, Bosnia and Herzegovina, and the Federal Republic of Yugoslavia as parties to the Article IV Agreement, these twenty countries include Austria, Bulgaria, Greece, Hungary, the Netherlands, Romania, Slovenia, Spain, The Former Yugoslav Republic of Macedonia and Turkey.

10 The main points in an agreement are to be the creation of a broad security dialogue between the parties; strengthening transparency and calculability in the field of military security; supplementing existing, mutually reinforcing regional measures for arms control and confidence-building; and promoting co-operation and good-neighbourly relations. The object is to strengthen security and stability in the region and further the integration

The start of formal negotiations was delayed by the events in Kosovo at the beginning of 1999. It was not until 8 March 1999 that Ambassador Jacolin was able, along with representatives of all twenty delegations, to officially open the negotiations in Vienna. A majority of the delegations expressed their desire for speedy negotiations aimed at an agreement at the next OSCE Summit Meeting in mid-November in Istanbul. They also supported the approach taken by the German government of agreeing on arrangements to control weapon stocks in addition to politico-military CSBMs. An important objective, in the German view, is to develop and implement a system of "cross information and verification" in order to consolidate the Article IV Agreement on the basis of a substantial harmonization of the provisions of the CFE Treaty and the Article IV Agreement. Through this system, information available to participants in the Article IV Agreement is to be made available to participants in the CFE Treaty which are parties to the Article V Agreement and vice-versa. The same holds for participation in inspections, without altering the passive quotas in each case. Austria, Slovenia, Albania and The Former Yugoslav Republic of Macedonia, which so far belong to no treaty regime, could be included in these exchanges of information and verification on the basis of their declared stocks.

The negotiations on Article V, temporarily interrupted in March 1999 as a result of the Kosovo conflict, were taken up again on 6 September 1999 with the participation of the Federal Republic of Yugoslavia. It is to be expected that the Heads of State or Government at the OSCE Summit in November in Istanbul will instruct the negotiators to get on quickly with their work so as to be able to sign an agreement in the second half of the year 2000.

Outlook

A look at what has happened since the conclusion of the Dayton Agreement, especially with regard to Bosnia and Herzegovina, permits us to conclude that the arms control approach has proved itself completely. Not only did it establish the conditions for the destruction of a large number of weapon systems but it familiarized all parties to the Agreements (Articles II and IV) with the arguments favouring arms control for the purpose of stabilizing a region. The relaxed working atmosphere at both formal and informal discussions and negotiations on implementation of both Agreements is an expression of enhanced trust in the politico-military area. The progress made here can in a sense serve as a model in the otherwise sluggish process of reconstruction and restoration of democratic structures in Bosnia and Herzegovina.

Following the end of the military confrontation in Kosovo, the co-operation of the Federal Republic of Yugoslavia in the ongoing, full implementation of

of all countries in the region into the pan-European security structures that are now developing.

the Article IV Agreement became a high priority goal in the field of arms control. The question of whether the arsenal of weapons of the Federal Republic of Yugoslavia was significantly reduced by NATO's military action needs to be clarified using the instruments of Article IV (information exchange and verification). The information handed over by the Federal Republic of Yugoslavia on 16 September at a formal meeting of the SRCC leaves substantial room for doubt that there has been a significant reduction. Whether a limited reduction of Yugoslavia's stocks of treaty-relevant weapon systems can be used to lower the ceilings under Article IV must be examined carefully in consultation with the parties to the Agreement. In any event, we should not allow the Article V negotiations to be held up by this. Those negotiations have the political advantage, not to be underestimated, that the Federal Republic of Yugoslavia can take part in them as an equal partner. With regard to the Stability Pact for South Eastern Europe mentioned at the beginning of this article, such participation would only be possible in the medium term. For arms control this once again offers the opportunity to play a leading role in the stabilization of the region in the politico-military field.

The Adaptation of the CFE Treaty - Between Creeping Marginalization and a New Conceptual Definition of European Arms Control

The main political difficulty in adapting the CFE Treaty lies partly in the fact that the objectives for which the original Treaty of 1990 was designed have now for the most part been met, and yet there is no adequate consensus about new functions for conventional arms control in Europe under present conditions. Moreover, crises and wars nowadays emerge largely from domestic conflict situations, while arms control can only regulate military options at the inter-state level. In this connection, the conditions for the use of military force have undergone a fundamental change in comparison with the era of East-West confrontation. On the one hand, the opportunities to use military force internally, or, in disintegrating associations of states, also internationally, have expanded. On the other, the illegitimate use of military force within a state can today provoke a military reaction from the outside. As the example of Kosovo demonstrates, this can even be a unilateral reaction without a mandate from the United Nations. Thus, although the discipline imposed by the bipolar bloc structure has disappeared, every "political actor" who considers the internal application of military force must now reckon with the risk that the new European power centre - whether it appears in the form of the Western Alliance or as a coalition of individual countries - may employ military sanctions against such behaviour. All in all, this means that in comparison with the traditional methods of arms control based on inter-state relations, the domestic use of military force, along with unilateral military responses thereto, constitute a new intervening variable which until 1990 did not have to be taken into account and on whose operational parameters some consensus or compromise, at least tacitly, must be found - if arms control itself is not to be put at risk.

The "old" CFE Treaty provided the central point of reference for dealing with the military aspects of the dissolution of the Warsaw Treaty and of the Soviet Union. On the basis of CFE rules, the level of armaments in the area of application was lowered by more than 60,000 major weapons systems. Almost 4,000 on-site inspections and the exchange of detailed information brought about a degree of transparency hitherto unknown and a continuous flow of communications between the States Parties to the Treaty. This meant that an arms control regime came into existence of an intensity never seen in any other part of the world. This is what the OSCE Ministerial Council was referring to when at its seventh meeting on 2-3 December 1998 in Oslo it reaf-

firmed "the importance of the CFE Treaty as a cornerstone of European security".¹

Notwithstanding this kind of summit pronouncement, there is much evidence that a new discussion of the conceptual foundations of European arms control cannot be postponed much longer. The old consensus on arms control policy stemming from the final phase of the East-West confrontation, to which the CFE Treaty owes its origin, is working less and less well. A new treaty does not yet exist, not even within the Western Alliance - indeed, specifically not there. This is all the more important because the Western Alliance is no longer, as in the past, one of two main actors but, rather, the very centrepiece of European security. If the Alliance has no common concept, then none exists - at least not in terms of *realpolitik*. There has not so far been an open and publicly conducted discussion on the importance and functions of conventional arms control in Europe. But CFE adaptation - better than anything else, perhaps - gives us ideas about how this implicitly conducted discussion might affect negotiations and their results.

Negotiations on Adaptation of the CFE Treaty - a History of "Missed Deadlines"

The 30 States Parties to the Treaty have been negotiating since 21 January 1997 on the basis of a "document"² on adaptation of the CFE Treaty adopted on the margins of the Lisbon Summit in December 1996. After years of delay NATO gave in to Russian pressure in two main areas and negotiations on adaptation began. First, adaptation had become necessary because the central principle underlying the Treaty - the two "groups of States Parties to the Treaty" which originally were identical with the member states of NATO and the Warsaw Pact - had become meaningless, at the latest when Poland, the Czech Republic and Hungary joined the Western Alliance and Russia took the position that an enlargement of NATO without prior "modernization" of the CFE Treaty constituted a violation of the Treaty. Russian demands with regard to NATO enlargement are directed mainly at the centre of the area of application, i.e. Central Europe. Second, Russia has since 1993 been calling for the elimination of the so-called "flank rule" which imposes special limitations on the armed forces of States Parties to the Treaty in the north and south of the area of application. The early stages and the course of the CFE adapta-

1 Seventh Meeting of the OSCE Ministerial Council, Oslo, 2-3 December 1998, in the present volume, pp. 455-549: here p. 457.

2 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, Appendix to the 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. 442-446.

tion negotiations³ have been characterized by the interplay between these two problem areas.

Since the beginning of CFE adaptation the target data fixed through consensus, which would have fulfilled the requirements of the Russian position, have not (quite) been met. The Lisbon Document contained an undertaking that the negotiations on adaptation should not last longer than the original negotiations of 1989/1990, i.e. approximately 20 months. Had this been realized, a conclusion would have been reached in the autumn of 1998, about half a year before Poland, the Czech Republic and Hungary actually entered NATO and this would have fulfilled Russian requirements. But this objective was missed just as was the intention, articulated in the NATO-Russian Founding Act, to "seek to conclude as soon as possible a framework agreement setting forth the basic elements of an adapted CFE Treaty".⁴ This vague formulation on timing tacitly referred to the NATO summit of 8 and 9 July 1997 where the decision to enlarge the Alliance had been made. But it was not until 23 July 1997 that agreement was reached on a "Decision (...) Concerning Certain Basic Elements for Treaty Adaptation"⁵ which contains the basic rules for adapting the Treaty. And the most recent consensus decision, the so-called "Decision Document"⁶ of 30 March 1999, which includes solutions for the most important issues, was not reached until after NATO membership of the three countries was an accomplished fact. This sequence of events may be regarded as coincidental but it does, in any event, reflect the NATO view that there is no legal connection between the enlargement of the Alliance and the adaptation of the CFE Treaty.

For the most part the tempo of the negotiations has been very uneven. Although it proved possible to solve key conceptual issues in the first half year, not much happened in the year and a half thereafter. This means, among other things, that in the few months that remain until the Istanbul Summit a new phase of intensive activity will be required to get a text ready for signature, even if it involves a minimalist approach that deals only with the most urgent issues.

Stability versus Flexibility at the Centre

With the adoption of the Document on Certain Basic Elements for the adaptation of the CFE Treaty, Russia gave up its original demands for the introduc-

3 On the early stages and course of the CFE adaptation negotiations until adoption of the decision on "Certain Basic Elements for Treaty Adaptation" of 23 July 1997, cf.: Wolfgang Zellner/Pál Dunay, When the Past Meets the Future - Adapting the CFE Treaty, in: OSCE Yearbook 1997, cited above (Note 2), pp. 281-298.

4 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, Special Insert - Documentation, pp. 7-10, here: p. 9.

5 Joint Consultative Group, Decision No. 8/97, Decision of the Joint Consultative Group Concerning Certain Basic Elements for Treaty Adaptation, 23 July 1997 (JCG.DEC/8/97).

6 Joint Consultative Group, Decision No. 3/99, 30 March 1999 (JCG.DEC/3/99).

tion of alliance sufficiency, a prohibition against stationing of armed forces in the new NATO member countries and a reduction of ceilings to the level of actual holdings at the end of the reduction period (16 November 1995), and accepted the basic *conceptual* structure of the NATO proposal. Under its terms the group ceilings and the regional system based on them (with the exception of the flank areas) would be replaced by a new system of national and territorial ceilings. A national ceiling in this sense limits the Treaty Limited Equipment (TLE) of a State Party in each of the five categories, regardless of where the equipment is stationed. A territorial ceiling limits the three categories of ground TLE in a territorial unit which is generally equivalent to the territory of a State Party. All in all, this new system, which in essence emerged from German proposals, allows for a significantly higher level of stability in arms control by tying heavy equipment - and hence armed forces - more closely to specific areas. Moreover, NATO had announced that the aggregate national ceilings of its 16 member countries in the three categories of ground TLE would be substantially lower than the past group ceilings; declarations along these lines by NATO countries during 1997 yielded an overall reduction of about 11,000 TLE. The Western Alliance tried to meet Russian concerns on an increase of the armaments level in the new NATO member countries by proposing a stability zone under which the territorial ceilings in Belarus, Poland, Slovakia, the Czech Republic, Hungary, Ukraine (without flank area) and the region of Kaliningrad would be frozen.

Relatively quick agreement on the decision of 23 July 1997 was followed, however, by almost a year of stagnation whose chief cause was a deep division within the Western Alliance over the relationship to be sought between arms control stability and military flexibility. These two objectives have a mutually exclusive relationship - the higher the level of arms control stability, the narrower the range of unilaterally employable options for military action. Thus neither can be given absolute priority; an optimal combination must be sought.

Beginning in autumn 1997 the United States, supported by Great Britain, Spain and, to some extent, also Poland, began to call for a level of military flexibility which in the view of Germany and other NATO states threatened to destroy the additional stability achieved by the new system of limitations. While the objective of the German government was "to use CFE adaptation (...) henceforth as a way of reliably preventing destabilizing concentrations of armed forces everywhere in Europe",⁷ it became clear that the US government valued the securing of options for military action more highly than an increase in arms control stability. The political and tactical reasons underlying the American demand for flexibility can be found in the existence of a growing minority in the US Congress who view conventional arms control in

7 Auswärtiges Amt [German Foreign Office] (Publ.), Bericht zur Rüstungskontrolle, Abrüstung und Nichtverbreitung [Report on Arms Control, Disarmament and Non-proliferation] 1997, Bonn 1998, p. 18.

Europe sceptically or reject it altogether. This lends support to groups within the administration, especially the Pentagon, who regard arms control in Europe after the demise of the Soviet Union as pointless and potentially dangerous because it imposes limits on military options. Occasionally one even gets the impression that it would not be unwelcome to these people if, under the pressure of NATO's demands, Russia were to withdraw from the Treaty. The strategic significance of this disagreement between the United States and a number of European NATO members lies in the fact that for the first time since the end of the Cold War it has become clear that the Western Alliance, while it can still agree on compromises in arms control, no longer has a consistent common philosophy with respect to European arms control.

Germany and the United States, then, represented the opposite poles in the long and occasionally intense debate within the Alliance which did not come to a (provisional) end until agreement was reached on the NATO proposal on "Certain CFE Treaty Mechanisms"⁸ without, however, removing the underlying differences between the positions. In this document the United States succeeded, for the most part, in putting its views across. The most important of the instruments of flexibility anchored in "Certain CFE Treaty Mechanisms" is so-called "temporary deployment" (TD), with a distinction being made between "basic" TD (BTD) and "exceptional" TD (ETD). Basic TD entitles every State Party to exceed its ceilings "temporarily" - this term is not defined, however, and is not meant to be defined - by 153 tanks, 241 armoured combat vehicles and 140 artillery pieces. This corresponds roughly to the equipment of a brigade. In an exceptional temporary deployment every State Party has the right to deploy "temporarily" three times this amount - hence 459 tanks, 723 armoured combat vehicles and 420 artillery pieces - roughly equivalent to two battle divisions. ETD cannot, however, be used in a flank zone. The German position is apparent in this proposal only in the formulation that before temporary deployments are made so-called "headroom" (i.e. the difference between ceilings and actual holdings) should be used, and in the objective of "preventing any potentially threatening broader or concurrent build-up of conventional forces". The latter did nothing, however, to alter the American view that even exceptional temporary deployment should be permitted to take place at the same time in every country. Apart from temporary deployment the NATO proposal of 22 June 1998 gave every State Party the right to raise its territorial ceilings by 150 tanks, 250 armoured combat vehicles and 100 artillery pieces (or by 20 per cent, whichever is lower) assuming a corresponding reduction by another State Party to the Treaty.

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

Russia accepted the basic temporary deployment but not the exceptional. At a meeting of arms control experts in the framework of the NATO-Russia Council the Russian Admiral Kuznetsov calculated in mid-July 1998 that NATO, if it made maximum use of all the flexibility instruments it had proposed (use of headroom, altering of territorial limits, BTD and ETD) it would be permitted to increase its holdings in the three new member countries - Poland, the Czech Republic and Hungary - by up to 1,799 tanks, 4,142 armoured combat vehicles and 2,142 artillery pieces. In the course of negotiations, however, Russia modified its rejection of ETD. In October of 1998 the Russian representative stated his country's willingness to accept a doubled basic TD if headroom was used. Under certain conditions it might even be possible to discuss ETD.⁹ Germany tried thereafter to clarify that ETD would be based on lower holdings, not on ceilings, but failed as a result of objections from the United States and smaller NATO countries which feared for their reinforcement options. All that was achieved was a "Declaration on the CFE Treaty" in the North Atlantic Council which in entirely non-binding form promised to exercise restraint in the use of ETD.¹⁰

If under these circumstances CFE adaptation was not going to fail as a result of exaggerated NATO requirements for flexibility, there were three available solutions, or a combination thereof. First, NATO could reduce its demands for flexibility across the board, an unviable option owing to the tough US stand. Second, individual NATO countries might make unilateral statements renouncing the use of certain flexibility instruments. Third, the three new members of NATO could reduce their territorial limits to the point where, on this basis, even an undiminished range of flexibility instruments would to a sufficient degree lose its threatening potential for Russia.

The "Decision Document" of 30 March 1999 sets forth solutions for most of the fundamental issues of CFE adaptation which now must be translated into Treaty language. At the same time, all of the States Parties to the Treaty except Azerbaijan provided figures on the national and territorial ceilings that they would declare at the time of signature. The compromise reached on the flexibility issue is based on a combination of the second and third variants listed above. Russia accepts, in this document, the entire range of flexibility instruments proposed by NATO. In return, the Czech Republic, Hungary, Poland and Slovakia stated their willingness, by the end of 2002 or 2003, to reduce their territorial ceilings overall by 1,700 TLE. Because the national ceiling of States Parties to the Treaty with territory in the area of application may not exceed their territorial ceiling, the national ceilings of the four countries will likewise be reduced by 1,700 TLE. Belarus, the Czech Republic,

9 Cf. Statement by Mr. A.V. Grushko, Head of the Delegation of the Russian Federation for Questions of Military Security and Arms Control, to the Joint Consultative Group, Vienna, 6 October 1998 (JCG.DEL/45/98).

10 Cf. Ministerial Meeting of the North Atlantic Council, Final Communiqué, Brussels, 8 December 1998, Statement on CFE, in: NATO Review 1/1999, pp. 18-22, here: pp. 21-22.

Germany, Hungary, Poland, Slovakia and Ukraine made supplementary statements declaring their willingness to renounce any increase in their territorial ceilings. The fact that Germany, an "old" NATO member, participated in this step took away from it the odium of a limitation on "second-class States Parties to the Treaty" and thus modified the original NATO proposal for a stabilization zone significantly. Germany had originally tried to persuade Poland of the advantages of a unilateral limitation of its ETD volume, but failed in this owing to the objections of the United States, which clearly preferred a reduction of the ceilings. Poland itself had substantial initial reservations about agreeing to reduce its territorial ceilings (by 763 TLE) and only gave in after Belarus agreed to forego an originally planned 20 per cent increase in its territorial ceilings and Russia declared that it had no desire to station additional forces in the Kaliningrad area and in the district of Pskov. Moreover, it was important to Russia that the Czech Republic, Hungary and Poland declare their intention, until the entry into force of the adapted Treaty to base their ETD on their actual holdings and not on their territorial ceilings, which until then would be substantially higher.

This means that reductions of territorial ceilings announced by the four Višegrád states along with the commitment not to increase ceilings compensate for a good half of the overall volume of flexibility instruments. Thus it balances out at approximately the level which Russia in October 1998 characterized as acceptable. At least equally important is the fact that any future shift of territorial ceilings can no longer take place towards the east but only towards the west, south or south-east. The sum total of national ceilings in the area of application will go down by just about 11,000 TLE or around seven per cent. This amount will be provided by the 19 member states of NATO alone; insignificant reductions of the Russian ceilings (385 TLE) chiefly benefit Kazakhstan.

Appropriate Solutions for the Flank Problem?

Owing to the geo-political perspective of the East-West conflict, the original CFE negotiations of 1989/1990 focused on the central zone fundamental rearrangements. But after the Treaty entered into force the flank region was the centre of debate. The dissolution of the Soviet Union, the revaluation of the strategic importance of the Northern Caucasus and Transcaucasus which followed from it, the many conflicts between neighbours in the region - e.g. between Armenia and Azerbaijan - and wars of secession such as those in Georgia all have a direct bearing on this issue.

Nevertheless, the flank problem had no particular priority in the adaptation negotiations. There were two reasons for this. First, Russia's demand for "compensation" for NATO enlargement was related mainly to the centre and not the "periphery". Second, the Russian and Ukrainian demands with regard

to the flank had for the most part been met at the First CFE Treaty Review Conference in May 1996, not long before the beginning of negotiations on adaptation. Although there had been a promise to pay appropriate attention to the flank problem in these negotiations, the issue remained relatively unimportant for most countries with no territory on the flank. For the leading NATO countries this meant not endangering the successful conclusion of the negotiations and the cohesion of the Western Alliance by going beyond the "payment of a reasonable price" to Russia and other flank states.

Although the flank issue was certainly present throughout the negotiations, it was not dealt with as extensively as the central zone. More exactly, a discussion of it would flare up from time to time and then fade out again. The reason for this strange "oscillation" was that the agreement reached at the First Review Conference - which, to be sure, did not adequately solve the problem of Russian TLE on the territory of other flank states - did not enter into force until after the adaptation negotiations were under way, i.e. on 31 May 1997. It would have been absurd to reopen discussion of an issue that had just been solved. For that reason it was entirely appropriate when the first big "progress report" on the negotiations stated: "The States Parties agree that the substance of Article V as modified by the Document agreed among the States Parties (...) will be maintained but reconciled with the structure of the adapted Treaty as it emerges in detail through the negotiation, ensuring that the security of each State Party is not affected adversely at any stage."¹¹ This vague formulation on the one hand made it possible to have new requirements aimed at preventing future developments damaging the flank agreement of 1996; on the other hand, the main emphasis seemed to be on holding fast to the results of the First Review Conference.

Despite low expectations for another revision of the modified flank rule it turned out that for a variety of reasons none of the countries of the region directly affected was satisfied with the agreement. Russia wanted to get more leeway, i.e. either have the flank rule eliminated or the ceilings (once again) raised. Russia presented very clear arguments to support its desire for more flexibility on the flank. The chief Russian negotiator said, for example: "You are fully aware of our situation in the south: aggressive nationalism, separatist aspirations, armed provocations, unregulated inter-ethnic conflicts, the threat of dangerous destabilization. There are forces that are challenging Russia's unity and territorial integrity."¹² The Ukraine put forth different reasons. One part of its territory belongs to the flank region, another part to a zone for which the limitations are much less stringent. For that reason it felt "cheated" out of more flexibility. Other successor states to the Soviet Union raised demands relating to open conflicts, non-notified TLE and foreign troops on their territories and those of their partners in conflict. As an upward-striving

11 Decision of the Joint Consultative Group, cited above (Note 5), Point 16, p. 83.

12 Statement by the Head of the Russian Federation Arms Control Delegation, A.V. Grushko, at the Joint Consultative Group, Vienna, 15 September 1998, p. 2.

regional power, Turkey has special interests. Because it wanted to prevent Russian ceilings in the flank region from being raised, it was indirectly interested that tacit compensation to Russia for NATO enlargement in other locations be established, namely the central region. This same line of interest found expression on another level when Turkey opposed the stationing of large amounts of foreign TLE even in countries which, unlike Azerbaijan (which is supported by Turkey), showed an interest in it. It is hard to say whether Turkey really wants a peaceful solution of the Nagorno-Karabakh conflict or merely the most advantageous settlement possible for Azerbaijan. Recently other flank states have also raised claims, although not as emphatically as the ones already mentioned: Greece demanded more attack helicopters, obviously with an eye on Turkish stocks. In a later phase of the negotiations Romania began to call its status as a flank state into question. It argued that the impermissibility of an exceptional temporary deployment in the flank region would lessen its chances of joining NATO. But because NATO roundly denied this interpretation of a factor whose importance was in any event exaggerated, Romania agreed not to introduce the demand for revision of its flank status formally into the negotiations.¹³

If we take a closer look at the treatment of the flank issue since adoption of the Document on Certain Basic Elements for adaptation of July 1997, we can identify two periods when it assumed somewhat larger significance. One was in the first months of 1998 when the future treaty began to appear in vague outline, the other during the first half of 1999 when the flank issue first became an important topic and, a little later, turned into a significant stumbling block in the negotiations.

In January 1998 Russia presented some thoughts which tacitly amounted to a revision of the modified flank agreement of May 1996. The underlying idea was that the adapted treaty would be based on a system of national and territorial ceilings, replacing the old regional concept, and that this principle could also be applied to the flank region. Moreover, Russia did not want an arrangement in which its TLE stationed on the territory of other states would be counted "against the country's national and territorial levels and also against the territorial levels of the States where that TLE is stationed".¹⁴ If it proved impossible to eliminate the flank entirely, Russia wanted to return to the geographic features of the old flank region of 1990, but combined with the substantially higher ceilings of the modified flank rule of 1996. Finally, Russia insisted that non-combat-worthy TLE being kept in two large maintenance depots near St. Petersburg and Kushchevskaya should not be counted

13 It is interesting that Romania's elite in security affairs generally attributes great importance to strategic factors for NATO enlargement. It is not clear whether this stems from pressure applied by the Romanian defence establishment or from underestimation of the outstanding importance of political factors in the enlargement process. It is, however, a fact that political factors play a much larger role in relation to this issue than all other motives.

14 Statement by the Delegation of the Russian Federation to the Joint Consultative Group, Vienna, 20 January 1998, p. 1.

against the flank ceiling.¹⁵ After a rather long discussion the NATO countries noted a disagreement with Russia and declared that the Western Alliance did not intend to depart from the modified flank rule of 1996. It was only later, and after on-site inspections in the above-mentioned maintenance depots, that NATO said it would agree not to count the TLE there against the ceilings. At the beginning of 1999 there were again lively debates on the flank issue. By 25 January Turkey, on behalf of NATO, had negotiated an understanding with Russia which was consistent with the modified flank rule and reaffirms it while altering it in a number of respects. Under its terms there will continue to be a single flank ceiling for the territory of the Russian Federation, i.e. the northern and southern flank areas will be treated as a unit. This gives Russia more flexibility since it can reduce its TLE stocks in the north in order to strengthen its presence in the south for a time. As a result Norway, the only NATO country in the northern flank region, expressed concern that Russia could strengthen its holdings in the north at the expense of those in the south. However, in view of present and foreseeable turbulence in the south of Russia this seems highly unlikely. The geographic features of the flank region remain unchanged from the agreement of 1996 as do the ceilings, with the exception of the category of armoured combat vehicles, of which Russia may now station 2,140 in the diminished flank region rather than 1,380 as in the past. The transparency measures of 1996 will also continue to apply. Exceptional temporary deployments are not permitted in the flank region. One thing that is relatively new, at least in the CFE context, is the express statement that the stationing of Russian troops on the territory of other flank states is permissible only with the "free consent of the host States".¹⁶ This passage can also be found at a later point in the decision of the Joint Consultative Group of 30 March 1999.¹⁷

The process and the results of the negotiations on the flank issue merit attention. It was Turkey, a country with a strong interest in the flank, which negotiated the understanding with Russia - which was then confirmed by NATO. Turkey had to proceed flexibly because there are other issues that have priority for other countries. The fact that in the process Turkey was exposed in a somewhat unusual way to the complexity of the interests of other States Parties to the Treaty was undoubtedly one reason why it reacted with such astonishing flexibility to Russia's demand regarding armoured combat vehicles. A Western negotiator formulated this in the following way: "The Russians said: 'If you give us (armoured combat vehicles) in the (southern) flank, we'll

15 Cf. *ibid.*, p. 2.

16 A similar rule, which is not legally binding, can be found in the concluding document of the CSCE Summit Meeting in Helsinki in 1992. This is a matter which really ought to be taken for granted as the stationing of troops on the territory of another sovereign state without its agreement is an act of aggression.

17 It is interesting that the Russian-Turkish understanding of 25 January 1999 speaks of the "free consent" of the host country while the decision of the Joint Consultative Group of 30 March 1999 speaks only of "consent".

give you more room in the center (of Europe)."¹⁸ This led to a result that may well seem astonishing to those who are familiar with Turkey's traditionally tough position on flank issues.

One might think that after the decision of 30 March 1999 not much remained to be done, apart from clarification of the remaining "technical" issues, in order to be able to sign the adapted treaty at the OSCE Summit in Istanbul as scheduled by the OSCE Ministerial Council in December 1998. But the reality was different, not least because of flank-related issues. Azerbaijan blocked the appointment of the Italian diplomat, Umberto Zannier, as co-ordinator of the working group responsible for producing the text. Azerbaijan felt that its positions had not been adequately taken into account during the phase leading up to the decision of 30 March 1999. Because time was getting shorter and shorter in Vienna, a number of countries took action in Baku in an effort to convince the leadership of Azerbaijan that their uncooperative attitude was hurting the negotiations and placing their timely conclusion at risk. Even Turkey, which supports Azerbaijan's security requirements in many respects, called on Baku to adopt a more co-operative attitude.¹⁹ Two months were required to reach a "breakthrough" and get on with the negotiations. This delay made clear that there was not enough time for anything more than a "minimalist approach" to adaptation.

With regard to the flank issue there are still unsolved problems related to the presence of Russian troops and non-notified TLE on the territory of two GUAM countries, Georgia and Moldova. If there is no free consent of these sovereign countries to the stationing of Russian troops on their territory then the troops ought to be withdrawn. However, Russia traditionally views this as a bilateral issue. Since the Russian-Turkish understanding of 25 January 1999 explicitly mentions the matter, it cannot be allowed to fall by the wayside. On the other hand, it ought not be viewed too one-dimensionally either. There are cases in which certain countries believe that the stationing of foreign troops contributes to their internal stability and to the control of secessionist tendencies. This appears to have been the case in Georgia, at least some of the time. Russia has already announced that the withdrawal from Moldova will be very slow and for this reason the flank countries could try to make it into a multilateral issue in order to increase pressure on Russia. By contrast, those countries that have no direct interest in the flank are basically pursuing two objectives. First, they want, within a reasonable period of time, to achieve a settlement of the remaining unsolved problems concerning foreign stationing in the flank area. In the second place, however, they want to avoid a situation in which the entire adaptation process becomes hostage to this is-

18 Umit Enginsoy, Russia, Allies to Alter CFE: Compromise Would Revamp Weapon Deployment Options, in: *Defense News* 12/1999, p. 27.

19 Turkey is obviously motivated by one particular fear. As host of the Istanbul OSCE Summit in mid-November, it wants this event to be a success. There are unlikely to be any other important documents at the meeting and it hopes that the conclusion of the adapted CFE Treaty will give it a certain luster.

sue. In a number of States Parties to the Treaty there are foreign TLE holdings whose status is unclear and the problems have still not been solved. The most important of these problems concerns more than 300 armoured combat vehicles and approximately 300 tanks in Nagorno-Karabakh. Understandably, Azerbaijan is insisting on a solution and has made clear through its behaviour that it is prepared, if necessary, to block the process once again. But Azerbaijan is unlikely to succeed in persuading the other States Parties to the Treaty that CFE adaptation is a suitable instrument for solving the conflict over Nagorno-Karabakh. On the other hand, one cannot rule out the possibility that the majority of the States Parties to the Treaty will once again be taught the lesson that it is no longer enough to pay lip service to the solution of the flank issue, only to sacrifice it to other matters that are deemed more important. This leads us back to the conclusion that we reached two years ago: CFE adaptation cannot be carried out as a new, simplified version of the bipolar structure of international security. As a result of the flank issue, structures have become more complicated and new interests have come into play which it will be impossible to deny over the long term.²⁰

Another problem lies in the fact that Russia is violating the modified flank rule of 1996. On the basis of notifications supplied by Russia on 1 July 1999 the US delegation concluded that the active forces notified by Russia exceed the Russian maximum levels for holdings by 159 tanks and 1,512 armoured combat vehicles.²¹ It is clear that Russia has already set the modified flank rule aside, even though it just entered into force, and is now relying on the decision of 30 March 1999. The ceilings in this decision are being observed by Russia, but as to the foreign stationing of troops, they are not observing other ceilings and regulations also anchored therein.²² This inconsistency, which is a violation of the Treaty, may be of secondary importance and of course it is true that the value of the Treaty as a whole is incomparably greater than a militarily insignificant violation of that kind. On the other hand, one should bear in mind that the CFE Treaty, unlike certain American-Russian arms control treaties, does not provide the category of "technical" treaty violation and for that reason a distinction between "smaller" and "larger" treaty violations is problematic. If the Treaty is not to be undermined over the long term, the States Parties to the Treaty will have to take a position on such violations. What must in any case be avoided is a situation in which a treaty violation constitutes the basis for more extensive demands in later phases of negotiation.

20 Cf. Zellner/Dunay, cited above (Note 3), p. 298.

21 Cf. United States of America, Delegation to the Joint Consultative Group, Statement, Vienna, 6 July 1999, p. 1 (JCG.DEL/47/99).

22 Cf. *ibid.*, p. 2.

The adaptation talks are likely to be successfully concluded by November 1999; in all probability the text of the adapted CFE Treaty will be signed at the OSCE Summit in Istanbul. What does this portend for the substance and the ongoing process of conventional disarmament in Europe?

As far as the substance is concerned, the CFE Treaty will be adapted to changed conditions, but without providing an adequately clear outline of a new conceptual framework for arms control in Europe. For that, the combination of national and territorial ceilings, oriented towards the future, is cloaked in too many layers of exceptional rules which in some cases are contradictory and to a considerable extent undermine the stabilizing effects of this concept and significantly weaken the political attractiveness of the adapted Treaty. This contradiction is primarily an expression of the ongoing and unsolved disagreement within the Western Alliance, which is often able to reach compromises, but remains unable to work out a durable arms control strategy for Europe. This circumstance will make it harder to harness arms control for the purposes of crisis prevention and management - fields which were of decisive importance for the politics of the nineties and will presumably continue to be so in the coming century. Moreover, the adapted Treaty will for the time being contribute barely enough, but not much more, to the solution of those specific problems that made adaptation necessary in the first place. This applies to the central region as well as to the flank, and certainly to the relationship between the two areas. In both Russia is unquestionably a difficult negotiating partner. But as long as the Western Alliance, as *the* centre of gravity of European security, has no promising common concept, it is fair to say that putting the blame on Russia is at least in part a pretext. In sum, CFE adaptation not only failed significantly in meeting the ideal expectations of scholars; after 34 months of negotiations everyone had a right to expect more. We must acknowledge that the opportunity to view the necessity of CFE adaptation as an avenue to a consistent new plan for European arms control was not well used. This leads to the somewhat disappointing conclusion that we have not (yet) been able to make the shift from an arms control approach based on limited confrontation to one based on co-operation. On the contrary, arms control does not start to play a role until the legacies of confrontation come to the fore. This problem affects three different levels: the concept, the political conditions and practical steps. At least on two of these there has been no breakthrough, on the conceptual level no more than a half-hearted one.

Depending on how minimal the "minimalist approach" becomes, there will still be a number of issues to deal with after signature of the adapted Treaty. The possibility of having parallel tracks for ongoing negotiations (even if only on "technical" issues) and the commencement of ratification proceed-

ings may well not be particularly helpful to the latter. This is particularly true because ratification in several States Parties to the Treaty, among them Russia and the United States, is likely to be very difficult.

The longer ratification and entry-into-force last, the longer will be the transitional phase in which the new treaty terms are provisionally applied while the substance of the old Treaty continues to be valid under international law. In view of varying interests and interpretations, this could lead to controversies over the validity of particular treaty provisions and at the same time give force to the arguments of those forces in a number of countries which want to prevent or delay ratification or impose new conditions. This is especially likely when executive branch and legislature hold different views.

We got a foretaste of this problem when Russia, with an (implicit) reference to the less restrictive rules of the agreement of 30 March 1999, failed to observe the modified flank agreement of 1996. If this sort of thing goes on during the process of ratification and provisional application that lasts for years, we cannot ignore the danger that the substance of the entire Treaty will be subject to a substantial amount of corrosion. Moreover, a long phase of uncertainty about the CFE Treaty would not only expose this central instrument of European arms control to a test of attrition across the board but, along with that, put a number of concrete functions at risk or postpone their effectiveness - functions which European arms control under today's conditions can and ought to fulfil.

First, the binding force of the reductions foreseen in the adapted Treaty would be postponed. Given current budget limitations this may not seem especially important. But it is important that this process takes place in an orderly, transparent and controllable manner which, to the extent possible, is not subject to revision.

Second, there would be a delay in opening the Treaty for accession by a number of states that have already shown an interest in it. This could affect security-sensitive regions such as the Baltic states whose accession to the CFE Treaty could have a stabilizing effect.

Third, harmonization of already existing sub-regional arms control treaties such as the ones under the Dayton Agreement, as well as the conclusion of new treaties, would become substantially more difficult. This holds true not only for the so-called Article V negotiations between the successor states to Yugoslavia and their neighbours, which have yet to be held, but also for the various groups of problems in the Caucasus region.

Fourth, every delay of entry-into-force also affects the codification of a number of bilateral force relationships, which is provided for in the adapted Treaty.

Fifth, in the event of a long period of uncertainty even regulations on transparency, information and inspection as well as the many co-operative contacts built upon them could suffer damage.

Sixth, finally, we must remember that the CFE Treaty is not only the heart of European arms control which, without it, would be a torso, but it also supplies the essential underpinning for security co-operation between the Western Alliance, Russia, Ukraine and a number of other countries. For example, the quality of relations foreseen in the NATO-Russia Founding Act would, without the CFE Treaty as a basis, be quite unimaginable.

Hence the failure of CFE adaptation and even a significant delay of its entry-into-force would have far-reaching negative consequences for security relationships in Europe, consequences the extent of which cannot yet be estimated. For that reason it is important, before signature of the adapted Treaty, to define as precisely as possible the objects and procedures of provisional application. Following signature, ratification will have to be seen as a very large political challenge, calling for a durable commitment on the part of the political leadership.

Economic Transformation and Limitation of New Risks

The Economic Dimension - In Search of OSCE Added Value

The economic dimension is an essential part of the OSCE. Provisions relating to the economic dimension of CSCE's/OSCE's history fill over three hundred pages. Hardly any other aspect of the OSCE equals this volume of commitments. Nevertheless discussions on the economic dimension are very often characterized by frustration and dissatisfaction. At the seventh Economic Forum in Prague several delegates even went so far as to refer to this dimension as a "step-child" or "unwanted child" of the OSCE.

On a general level few, if any, can object to the notion that the economic dimension remains extremely relevant to the successful implementation of the OSCE mission - to build a stable security environment based on jointly shared values. It is equally unquestionable that the OSCE agenda should reflect the comprehensive concept of security of which economy and environment protection are an inalienable part.

For many states a sense of security in today's environment derives increasingly from economic prosperity. In the absence of existential military threats, a state's perception of security is predetermined by economic factors. It is quite indicative that at the early stages of the discussion on a Document-Charter on European Security, when delegations were invited to share their understanding of security risks and challenges, almost half of the factors articulated were related to the economic dimension. In particular such risks as the disruption of the flow of energy and natural resources, growing economic disparities, impediments to free trade, cross-border pollution, mismanagement of water resources and others were voiced.

The difficulties arise in translating these general notions into concrete items on the OSCE agenda. The economic dimension remains a field in which individual visions and expectations of a particular role for the OSCE are still at considerable variance with each other. Some states believe that the OSCE should expand its economic dimension activities and play a more prominent role in this area. Particularly noteworthy is the lively interest in the enhancement of the economic dimension displayed by the Central Asian and the Transcaucasian states. Other states are highly sceptical about the usefulness of OSCE involvement in economic matters. This scepticism is very often attributed to the approach of the European Union. Even independent experts offer contradictory advice.

¹ The author is Deputy Director of the European Security Department at the Ministry of Foreign Affairs of Poland. The views expressed in the article are strictly personal.

The "inferiority complex" of the economic dimension is nothing new. Between the Helsinki Summit 1975 and the 1990 Paris Summit the centre stage of the then CSCE was after all occupied by human rights and humanitarian questions as well as military security aspects, like CSBMs. The "second basket" functioned in the shadow of other, highly important topics. The Eastern states hoped to get better access to Western technology and markets through the economic basket while the Western states sought to loosen the state's grip on foreign trade and economy in the Eastern states. In other words, the West pressed for a free flow of commodities and capital, for reliable statistics and freedom of enterprise. The East wanted Western technology, loans, joint ventures and good trading terms. Compromise was not too difficult to achieve and as a rule the drafters of the "second basket" were the first to report textual agreement on the occasion of the main CSCE follow-up meetings. These agreements, voluminous as they were, served as useful indicators of desirable fields of co-operation between East and West but not concrete agreements on joint action.

In 1990 the "second basket" got its spotlight. The Bonn Conference of 1990 served as the prelude to the historic Paris accords. It was the high point of the economic basket of the CSCE. The Bonn Document was the first CSCE document ever in which the jointly shared values of human rights, democracy, and rule of law were subscribed to by all CSCE participating States. Among these was also the commitment to a market economy. Some may well have thought this commitment exhausted the CSCE role.

The fact is that no new significant normative commitments in the economic field have been added to OSCE agreements since 1990. The discussions and decisions have focused, rather, on institutional aspects. In 1992 the participating States decided to establish the Economic Forum. Meeting once a year, its role is to give political stimulus to the dialogue on the transition to free-market economies, to suggest practical means for developing free-market systems and economic co-operation, and to encourage activities with relevant international organizations. The Economic Forum is the main platform of the Organization for a dialogue on the economic dimension. Seminars to prepare the Forum meeting and to follow-up on its discussions have become a regular feature as well.

In 1996, a free standing economic dimension implementation review took place for the first time. Since then such meetings normally have preceded the sessions of the Economic Forum.

Review of implementation can play an important role in making use of the potential contained in the economic dimension for the benefit of the whole OSCE. The lessons from implementation discussions in the human dimension show that such debates are quite useful early warning indicators. They are

also a tool helping to define the security implications of economic policies and processes. Finally, they can be a natural birthplace of ideas and concrete proposals aimed at developing existing commitments.

To achieve these goals the implementation review has to be adequately focused and open. An implementation review without proper identification of shortcomings and problems serves little purpose. Experience with these reviews provides enough material to enable us to ponder necessary improvements.

A useful role is played by the comprehensive overviews prepared by the United Nations Economic Commission for Europe (UNECE). The first was submitted to the implementation meeting in 1996. It was then updated for the Economic Forum in 1998. Such reports would be useful as part of the preparation for each annual meeting. They should be made available within a reasonable period before each implementation review to give ample time for analysis and response. ECE observations should be complemented by remarks summarizing the experiences of the Chairman-in-Office and the Co-ordinator of OSCE Economic and Environmental Activities in fulfilment of economic dimension activities since the last implementation review. Other OSCE institutions like OSCE field offices and missions could make useful written contributions to the implementation review as well.

A prominent role in preparing and conducting the review should also be given to the business community and NGOs. A voice from business concerning obstacles to trade or investment activities would add more credibility to the discussions. Non-governmental actors would in addition feel more at ease when raising issues which some states might not feel it is diplomatic to talk about. Several independent economic think tanks assisting some governments of the states in transition could be usefully invited to share their observations on the problems encountered in implementing OSCE commitments.

Such an ambitious concept for an implementation review requires a lot of preparatory effort on the part of the OSCE Chairmanship and the Co-ordinator for Economic and Environmental Activities. However it will only bear fruit if the participating States themselves take up the challenge of making a critical but co-operative contribution to the review. Comparing the reviews undertaken since 1996, one can discern slow but constant progress towards more candid and concrete discussion. However, only a handful of states are prepared to speak critically about real implementation problems and cite the implementation records of individual states. Even those states which are openly named and thus "invited" to be polemic prefer not to do it in public. The majority of the participating States seem to follow conventional wisdom of recognizing the existence of sometimes considerable implementation problems in the economic field but denying that the OSCE is the place or set-up to raise them.

It is true that at least since the pre-Lisbon review meeting in 1996 there is a noticeable tendency in certain quarters of the OSCE to downplay the role of traditional implementation reviews in favour of more discussion on current operational experience. However, one should recognize that without serious and in-depth evaluation of the implementation of OSCE commitments the notion of the OSCE as a source of norms and standards will be difficult to uphold.

The weakest point in the implementation review is however that the discussion does not extend beyond the framework of the Economic Forum. The OSCE, contrary to its human and military dimensions, possesses neither the mechanisms nor the practice for a day-to-day monitoring of the implementation of economic dimension commitments. When a law is adopted in a participating State which gives rise to concern over its compliance - for example with regard to free election standards - one can expect an almost immediate reaction on the part of the ODIHR, a field officer or at least of some participating States. Only rarely, if ever, are there similar reactions in the OSCE when a state adopts a law introducing currency or administrative regulations that interfere with the requirements of fair business conditions for foreign firms.

To be able to organize such implementation monitoring on a day-to-day basis, the OSCE does not have to establish its own mechanisms. A well-functioning link between the Chairmanship, the Co-ordinator and the existing economic institutions, like the ECE, can easily ensure this.

The political conclusion which can be drawn from the implementation meetings is that the general commitment to a market economy is not placed in doubt by any of the participating States. In this sense the transition to market economies is irreversible. There is, however, a problem because of the degree to which individual states pursue this objective consistently in their policies. There is a question as to the adequacy of the yardstick by which the OSCE can measure the consistency of these policies. The Bonn Document, which remains the main point of reference in evaluating the behaviour of states, was adopted almost a decade ago when the economies in the Eastern part of the continent were just about to embark on the transition course. Since then new experiences have been gathered, new problems have emerged and new challenges have appeared that sometimes would have been difficult to predict at the beginning of the nineties. These new circumstances need re-assessment. Perhaps the logical conclusion may be to update and amplify the Bonn commitments. The more concrete they are and the more geared towards today's politico-economic realities, the more useful the implementation debates will be.

One has to recognize that there is a considerable conceptual difference between the CSCE "second basket" and the OSCE economic dimension. Economic issues were treated during CSCE times in an all-embracing way as the engine for developing the second idea contained in the name of the CSCE - that of "co-operation". This was also justified by the fact that the CSCE was a unique forum for discussing East-West co-operation, also in the field of economics. During the Cold War there were few lines of multilateral communication available.

Today's "economic dimension" is linked functionally to the notion of "security" rather than being all-encompassing. The number of economic and financial institutions active in the economic field is impressive. The resources they manage, the technical expertise they possess and the intellectual capacity they offer by far exceed what the OSCE can afford. The OSCE, itself an advocate of the productive division of labour among international organizations, should thus concentrate on its comparative advantages when developing the profile of the economic dimension. The main advantage of the OSCE is the capacity to establish the link between economic phenomena and security. The ability to concentrate on the intersection between security and economy constitutes the OSCE's added value.

On a conceptual level such a link is not so difficult to define. The difficulty is the political embodiment of this link, i.e. the concrete issues which should be raised at the OSCE and acted upon within its framework.

At least since the Rome Ministerial the most debated issue has been how to integrate the economic dimension into the mainstream of OSCE activities. Without the habit of introducing the economic and environmental aspects of security into the Permanent Council's regular agenda, this task will remain unfulfilled. The most natural issues which can be brought up at the Permanent Council are issues directly linked to the realization of OSCE tasks in the field of conflict prevention, crisis management and post-conflict rehabilitation. The economic problems involved in the concrete situations that the OSCE deals with deserve constant attention. There are also economic processes of a more general nature which the OSCE can address, even while exchanging information. Let us not forget the usefulness of the OSCE as a channel for information exchange.

One can usefully compose a list of issues of an economic nature which in the past could have been the subject of a well-prepared exchange of views within the framework of the Permanent Council. The repercussions of the financial crisis in Russia, the risks involved in the financial schemes in Albania, topics such as the implementation of initiatives and programmes by the European Union on economic projects with security implications (Traceca, Inogate, Aral Sea, etc.) are the most obvious examples in recent years. Even the ques-

tion of the enlargement of the European Union and in particular its impact on regional and sub-regional relations could at times be worthy of discussion.

In addition to the habit of discussing *ad hoc* topical issues, sometimes related to early warning, more routine forms of addressing the economic dimension issues could be helpful. To achieve this - more frequent information at Permanent Council meetings on the activities of the Co-ordinator of OSCE Economic and Environmental Activities and more frequent visits by representatives of economic organizations to the Permanent Council would be useful.

In addition certain legal standards on economic and environmental policies are far from being universal in the OSCE area. The OSCE could serve as a vehicle for making these regimes more universal.

The discussions on a Document-Charter on European Security have been a good occasion to try to examine questions of the future economic architecture in the OSCE area and its impact on security relations. The fact remains that economic architecture is highly diversified despite the universal commitment to market economy principles.

What will the pace and limit of the enlargement of the European Union be? Which states will be admitted to the OECD and when? When will the OSCE area become homogenous enough to fulfil the terms of WTO membership? Does it make sense to develop integration schemes which would slow down incorporation into the world economy? What are the prospects for sub-regional co-operation across institutional lines? One has to recognize that these questions have relevance for security architecture. Understandably they have been overshadowed by the very emotional discussions on NATO enlargement and the mutual relations between the OSCE and other organizations. However, in the long term the question of the economic architecture of Europe will be of no less importance.

Perhaps this could be another argument in favour of conducting these discussions in conjunction with a meeting convened to adopt a Bonn-II Document.

The Economic Forum has served well as the anchor of the economic dimension. Nonetheless, its *modus operandi* needs critical assessment. The debates of the Forum suffer from their inconclusive character. The Forum as such is a Senior Council meeting, which would normally mean that high-ranking officials meet to discuss and prepare policy guidance on issues submitted for their consideration. In practice, the organization and the conduct of the work resembles more seminar-type, academic-style gatherings. Without a clear sense of the political and practical objectives of the debates in the Economic Forum it will not be possible to make full use of its potential. As a rule the Chairman's conclusions and rapporteur summaries offer substantive food for thought. How much of this food has been turned into a consensus by the OSCE up to now? How much of it has found its reflection in the daily work of OSCE institutions? How much of this substance was able to make a real impact on the policies of the participating States and specialized organizations?

It is true, one could argue that the dialogue has a value in itself. However, in the economic dimension the number of existing forums and the wide coverage of subjects discussed at numerous seminars present special requirements for the selection of topics and the organization of the work of the Economic Forum. There must be a certain added value to what the Economic Forum does. And the deliberations at the Forum should be consistently targeted at defining this added value.

Since 1992 the most contentious "in-house" issue has been whether the OSCE needed an operational tool to deal with the economic dimension. The issue at stake was staff positions and budget lines. Starting with the Rome Ministerial of 1993 every year has brought small and gradual progress in the economic dimension positions within the Secretariat.

The establishment of the post of Co-ordinator of OSCE Economic and Environmental Activities within the Secretariat was a particularly important step. The mandate as agreed upon in November 1997 was focused on strengthening the ability of the Permanent Council and the OSCE institutions to address economic, social and environmental aspects of security.

The Co-ordinator's regular priorities include:

- enhancement of OSCE interaction with relevant international organizations;
- strengthening the economic, environmental, and social components in the work of OSCE missions and field activities;
- in-depth interaction with the OSCE Parliamentary Assembly;
- broadening OSCE contacts with non-governmental organizations and the private sector;
- formulating a programme of work for appropriate additional activities in and relating to the OSCE's economic dimension.

Three aspects of these activities seem to deserve special attention:

First, the OSCE should through the activities of the Co-ordinator of Economic and Environmental Activities expand its ties with NGOs and the business community. Networking with NGOs, particularly in the environmental field, helps to build a strong bridge between the economic dimension and the other tasks of the OSCE. After all, strengthening NGOs, especially in newly established democracies, helps to fulfil one of the strategic goals of the OSCE, the goal of building civil societies. Many of the good patterns established by the ODIHR in working with human dimension NGOs can be creatively used by the Economic Co-ordinator.

Second, in addition to the well-established co-operation with such economic bodies as the ECE or financial institutions, more attention should be paid to the development of working-level ties with sub-regional organizations, like the Barents Euro-Arctic Council, the Council of the Baltic Sea States, the Black Sea Economic Cooperation and the Central European Initiative. The

work they perform serves the OSCE strategic objectives of stabilizing sub-regional relations through civil security measures well. This framework could offer a valuable contribution to OSCE economic dimension activities.

Third, the Economic Co-ordinator could be particularly helpful in developing a visible profile of OSCE field mission and office input into the economic dimension. One should probably think about how to amplify their reporting on economic and environmental processes and developments, including early warning. Through their on the spot interaction with the representatives of financial and other relevant institutions they could undertake useful initiatives aimed at supporting the political goals of conflict prevention and crisis management through appropriate economic programmes.

Finally, the Co-ordinator should stand ready to provide conceptual advice to the Chairmanship on how to advance the work on the economic dimension within the OSCE.

In the light of the experience gathered in the first several months of the work of the Co-ordinator of OSCE Economic and Environmental Activities it might be useful to discuss possible improvements, also in terms of better budgeting of his activities.

Prospects

Even the best concepts do not materialize by themselves. The economic dimension lives on the talents and expertise of the people involved in the work in this field.

The economic dimension can hardly be well integrated into day-to-day OSCE activities without the existence of a broad circle of diplomats stationed in Vienna at the Permanent Missions. These would have to be competent diplomats in a position to discuss economic dimension issues on a daily basis. Such a group has been slowly but steadily emerging during recent years. They do not necessarily have to be economic experts, but primarily - security experts with economic imagination and with access to good sources of economic information.

Such experts could take upon their shoulders the preparation of the economic dimension discussions at the Permanent Council, ensure a more organic link between the contents and the format of the Economic Forum discussions and the Permanent Council and monitor the follow-up to the Forum meetings. They should be competent partners giving support to the Co-ordinator of OSCE Economic and Environmental Activities.

Likewise, the reinforcement of the contribution of the field missions to the economic dimension largely depends on the availability of at least one good economic expert in each mission.

Realistic political concepts for the economic dimension and dedicated people within OSCE diplomatic circles will probably help to overcome the still per-

sistent feeling of frustration when it comes to the state of affairs of the economic dimension. The OSCE can benefit from it significantly. Without the enhancement of economic dimension activities the OSCE will hardly be able to fill the confidence gap which still exists towards the OSCE in certain regions, for instance in Central Asia.

III.

Organizational Aspects

OSCE Institutions and Structures

Reflections on the Role of the OSCE High Commissioner on National Minorities as an Instrument of Conflict Prevention

Since I became OSCE High Commissioner on National Minorities, I have tried hard to give substance to my primary role as an instrument of conflict prevention. In this article I will summarize my mandate and working methods and then present some general observations on minority situations.

As the mandate states, the High Commissioner is "an instrument of conflict prevention at the earliest possible stage" who will "provide 'early warning' and, as appropriate, 'early action' at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the potential to develop into a conflict within the CSCE area (presently the OSCE area, M.v.d.S.), affecting peace, stability or relations between participating States, requiring the attention of and action by the Council or the CSO (presently the Ministerial Council or Senior Council, M.v.d.S.)".

The High Commissioner, therefore, has a two-fold mission: first, to try to contribute to solutions to particular inter-ethnic problems and thus contain and de-escalate tensions involving national minority issues, and second, to alert OSCE participating States, by issuing an 'early warning', whenever such tensions threaten to develop to a level at which he can no longer work towards their containment with the means at his disposal.

Taking this mandate into account, I understand my tasks as the High Commissioner on National Minorities as being framed in political terms and the tools in my hands as being essentially tailored to deal with political issues. My blueprints are OSCE principles and commitments and international legal norms and standards. The political and legal elements of my work are inter-linked in the sense that my political involvement (through visits and recommendations) is short-term while the implementation of the recommendations (usually through enacting legislation) by the State in question can create long-term frameworks for inter-ethnic accommodation. My role is therefore very much that of a facilitator, working with the parties to find compromise solutions to inter-ethnic problems.

Since the beginning of my work as High Commissioner, I have employed an approach which can be characterized with three catch words: impartiality, confidentiality and co-operation.

I regard it essential to my effectiveness that the reputation of my office as being an impartial third party is preserved at all times. In view of the sensitive issues

with which the High Commissioner must deal, he cannot afford to be identified with one party or another. It is important to understand in this context that the mandate of the High Commissioner makes the distinction that I am the High Commissioner "on" National Minorities and not "for" National Minorities. I am not an ombudsman, nor do I investigate individual minority rights violations.

Confidentiality is important for my effectiveness and therefore means that I have a low profile. Parties directly involved often feel they can be more co-operative and forthcoming if they know that the content of their discussions will not be revealed to the outside world. Electoral politics are such that party leaders may make much stronger statements in public than in confidential conversations, feeling that they should be seen as maintaining strong demands or trying to exploit outside attention. Because my involvement in a particular country is a gradual process that usually requires follow-up, I regard it as important that the confidence and trust of my interlocutors is maintained over a long period of time. Sensationalizing issues could de-rail this process.

In a similar vein, the co-operative and non-coercive nature of the High Commissioner's involvement is a hallmark of successful preventive diplomacy. Durable solutions are only possible if there is a sufficient measure of good will and consent on the part of the parties directly involved. In my activities, I continually try to find such solutions and to bring the parties to such a consensus.

The 1992 High Commissioner's mandate contained a number of innovative elements relevant to conflict prevention. Firstly, as an external third party he or she can become involved at the earliest possible stage of an impending conflict. Secondly, such involvement is at this third party's discretion: the approval of the OSCE Permanent Council is not needed, nor that of the state concerned. Thirdly, the High Commissioner has far-reaching competencies when involved in a given situation, including the right to enter a participating State without that state's formal consent or the explicit support of other participating States. Fourthly, he or she, as a non-state entity, can operate independently (albeit accountable to the Organization, particularly the Chairman-in-Office). Finally, with the establishment of the High Commissioner on National Minorities, the OSCE has developed an early warning capacity specific to the extremely sensitive area of national minorities. I believe that all these elements taken together make the Office of the High Commissioner on National Minorities a valuable institution for the OSCE, a unique instrument in international mediation, and a vital point of contact to which governments and minorities can turn to when dealing with national minority issues.

During my years as High Commissioner, I have developed the practice of regular visits to countries where I am involved and in most cases I have issued several recommendations, each one building on previous ones. These recommendations have generally focused on two broad areas. Firstly, I have suggested specific changes in the substance of government policy vis-à-vis minorities in

order to address some of the most pressing concerns, problems and causes of tensions. A growing number of such recommendations concern possible changes in the existing national legislation which relate to the position of persons belonging to national minorities. Educational reform has also been a recurrent theme. Secondly, I have proposed various possible measures to establish or strengthen institutional capacity for government-minority dialogue and communication. The recommendations are usually made in the form of a letter to the Foreign Minister of the state concerned. They become public after the government to whom they are addressed has had the opportunity to send a response.

The recommendations are non-binding. Although proposals have been made to give them a legal character, I have always felt that making my recommendations legally binding on states would be counter-productive. If states felt coerced into accepting my recommendations they might become less willing to co-operate with me in the search for compromise solutions. The OSCE is a co-operative security organization and I have always striven for a co-operative approach in my relations with states and minorities. I encourage the same approach in their relations with each other.

The reactions of other OSCE States to my recommendations are especially important for my work. While the mandate allows me to operate with a large degree of independence, it is clear that I could not function properly without the political support of the participating States. This becomes particularly acute whenever I present my reports and recommendations to the state concerned and, afterwards, to the Permanent Council of the OSCE where all participating States are represented. At such a stage it becomes clear as to whether there is sufficient support for my activities and recommendations and whether states are willing to give their own follow-up where needed. To avoid acting in isolation, I remain, in conformity with the mandate, in close contact with the Chairman-in-Office to whom I report in strict confidence after my visits to OSCE participating States. Until now, my activities, reports and recommendations have been met with the appreciation and support of OSCE participating States. This gives me the necessary political backing of the Organization as a whole.

Since 1993, my activities as the High Commissioner on National Minorities have been expanding constantly. This underlines the crucial importance of tackling issues related to national minorities in order to maintain peace and stability in the OSCE area. In 1998/1999 I continued to be involved in minority situations in several parts of Europe and Central Asia, in particular in Croatia, Estonia, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, former Yugoslav Republic of Macedonia, Romania, Slovakia and Ukraine. In every case, the particular set of circumstances is different. However, certain themes and issues repeat themselves and can therefore be analysed systematically.

1. When studying minority issues, one cannot fail to note the intense interest with which the so-called "kin-states" almost invariably follow the fate of the related minority on the other side of the border. Such an interest is legitimate, but it is easy to understand that the government of the state where such a minority lives is often inclined to consider expressions of concern about its policies or legislation regarding such a minority as an inappropriate interference in its internal affairs. In such situations, there are two complementary ways of avoiding friction. One is to ask the OSCE - or, more specifically, its High Commissioner on National Minorities - to look into the matter. The other is for the kin-state and the state where the minority lives to engage in a dialogue about the duty of a state to respect and foster the identity of a minority on the one hand and the duty of persons belonging to a national minority to be loyal to the state on the other. While such a dialogue is not always free of tension, it can bring positive results. Indeed, the very process can often be an important confidence-building exercise. The result is sometimes bilateral treaties of good neighbourliness and friendly relations which can include mechanisms for periodic consultations and which offer opportunities for an exchange of views on minority matters.

However, such treaties cannot ensure specific solutions to specific minority problems: specific minority problems have to be resolved within states on the basis of their commitment to international norms and principles. If this is insufficient, the High Commissioner can be an important third party. Whereas the affected minority population may question the objectivity of the state and the state may question the motivation of the kin-state, the High Commissioner is regarded as an outside honest broker. Through his involvement the High Commissioner is not only able to solve particular issues within the country concerned, but can also contribute to preventing the escalation of tensions between the country concerned and the kin-state (and even other countries which have minority populations of the same ethnicity as the kin-state). One could regard this as a regional dimension to the High Commissioner's conflict prevention role.

In cases where a "kin-state" is absent, such as with the Crimean Tatars, the Meskhetian Turks and the Roma and Sinti, one could argue that my role as "honest broker" is even more important. It is for this reason that I devote a good deal of attention to those socially disadvantaged groups.

2. As a result of my involvement in various minority issues, I have become more and more convinced of the need to have adequate structures for *dialogue between governments and minorities*. Disputes frequently arise because of insufficient mechanisms for dialogue at the national level. Even if dialogue will not lead to full agreement on the issues at hand, the exchange of views in itself can help create a better understanding of the problems and concerns of the other side and to lower walls of mutual suspicion. It is especially important that draft legislation relating to minorities has adequate input from the affected parties be-

fore being presented to parliament. The same applies to government plans for new policies of special relevance for minorities. If minorities feel that they have a stake in the process, they will feel that they have a stake in the outcome.

In response to this problem, I have promoted the development of structures for dialogue and the establishment of other instruments of democratic discussion and decision-making. Conclusions reached at such forums can be submitted to the authorities in the form of recommendations and can, thus, with time, become an integral part of policy-making in these countries. The development of these institutions and processes of dialogue will demonstrate on the one hand that the authorities are willing to listen to minorities' concerns and on the other that minorities are willing to participate in the political life of the country in which they live.

Dialogue should not only be at the national level. Many minority issues are local issues and should be tackled at the local level. In cases where decision-making is highly centralized, minority concerns are often under-represented. Good and effective democratic governance implies that the persons affected should be involved in the process of decision-making, at least in the form of consultative participation. This kind of participation can significantly enhance the level of identification by members of a minority with the state they live in and are citizens of. As such, it is both an important part of conflict prevention and democracy-building.

3. Another observation that I have made during my years as OSCE High Commissioner on National Minorities is that minorities often have a marked preference for *territorial autonomy*. They clearly see this as the best way to protect their interests and their identity. Conversely, I have also noted a great reluctance on the part of governments to grant such autonomy. When relations between the government and the minority are strained and the region which is seen by the minority as a territorial expression of its national identity borders on the kin-State, there is quite often a suspicion of the government concerned that the minority's insistence on territorial autonomy is part of a hidden agenda which ultimately aims at secession and/or unification with the kin-state. Minorities often argue that this suspicion is unfounded, but, as is so often the case in politics, perceptions play a key role, even if they are incorrect.

There are two important considerations concerning this thorny issue. Firstly, one should recall that territorial autonomy is mentioned as an option in the OSCE Copenhagen Document. However, the Document does not commit governments to establish such autonomous areas. Secondly, even though the Copenhagen Document mentions territorial autonomy as an option, minorities have to take into account that such a demand would probably meet maximum resistance. They might be able to forward their aims more effectively if they concentrated on legislation which would enable them to have a greater say in fields of special interest for them, such as education and culture, or try to concentrate on matters,

which, apart from having their support, also have the sympathy of many amongst the majority, for instance, an increase of the powers of local self-government. Experience has taught us that inter-ethnic relations improve when states become more open and decentralized and allow for the free exercise of individual choice. Vibrant minorities can strengthen states; non-integrated minorities can disintegrate states. In order to discuss these matters and to exchange the experience of various OSCE States in this sphere, the International Conference "Governance and Participation: Integrating Diversity" took place in Locarno between 18 and 20 October 1998. It was hosted by the Swiss government and the Canton of Ticino and was prepared by my office with the assistance of the OSCE Office for Democratic Institutions and Human Rights. The Conference emphasized the need for a positive correlation between the principles relating to self-determination and respect for sovereignty, territorial integrity and the inviolability of internationally recognized borders. These principles are not irreconcilable.

"External" self-determination through secession is fraught with the potential for conflict. The alternative, as it was observed during the Conference, is that a great variety of solutions are available to the contemporary State in order to accommodate the vital interests and aspirations of minorities through the means of "internal" self-determination. These include effective participation of minorities in public decision-making through electoral processes as well as special mechanisms for dialogue, consultation and advice, various forms of cultural or functional autonomy, opportunities for the use of language and the enjoyment of minority culture, as well as educational regimes responding to the genuine needs and desires of minorities to develop and maintain their identity. Such forms of integration offer realistic alternatives to the detrimental policies of forced assimilation on the one hand, and of self-imposed isolation by minorities on the other. Indeed, it has been demonstrated that addressing minority concerns through methods of integration can lead members of minorities to focus not merely on their own concerns, but on those of the state as a whole. Such peaceful integration prevents extreme nationalism from posing a direct threat to stability and security within the state. Efforts, both internally and internationally, to achieve such integration constitute fundamental premises of successful conflict prevention in the state itself, in the region and in the OSCE area as a whole. As a follow-up to the Locarno Conference a group of international experts, at my request, studied these issues with a view to formulating a comprehensive set of general recommendations on the matter. These recommendations, which should reinforce the debate on these important issues in present-day Europe, were presented to the OSCE in the summer of 1999 as *The Lund Recommendations on the Effective Participation of National Minorities in Public Life*.

4. It is clear that *education* is an extremely important element for the preservation and development of the identity of persons belonging to national minorities. Therefore, I came to the conclusion that it would be useful to invite some internationally recognized experts to make recommendations on an appropriate and coherent application of minority education rights in the OSCE region. Accordingly, the Foundation on Inter-Ethnic Relations, which works closely with my office, brought together such a group of experts who, in turn, agreed upon *The Hague Recommendations Regarding the Education Rights of National Minorities*. Soon afterwards the Foundation organized a seminar on minority education issues, held in Vienna in November 1996 under my chairmanship, which enjoyed the participation of Ministers of Education and minority representatives from a number of states where these issues are especially salient. *The Hague Recommendations* were well received by relevant parties as a practical and balanced guide for resolution of many issues concerning minority education rights. To the extent that the Recommendations may usefully guide governments in elaborating more appropriate and acceptable laws and policies with regard to minority education, they will serve to resolve or at least diminish an important source of inter-ethnic tensions. Several states have already referred to *The Hague Recommendations* in the context of current national discussions.

In order to demonstrate how important solutions to minority education problems can be in effective conflict prevention, one can consider, as an example, the question of Albanian language higher education in the former Yugoslav Republic of Macedonia. This issue, around which the Albanian community can be easily politically mobilized by its leaders, is considered by them as fundamental for the position of the Albanian minority in the country. A number of positive steps were taken in recent years to address this issue: the government introduced a quota system which led to an increase in the number of Albanian students at the universities. At my request, the Foundation on Inter Ethnic-Relations started a programme aimed at helping pupils of Albanian language secondary schools to prepare themselves for university entrance examinations.

However, the underlying problem of Albanian language higher education still needs to be solved. In November 1998, I presented a number of recommendations on a possible compromise solution. I suggested the creation of an Albanian language university college for training teachers for elementary and secondary schools and of a private trilingual (English, Macedonian, Albanian) university for business and public administration. In designing these solutions I took into consideration the objective needs of the Albanian population in the field of education, the necessity of developing Albanian language education at all levels, as well as the requirements of the Macedonian system of education. I also based my considerations on the need to secure a sufficient level of integration among all ethnic groups in the country within the overall system of education. I am now in the process of discussing further implementation of these projects with both

the government and representatives of the Albanian community. On the occasion of my most recent visit to Skopje the government assured me that considerations that would facilitate tertiary education in the Albanian language within the framework of a private university were under way. Though, this must be added, the financing of that private higher education institution would have to be raised by the international community. This prospect would very much improve inter-ethnic relations in the former Yugoslav Republic of Macedonia.

5. With regard to the *use of languages of persons belonging to national minorities*, in 1996 I sent a questionnaire to all OSCE participating States. This was done in response to the expressed wish of a number of countries that comparative studies should be made on the situation of minorities in OSCE states. In 1998, my office began analysing the governments' replies. On the basis of these replies and my own appreciation of the overall situation, I have been able to draw some conclusions with a view to determining common practices and to revealing the variety of existing approaches from which each state may wish to draw examples and conclusions in relation to particular situations. The results of this study have found their way into a report which has recently been distributed to all participating States.

Part of the process was to consult a group of internationally recognized experts in order to receive their recommendations on an appropriate and coherent application of the linguistic rights of persons belonging to national minorities in the OSCE region. These consultations, facilitated by the Foundation on Inter-Ethnic Relations, resulted in *The Oslo Recommendations Regarding the Linguistic Rights of National Minorities*. These recommendations were presented to representatives of institutions dealing with minority linguistic rights in a number of OSCE participating States at a conference held in Vienna in February 1998. They refer to specific areas in relation to the use of minority languages: personal names and place names, religious activities, community life, the media, economic life, administrative authorities and public services, the administration of justice.

The use of minority languages has been a contentious issue in Slovakia since the country's independence in 1993. In the past six years minority language issues have been discussed in a number of contexts, particularly in regard to the erosion of minority rights which existed in the former Czechoslovakia. Major disputes arose during the years of the Meciar governments on issues such as the position of the Hungarian language schools, the use of minority languages in official communications, the registration of Hungarian names in Hungarian and the right of having school certificates issued in both the official and minority languages. The situation became particularly acute after the adoption of a new state language law in November 1995. This new law created a legal vacuum as far as the use of minority languages in official communications was concerned,

and fell short of international norms and standards. The initiative undertaken by me to allow experts to assist in the drafting of a complementary minority language law did not come to fruition under the last Meciar government. On several occasions I cautioned the government that compliance with international principles and standards was an important consideration for developing closer relations with the European and international communities.

In October 1998 the new Slovak government, which included Hungarian minority representatives, immediately started to implement a number of my recommendations, including the abolishment of the law on local elections (which I had criticized previously as not being in conformity with international standards accepted by Slovakia) and the reintroduction of school certificates in both the state and minority languages. Most importantly, they committed themselves to introducing a new law on minority languages which would lay down some general principles regarding the use of these languages, a detailed reference to existing Slovak legislation on minority language protection, and a solution of the problem of the use of minority languages in official communications. The law adopted in July 1999, though far from being perfect, is a major step forward in the effective integration of the Hungarian minority into Slovak society and to improving relations between Slovakia and its neighbours.

6. I have been paying great attention to the question of the *integration of minorities into a wider society*. Sometimes, persons belonging to national minorities or various ethnic groups have difficulties in becoming integrated into society, even when they have the best intentions of doing so. For instance, in some states, where stateless residents have to pass language and other tests in order to become citizens, the costs of classes are prohibitive or the facilities are inadequate. This problem may seem minor, but the accumulation of a number of individual problems can quickly add up to a bigger problem. Inversely, small scale and focused assistance can have large-scale and long-term positive results.

A concrete example can be seen in work that was done in Latvia and Estonia in 1998. Since 1993, I have been dealing, in co-operation with the governments of these two Baltic states, with the question of the integration of minorities in these countries. In doing so I have been careful to take into account the historical experiences of these countries and the challenges of post-Communist transition as well as the concerns of the minority populations. I paid particular attention to the integration of the young generation of minority members; those who were born, who grew up and who were educated in independent Latvia and Estonia. I stressed that the conferral of citizenship to children of stateless parents born in the two countries after the regaining of independence would promote the process of integration and, thus, would contribute to the easing of tensions.

In 1998, both Latvia and Estonia adopted relevant amendments, as suggested by me, to their citizenship laws. In Latvia these amendments, which also included the abolition of provisions delaying the right to apply for citizenship until later

years for an important number of non-citizens, were approved in a referendum. As a result, I concluded that my recommendations to the governments of Latvia and Estonia on citizenship issues had been fulfilled. At the same time, I continue my activities in these countries regarding a number of other important minority issues, such as legislation regarding the position of the state language.

It took the Latvian Parliament over two years to work out the Latvian state language law. This process was supported by my office, the OSCE Mission to Latvia and the Council of Europe. At an early stage I had already warned the Latvian legislature that the law was particularly intrusive upon the language use in the private sphere and would be in contradiction to international norms and standards. Despite intensive consultations by international experts with Latvian specialists, Parliamentarians and politicians a law was adopted in July 1999 which only complies with these international standards rather inadequately. Following an appeal by a number of national governments and international organizations Latvian President, Vaira Vike-Freiberga, decided to return the law to the Parliament for further discussion.

In conclusion, when addressing situations falling within my mandate as the High Commissioner on National Minorities, I have not sought to come up with generally applicable solutions. There are no golden rules when it comes to dealing with national minority issues; every situation has to be analysed in its specific context. There are, however, some common aims and perspectives that have guided me in my work and which should be considered as objectives in developing harmonious societies and preventing conflict.

The protection of persons belonging to national minorities has to be seen as essentially in the interest of the state and of the majority. It is a reciprocal relationship. Peace and stability are, as a rule, best served by ensuring that persons belonging to national minorities can effectively enjoy their rights. If the state shows loyalty to persons belonging to national minorities, it can expect loyalty in return from those persons who will have a stake in the stability and well-being of that state.

Solutions to various inter-ethnic problems should be sought as much as possible within the framework of the state itself. The most essential contribution to the elimination of minority problems as a source of instability in Europe is the promotion of a better and more harmonious relationship between the majority and the minority in the state itself. Constructive and substantial dialogue between the majority and minority as well as effective participation by minorities in public affairs need to be encouraged. Through dialogue and participation, persons belonging to national minorities may be meaningfully integrated into political processes with a view to improving overall governance. Furthermore, the full development of the aspirations of persons belonging to national minorities can

be achieved within the framework of the state. Such development need not require territorial expression; it can be fully realized through policies and legislation promoting the protection and the deepening of the identity of the minority in various fields, for instance culture and education. In such fields, social integration can take place through the wider accommodation of ethnic differences. The onus for making this accommodation possible does not rest solely with the state. National minorities must play a constructive role in finding solutions to their own problems. If they refuse to recognize that they share a common destiny with the majority in the state within which they live, if they constantly seek to isolate themselves from the rest of the society and insist on institutional arrangements which would promote such isolation, the reaction on the other side will, most likely, be increasingly suspicious and intransigent. On the other hand, the minority can try to follow a policy which combines efforts to safeguard its identity with the recognition that living together on one territory - and consequently sharing many common interests - inevitably requires a certain degree of integration into the wider society. By rejecting isolation, by recognizing that the fates of minority and majority are linked, the minority will also be able to create more understanding for the protection and promotion of its own identity. Bearing these points in mind, frameworks for protecting the interests of minorities can and should be established within states. Sometimes the alternative of equating nationhood with statehood and creating a patchwork of ethnically homogeneous micro-states in Europe is mentioned. But this is not a genuine alternative. As minorities in Europe do not live in compact geographic areas, it is not possible to create ethnically homogenous states unless the inhumane and totally unacceptable instrument of ethnic cleansing would be used. By effectively integrating national minorities, the minorities, the states and Europe as a whole will be a more stable and peaceful place. Perhaps there will come a day when the OSCE area no longer needs a High Commissioner on National Minorities. As recent developments continue to demonstrate, however, there is still a long way to go before we can feel safe that a new "Kosovo" will not reappear.

Capacity-Building through Training - A Strategy for the OSCE

Background: The Challenges for the OSCE

All international organizations face new challenges because of a rapidly changing international environment. Most of them use training and capacity-building to adapt to new situations. The OSCE faces the same challenges. In addition, the OSCE is a very young organization which wishes to be flexible so as to adapt quickly to new tasks. It operates a number of field missions that are staffed with short-term secondment. Its structures are decentralized. The Secretariat in Vienna was established in its present form only in 1993. Its personnel resources are limited. Because the OSCE is a non-career organization, staff working in the Secretariat have limits on the duration of their employment. As regards flexibility, it may be sufficient to mention the adaptation that the OSCE underwent to meet the challenges presented by the establishment of the Kosovo Verification Mission (KVM) at the end of 1998, a mission which was four times bigger than the largest mission that the OSCE had ever had before that.

The field missions are - with a few exceptions² - staffed by personnel seconded by the participating States. The term of duty is six months with an option of prolongation. Often mission members serve two tours of duty which means that they stay in the mission some twelve months. The system of staffing the mission through short-term secondment means that the missions can draw on the experience of mission members with different professional and national background. However, the system also brings with it specific problems, e.g., with regard to continuity.

In 1995, the OSCE had about 70 international staff members in different field missions. In the middle of October 1998, the number of international mission members had increased to about 600 and there were more than 1,000 local staff members in 17 field missions. This was the situation before the establishment of the KVM. Just before the Mission was evacuated from Kosovo in March 1999, the number of international members in the KVM was close to

1 Ambassador Sune Danielsson is Co-ordinator for Capacity-Building and Training in the OSCE. The views expressed in this article are his own and do not necessarily reflect the views of the OSCE.

2 The exceptions generally refer to staff dealing with administrative and financial matters in the missions. These mission members have fixed-term contracts meaning that they are employed by the OSCE.

1,400 and there were almost 1,700 local staff members.³ Although the number of personnel was reduced after the Mission was evacuated, the figures referred to serve as an illustration of the almost dramatic development in OSCE field activities in only a few years.

The Initial Stages of the Work

Even before the developments of 1998, there was an increasing awareness among participating States of the need to prepare the growing numbers of mission members for their tasks in the field. In response to the demands of participating States, the Secretary General, Ambassador Giancarlo Aragona, initiated the development of training activities in a systematic way to meet the challenges facing the Organization. The author of this article was seconded to the Secretariat by the government of Sweden in March 1998 in order to build up a comprehensive training programme for the OSCE.

This effort was initiated parallel to the discussion in the Permanent Council on how to strengthen the operational capabilities of the OSCE which eventually led to a restructuring of the Secretariat. The work on building up a system of training in the OSCE had the same purpose, namely to strengthen the capacity of the Organization to carry out a growing number of tasks in an efficient and cost-effective way.

The work started with an extensive process of consultation. Inside the Secretariat an internal working group was set up to get the staff involved in the process. A number of consultations were held with Delegations to the OSCE to get input from them. Discussions were held at the ODIHR and the HCNM and they appointed members to the internal working group. Last, but certainly not least, the field missions were invited to submit their comments and suggestions and follow-up visits were made to the Mission to Croatia and the Mission to Bosnia and Herzegovina to discuss the training needs in more detail.

As part of the process in developing a comprehensive approach to training, a review was made of existing training efforts. At the end of May 1998, the situation was summarized as follows:

"In some cases new mission members get a briefing before taking up their duties but in many cases they receive only little, or no introduction at all before leaving their home countries.

All mission members go through Vienna on their way to their respective missions. In Vienna, the Secretariat gives them a one day adminis-

3 As of 15 March 1999, the number of KVM international staff was 1,378 and local staff was 1,680 bringing the total number of staff to 3,058.

trative orientation. During this orientation they get an introduction to what the OSCE is and how it works. They are informed about mission support, the conditions of secondment and given an overview of the mandate for the mission and related matters.

On arrival in the mission area they normally receive a briefing at local headquarters. However, in most missions there is no systematic training after this time. An exception is the Mission to Croatia where steps have been taken to initiate a training programme both for senior staff and for other members of the Mission. The Mission has recently appointed a training officer in consultation with the Secretariat. In the Mission to Bosnia and Herzegovina training is used in a number of specific fields but the pressure of this task has made it difficult for the Mission to implement a comprehensive training programme. The Chief of Staff has just been given the task of co-ordinating training in the Mission. Otherwise, on-the-job training and 'overlap' between outgoing and incoming mission members is the most usual method of training in the missions.

In 1996 and 1997 some new mission members were invited to a Mission Member Training Seminar in Vienna. About 25 persons attended each seminar and most of them had not yet taken up their duties. The purpose of these seminars has been to enhance the knowledge and know-how of designated or potential members of long-term missions and to enable them to better fulfil their tasks as well as to prepare them so that they can adapt rapidly to new working conditions. Budget allocations were made in 1997 for a second seminar. This second seminar was, however, not held because of the lack of nominations for participation from participating States. The seminar planned for June 1998 was postponed for the same reason.

Training seminars are organized for local field mission staff involved in finance and administration.

Some mission members have been sent to the ODIHR for training. However, this has not been done in a systematic manner, except with regard to Tajikistan.

In a few cases the Head of Mission received a special briefing by the High Commissioner on National Minorities and the ODIHR.

When a member of a smaller mission concludes his/her tour of duty, in most cases he/she passes through Vienna for a short debriefing in the Secretariat. However, there is no systematic use of the feed-back from departing mission members to improve the work of the mission through 'lessons learned' and to build up the institutional memory of the Organization. For members of the larger missions there is no organized debriefing in Vienna upon completion of a tour of duty.

The ODIHR conducts election observation missions for ten to twelve elections each year. Each mission arranges brief training sessions for the 50 to 200 election observers. The purpose of the training programme is to give the election observers instruction in the OSCE methodology for election observation - e.g. what to pay close attention to while monitoring the election - and to give information on OSCE commitments on free elections and about local conditions and legislation. The ODIHR is also preparing projects for training domestic election observers, i.e. local officials, representatives of political parties and NGOs." ⁴

An inventory was also made of international and national institutions that offered courses which might be of relevance to the OSCE. This inventory was made in May 1998 on the basis of information available at the time in the Secretariat.⁵ Available courses which could be of relevance for the OSCE were identified in the following institutions: CASIN (Centre for Applied Studies in International Negotiations) in Geneva, the Lester B. Pearson Canadian International Peacekeeping Training Centre in Clements Port, Nova Scotia, the Moscow State Institute of International Relations, Peace Centre Burg Schlaining in Austria, Scuola Superiore S. Anna in Pisa, Italy, United Nations Staff College in Turin, Italy, UNITAR (United Nations Institute for Training and Research), the United States Institute of Peace in Washington. The results of the initial findings of the work were presented in a working paper on training in the OSCE of 22 May 1998. The working paper also contained a plan of action consisting of the following points:

- continued consultations in the Secretariat, with OSCE institutions and field missions as well as interested participating States on fine-tuning the identification of needs/objectives and, in particular, the priorities;
- finalizing the development of OSCE training strategy before the end of the year;
- inviting field missions which have not already done so to start creating a systematic training programme based on mission task priorities in consultation with the Secretariat, and to initiate those training activities which are most urgently needed;
- appointing a training co-ordinator in the Secretariat, bearing in mind that the greatest amount of manpower is needed at the beginning of the process;
- starting development of guidelines and systems to construct an institutional memory in the Organization,

4 Quotation from a Working Paper on Training in the OSCE of 22 May 1998, pp. 4-5.

5 Cf. *ibid.*, Annex.

- starting development of training material such as handbooks, guidelines and training modules;
- engaging staff in the Secretariat, through the internal working group in the training process by involving them as designers, deliverers and beneficiaries;
- initiating the instruction of trainers;
- pursuing contacts with international organizations and others to explore concrete possibilities of co-operation in the training process.

Comments by Participating States

The working paper was circulated to the OSCE Delegations in Vienna inviting them to give their comments as input to further work. When the initial findings presented in the working paper were discussed at an informal meeting of the Permanent Council on 9 June 1998 comments from participating States were generally positive and the proposal to develop a training strategy was given broad support.

The Co-ordination Unit

In anticipation of completing the work on strategy, the Secretary General decided to set up a unit in the Secretariat for the co-ordination of capacity-building and training. The decision reflected the approach adopted in the work on strategy, namely avoiding a new unwieldy structure in the Secretariat. Instead, the philosophy behind it was to create a unit with the primary task of co-ordinating training activities in the Organization. This means that the training efforts in the OSCE have to be carried out through a mobilization of all parts of the Organization but in co-ordination with the Secretariat. This would not only keep costs down but also bring the training process as close as possible to the actual activities of the Organization and make sure that training activities are relevant for the tasks of field missions and institutions of the Organization. At the same time, unity of approach, consistency and quality would be ensured through co-ordination.

The unit consists, at present, of the Co-ordinator for Capacity-Building and Training and a Training Assistant. The Secretary General appointed the author of this article as Co-ordinator when he decided to set up the unit.

Finalizing Strategy

On the basis of the positive comments from participating States the work to develop an OSCE training strategy continued. Inputs were given by various parts of the Secretariat through the informal working group set up for the purpose. A number of suggestions were also provided by OSCE Institutions and field missions, in particular the Missions to Bosnia and Herzegovina and to Croatia.

A proposal for a strategy was finalized but the consideration of it by participating States was delayed because of the priority that had to be given to the preparation of the KVM. The proposed strategy was discussed at an informal meeting of the Permanent Council on 25 November 1998.

In spite of the close consultations held with interested delegations before the circulation of a paper on the proposed strategy, a few felt that the proposal was too ambitious. This position was not so much related to training issues as such but was rather a reflection of the general position of some delegations regarding the OSCE as an organization. In summary, they feel that the OSCE must not be permitted to develop into an organization like the UN. Against this argument, it was explained that this was not the intention of the proposed training strategy. On the contrary, the proposed strategy was aimed at making the OSCE as cost-effective as possible within the existing organizational framework. Although the overwhelming majority of delegations were in favour of the proposal, the concerns expressed had to be taken into account to achieve consensus. Negotiations were therefore initiated among the most interested delegations in order to find an acceptable solution. These negotiations were successfully concluded with a general agreement on the content of the strategy. The final version of the strategy document entitled "Capacity-Building through Training: A Strategy for the OSCE"⁶ was approved by the Permanent Council on 18 March 1999.⁷

In its decision, the Permanent Council noted that the considerable increase in OSCE activities, particularly in the field, required a determined effort to improve capacity-building and training in the Organization. After welcoming the document containing the strategy, the Council approved it and invited the Secretary General to begin implementation and write a yearly report starting with a first report to the Permanent Council in early December 1999. The Council also invited participating States to provide the Secretary General with information regularly on national training activities geared to the strategy.

6 SEC.GAL/25/99/Rev.1 of 12 March 1999.

7 Cf. OSCE, Permanent Council, PC Journal No. 215, Agenda item 5, Decision No. 291, PC.DEC/291, 18 March 1999.

First, perhaps, a word should be said about the terminology used in the strategy document. The term "capacity-building through training" reflects the comprehensive approach of the strategy. Training is a means of empowering the Organization to carry out its tasks in an efficient manner. The strategy takes into account the general feeling among the participating States, the staff of the Organization and its partners in the field that it is important to find ways to make overall OSCE performance more professional. It also reflects the fact that a responsible and cost-effective training programme requires method, thought and care. Quick and occasional workshops can be provided relatively easily. However, a sustainable system which ensures the building of an institutional memory, the distillation and learning from operational successes/mistakes, making sound management principles part of the OSCE culture, that up-to-date information technology becomes second nature to OSCE staff etc. requires a thorough and strategic approach to training.

The terms "training" and "capacity-building" mean that both formal activities, such as workshops, and informal ones, like mentoring, coaching and self-learning, are included. They also cover materials development and relate to both pre-mission preparation, training in the field and debriefing at the end of a tour of duty. In addition, training should be seen as a means of management, as a means for co-operation with other international organizations and as an opportunity to improve personnel management.

The OSCE Strategy for Capacity-Building through Training as approved by the Permanent Council is a "blueprint" for actions during the period 1999 to the end of 2001.

The paramount goals of the strategy are: to enhance the ability of the institutions and the missions to carry out their mandate as decided by participating States, to strengthen the internal performance of the OSCE and in this way to improve the effectiveness and sustainability of mission activities in the field. A number of more detailed objectives - such as the development of an institutional memory, the identification of best practices, team building, improved communication skills, unity of approach - have also been identified.

Underpinning the strategy is an analytical process which first identifies a number of OSCE capacity-building and training needs, which are either weaknesses to be corrected, strengths to be built on, opportunities to be seized or new knowledge and skills to be assimilated from outside. According to the analysis, all OSCE staff at all levels are addressed - with a strong emphasis placed on mission members in their various areas of specialization. The staff of the Secretariat and the institutions must not be overlooked, given their key role in providing effective support to field activities.

In the face of multiple training demands, priorities have been set. The field missions of the OSCE have up to now concentrated on efforts to prevent conflicts or post-conflict situations, in short: making civil society function. Bearing this in mind, an obvious priority for the OSCE will be human rights training for mission members and training in related areas such as conflict prevention. In order to strengthen the performance of the OSCE, other priorities will be specific preparation required for practical tasks in OSCE missions, general knowledge about the OSCE, standards of behaviour and ethics, gender issues as well as institutional communications. In keeping with the way the OSCE operates, flexibility should highlight this approach. Beyond the priorities *per se*, the strategy also draws on principles of sound and well-proven training management practice which can make a strong contribution towards helping a "training culture" to take root quickly and effectively. It is, for example, foreseen that all staff must be made aware of their own responsibility to learn, for their own good and that of the OSCE, but in this they have to be assisted by the Organization. Another principle is that the training activities will be a means to achieve the objectives of the OSCE. Yet another principle is that activities that are likely to have a strong multiplier effect and/or be sustainable over time should be favoured over isolated events.

Based on the preceding analysis and considerations, the key features of the strategy have been defined as including the following: a three-year strategic planning horizon; a highly participative and "joint management- and staff-owned" approach in combination with a central co-ordination capability; development and updating of a body of knowledge and best practice; a training impact assessment and evaluation system; sufficient programme scope to ensure a critical mass of OSCE-wide impact in a short time span.

The implementation of this capacity-building and training strategy, including both its management and the actual performance of its activities, will call for the co-operative functioning of a series of interconnected mechanisms. While decentralization, based on performance in the field by missions in accordance with agreed yearly training plans, will ensure commitment and energy where it counts most, a support structure consisting of focal points in all parts of the Organization and a Co-ordinator in the Secretariat will provide overall quality control and the all-important development of an OSCE-wide materials and skills base. The Co-ordinator will also be the locus for institutional accountability and reporting on the overall training effort, as well as troubleshooting and evaluation in this context. Actual performance of activities will be assured through many different means, including workshops and the impressive array of possibilities now afforded by modern technology. The capacity building and training unit in the Secretariat will provide as much training as possible, including in the field missions. The Co-ordinator will

also seek to make best use of training provided by other sources, such as the participating States, other international organizations or NGOs.

The strategy is intended to cater to the needs of the Organization. It will be implemented through a controlled and decentralized system based on participative management. This is the reason why the network of focal points in field missions and institutions will play an important role in fulfilling the priority objectives defined in the strategy. Contact persons at the focal points will work closely with the Co-ordinator. They will define training needs in their respective work places and establish plans for training activities which will be reviewed by the Co-ordinator. These plans will then serve as the basis for the training budgets of the institutions and the missions. They also serve as the basis for defining which activities can be carried out more cost effectively at the core to the benefit of several or all missions. The role of the Co-ordinator will be to ensure consistency, quality control and unity of approach and content as well as to manage central budget allocations. He will also encourage and assist missions and work units to implement training activities which are relevant for their tasks. Finally, training material is needed for a sustainable result. At the start of the implementation the Co-ordinator will put the emphasis on the development of a summary module which will be the basis for the induction of new staff members in the field and the Secretariat. Training material and manuals are also needed on administrative issues and a general mission handbook should be produced covering the professional performance and behaviour of members of field missions.

The Initiation of Training Activities

Parallel to the work on the strategy, a number of activities were initiated even before the strategy was approved. Since most mission members stay in their missions only a limited time, the initial emphasis has been put on training in the early stages of assignment as part of the induction of new staff in the field and in the Secretariat.

Two day *induction courses* are held in Vienna for new mission members and new Secretariat staff. The purpose of these courses is to give a general introduction to the OSCE and how it is working. This course became mandatory through the approval of the strategy.⁸ It provides an overview of the OSCE and its activities as well as initial administrative and practical information.⁹ Up to now, the course has been held every two weeks. By the end of June 1999, 22 courses had been held with a total number of 262 participants.

8 See Section 8.3 page 10 of document SEC.GAL/25/99/Rev.1.

9 An exception was the KVM that organized induction of new members in the mission area.

The plan is to develop this course into a training package that can be implemented not only in Vienna but also in the large field missions. This package will also be of importance as a basis for training that may be offered in and by participating States in preparing their nationals for work as members of the OSCE field missions. Hopefully, such training activities will be assumed by at least some participating States and also be open for nationals from other participating States.

Among the specific topics included in the induction course are basic information on human rights and gender issues.

The United Nations High Commissioner for Human Rights, Mrs. Mary Robinson, proposed in a statement to the Permanent Council in June 1998 that her Office and the OSCE should co-operate in the field of *human rights training*. Following this initiative, the Co-ordinator and the Office of the High Commissioner (OHCHR) developed a co-operative approach on human rights training for field missions. This has resulted in an effort including the OSCE/ODIHR, the OHCHR, the Council of Europe and the European Commission, in the form of a pilot project for human rights training for field missions. Through this project it is hoped that greater awareness of existing standards can be created so that they can be applied more effectively in field activities. This will contribute to avoiding "forum shopping" in the field. The training will also include practical skills needed in field missions. Last but not least, through this joint effort common standards for human rights training will be developed which will be an important reflection of the universality of human rights. The pilot project was implemented through a workshop on human rights training in field missions which was held in July 1999 in the facilities of the European Masters in Venice-Lido on the invitation of the European Commission. Out of 25 participants up to 18 came from the OSCE. It is hoped that the workshop laid the basis for continued joint training efforts on human rights work in field missions.

An effort is also under way to provide support through training to field missions for their work relating to *gender issues*. Many of the field missions work in post-conflict situations where women victims of conflict present a particularly sensitive problem. This is only one example of gender issues which field missions have to work on. A training manual which is now under preparation will provide guidance to the missions in dealing with these issues. Training will also be part of the policy awareness campaign to follow up the organizational directive on the professional working environment in the OSCE.¹⁰

Preliminary plans have been made to provide *training on mediation techniques* in the form of a workshop organized in co-operation with UNITAR.

10 Organizational Directive No. 11 on Professional Working Environment in the OSCE dated 9 June 1999 circulated with document SEC.GAL/62/99 of 10 June 1999.

Any field activity requires an efficiently working administrative base. For this purpose an *administrative training* workshop was held in 1998 and a second workshop was held in June 1999. Training is used as an integral part of the introduction of new *information technology* (IT) systems. All new staff members receive training in IT tailored to their needs when they arrive at the organization.

Apart from the activities under way or planned at the headquarters level, a number of training activities have also been initiated in some of the *field missions*. The Mission to Croatia has a well developed training programme which comprises, *inter alia*, induction training and specific training for police monitors which have been part of the Mission since October 1998. The Mission to Bosnia and Herzegovina has a training programme which includes a welcome programme, IT training and management training for some of the members of the Mission.

These are some examples of training activities which are now emerging as an integrated part of the activities of the OSCE.

Concluding Remarks

Based on developments during the last year it can be concluded that the increased attention to training has in itself had an effect. The awareness of the need for training has increased. There is also an ever-increasing understanding of how training can be used as a means of management and as a means of supporting the substantive activities of the organization.

The OSCE Strategy for Capacity-Building through Training has indicated the direction in which the Organization should proceed. The strategy will, however, not succeed by itself. In order to be successful certain conditions need to be fulfilled, among them:

- the political support of the participating States;
- strong and visible management support;
- sufficient funding;
- integration of capacity-building and training with OSCE activities, and a place in the Organization which highlights this approach;
- the development of a "culture of training", i.e., an atmosphere in which the use of training is widely understood and accepted.

The approval of the strategy is only the beginning of a process and it is important that it be continued over time to achieve the desired results. Capacity-building and training means change. If it is not generally accepted that some

practices might have to be reconsidered it will be difficult to achieve the desired results.

When the implementation of the strategy has picked up speed the time will come to think about further steps. One obvious way to improve the performance of the Organization is to complement the training activities of the OSCE with pre-mission preparation in the participating States of future mission members. Hopefully some participating States will organize such training and invite participants from other participating States. It is essential, however, that the message given to future mission members be consistent, regardless of where training is organized. The training material developed by the OSCE will be an important means of achieving unity of approach. But other measures to ensure an even quality in national training efforts are probably needed. This is a matter that should be studied further.

Finally, to be able to meet its challenges and carry out increasingly demanding tasks, the OSCE must become a "learning organization". That means that the Organization should not only learn from its successes but also from its failures. By distilling best practices and creating an institutional memory, the effectiveness of the Organization can be increased. This can, however, not be done in isolation but should be integrated into a lesson-learning system. Such a system should be based on the experiences from systems which have been developed and are in use in private industry, in the armed forces of some countries and in some international organizations. Training is an essential part of such a system both as a way of disseminating best practices and getting feed-back which - after appropriate analysis - can serve as the basis for recommendations for action to be taken. Another important input in such a system would be systematic debriefing of departing mission members.

These are some suggestions for further steps to improve the functioning of the OSCE and to ensure that it can remain a flexible and cost-effective organization, also when new demands create new challenges.

External Relations and Influences

Managing Peace-Building More Professionally - Improving Institutional Co-operation¹

The "Agenda for Peace" published in 1992 by then UN Secretary-General Boutros Boutros-Ghali was designed to establish a coherent framework for the UN's efforts to maintain peace around the world. His study distinguished between conflict prevention, conflict settlement (including a broad spectrum ranging from the peaceful settlement of disputes, peacekeeping, peace enforcement to coercive measures) and post-conflict peace-building. The latter encompasses all "action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict".² Such action is called for in countries whose political, economic, and social structures have been partially or entirely destroyed by violent conflicts. Peace-building programmes consist of military and civilian support. The latter entails a broad range of political, legal and economic projects.

Effective conflict management cannot be limited to removing the consequences of a crisis but must attack its underlying causes. Therefore it requires the interplay of conflict prevention, conflict settlement and post-conflict peace-building. In this sense, peace-building can be understood as a first step towards successful conflict prevention because it is in the rebuilding of damaged political, social and economic structures that the foundations for their future stability or instability reside. To make a stable development possible, international efforts aim at building democratic institutions based on the rule of law, establishing an economic order consistent with the ideal of the social market economy, securing the effectiveness of political, judicial and administrative structures and providing for democratic control of the military, police and paramilitary forces. International organizations such as the OSCE, the European Union, the Council of Europe, the UN, international financial organizations, NATO and the WEU provide substantial assistance. They assist, advise and support countries financially and technically, help them to fulfil their international agreements (while overseeing this process), carry out negotiations and temporarily take over governmental responsibilities (transitional authority). These measures are intended to ease the integration of the

1 This article is based on the author's dissertation: *Europas Sicherheitsarchitektur: Erfolgsfaktoren - Bestandesaufnahme - Handlungsbedarf* [Europe's Security Architecture: Where Do We Stand? Where Should We Go?], Baden-Baden 1999, which was supported by the Swiss National Science Foundation as part of the National Research Programme 42 on Swiss foreign policy, Project No. 4042-47350.

2 Boutros Boutros-Ghali, *An Agenda for Peace. Preventive Diplomacy, Peacemaking and Peace-keeping*. Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, New York 1992, p. 11.

affected countries into the international community and to strengthen the foundations for peaceful and non-violent relations between states.

There can be no doubt about the importance of peace-building efforts. However, the way in which the international community goes about dealing with these shows that a great deal remains to be done. Two main reasons deserve mention: first, working programmes of international organizations are hardly co-ordinated. This leads to substantial redundancies, particularly on the civilian side, which makes the necessity for closer co-operation inevitable. Second, there is a huge gap between military and civilian efforts. While the former are adequately provided with financial, personnel and technical resources, the willingness of the international community to support efforts in the civilian area is quite rapidly exhausted. So it is in this field, as this essay will show, that proposals for improvements are most urgently needed.

Lessons Learned

Before suggesting recommendations for improving institutional co-operation in the field of peace-building we should first look at the lessons to be learned from previous efforts. The following list indicates which aspects must be given greater attention in the future:

- Civilian and military components of peace-building missions need better co-ordination. On the one hand this requires a better balance between the governments' contribution to both these elements. On the other hand this implies a more task oriented management and better co-ordination of civil-military relations in the field.
- Like the military command structures the organization and management structures of the civilian side must be designed with one tightly organized central authority responsible for the whole civilian sector. Furthermore, experiences in Bosnia and Herzegovina and in Albania force us to reconsider the extent to which OSCE long-term missions can henceforth assume overall responsibility for civilian co-ordination in crisis areas.
- When preparing the mandates on the spot institutional co-operation should be given greater attention by adopting guiding principles (e.g. nomination of liaison officers, establishment of co-ordination offices, joint press conferences).
- Peace-building missions should be given increased responsibility vis-à-vis the conflicting parties including the authority to issue instructions as long as they do not agree on measures.
- More integrated approaches for planning, implementing and evaluating international peace-building missions should be developed with all relevant international organizations.

- When establishing the missions existing synergies should be considered and fully exhausted - e.g. by sharing of infrastructure among all international organizations.
- "Lead agency" concepts should be used in order to reduce the number of actors involved. In every area of peace-building one international organization should act as the chief co-ordinator and should be given executive power over other international organizations engaged in the same area.
- The flow of information should be designed according to the "form follows function" principle, thereby favouring information sharing over "institutional autonomy".
- International organizations should co-ordinate their working programmes at an early stage in order to increase harmonization and reduce duplication.
- Experience gained from peace-building should be systematically evaluated to be able to draw conclusions for use in future missions and establish an institutional memory.

Improving Co-operation at an Early Stage

To make international peace-building efforts more effective, institutional co-operation must be improved and strengthened before field operations take place. *First*, the flow of information between European security organizations must to be fundamentally redesigned. In the future it should no longer be permissible to strengthen or weaken the position of an international organization by withholding information. Rather, addressing the problems adequately will mean clarifying what kind of information should be available in what form, when and where. The process of gathering and distributing information should be redesigned with this principle in mind. Thereby special emphasis should be given to overcoming the reticence of participating States and to abandoning the carefully protected principle of "institutional autonomy". The following examples illustrate how this goal could be achieved.

Assessing the political situation in a country is of importance both for the EU and for international financial organizations. In judging that situation there ought to be closer co-operation with the OSCE and/or UN missions in the field whose regularly prepared situation reports could be made available to economic organizations. Moreover, their local offices should be more fully integrated into the analysis of the economic situation in a crisis area to ensure the optimal distribution of financial assistance and to promote the building of local economic structures. Conversely, economic disturbances are often a source of political conflict. For example economic deterioration in a country may impel the EU Commission to contact the High Commissioner on National Minorities. This might occur when the Commission has evidence of

economic discrimination against minorities and that political decisions are needed to ameliorate their situation.

Similar considerations could apply to the use of military intelligence satellites. They play an important role not only in registering early warning of attacks but also in observing trouble spots, monitoring humanitarian actions and disarmament agreements, and in gathering strategic or tactical data.³ If for instance there is uncertainty about the behaviour of military forces in cases of political turmoil the availability of such intelligence information could clarify the situation while at the same time enhancing the capacities of a political organization like the OSCE, which does not have its own sources of information.

Second, because knowledge and experience are becoming ever more important and both depend on the individuals who possess them, international organizations must make better use of their human resources. The systematic exchange of employees would represent a first step in this direction. One objective, for example, might be to arrange for a general rotation of employees, within a clearly defined field of work, for a period of six months. This exchange would be designed to give each side a look at the other's day to day work while improving understanding of the organization's specific needs; it would make it easier for people to get to know each other, improve co-operation and contribute to socialization. The participating employees would garner valuable experience which they could use when they went back to their own daily work.

Especially if the OSCE is going to take over a bigger role as overall co-ordinator of peace-building in the future, it would benefit from the systematic rotation of personnel. One could imagine, for example, an agreement along these lines with the Council of Europe or with the United Nations High Commissioner for Refugees (UNHCR) covering dealings with minorities and the return of refugees to their homelands; an exchange of the EU and the international financial organizations with the Co-ordinator of OSCE Economic and Environmental Activities; or one could think about rotation of personnel between the OSCE and NATO or the WEU in order to improve civil-military relations. Overall, this periodic exchange of personnel - which would require close attention to the needs of the "interns" and calls for ways of easing the transfer of knowledge within each organization - appears well suited to overcoming bureaucratic obstacles and to contributing to a pan-European way of addressing the relevant problems.

Beyond this one could also consider joint training and continuing education methods which would not only impart specific units of knowledge but also sensitize participants to the necessity of co-operation. In principle, two different techniques can be distinguished.

3 Cf. Assembly of WEU, A European Intelligence Policy, Document 1517, 13 May 1997, Para. 35.

- *Seminars* are conducted on specific subjects and aim at sharing experiences, transmitting knowledge and establishing personal contacts. With the aid of case studies seminars could provide practical insights into the internal proceedings of various organizations.
- *Simulations* go a step further. In the military services it has long been customary to carry out field operations in advance. A similar approach does not exist in the political field, however. It would be helpful, for example, if collaboration between the UN, the OSCE, the EU, the Council of Europe, NATO, the WEU and other international organizations could be implemented in a two-week exercise under "realistic" conditions. Simulations of this kind should not be like computer-aided games. Rather, they should be designed to improve personal communication between the participants thereby raising their understanding of the different conditions under which their organizations operate. This in turn could lead to better mutual understanding and promote insights into the necessity for joint action.

Finally, in line with these efforts we ought to push for the establishment of a permanent training centre for the support and improvement of civil reconstruction work. It could be established by a number of countries with the help of non-governmental actors and would offer its services to the OSCE and the United Nations. This school would train international police forces and civilian mission members jointly. It would aim at ensuring an equally high level of training for all mission members and at providing specific knowledge and general background information on the area the members are to be employed. Participants should be required to attend appropriate courses before entering on a mission. Likewise this institution should systematically evaluate the experiences of mission members in order to adapt these to training concepts. Furthermore, it should promote the exchange of experiences and information with members of other missions which would contribute to the establishment of an institutional memory of peace-building.

Third, in order to promote a more pan-European view of the problems laying ahead of us, joint working groups should be established. First of all there should be a systematic analysis of the areas in which the working programmes of international organizations overlap (interface analysis). In addition, the responsibilities of each organization in these key areas should be clarified. Thereafter, direct communication could be made easier by setting up contact points and appointing liaison officers, as is already provided for in the OSCE's Platform for Co-operative Security.⁴ Finally, joint working groups (between organizations) should be established to work out a plan of

⁴ Cf. Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, Annex 1: Common Concept for the Development of Co-operation between Mutually-Reinforcing Institutions, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1998, Baden-Baden 1999, pp. 449-451.

action in advance and to co-ordinate the work of each organization at an early stage. One could envision the following working groups:

- *Armed Forces*: NATO, the WEU and the OSCE could co-ordinate their work for the reestablishment and reorganization of military and police forces. The employees of the two alliances have concrete military experience to offer and OSCE employees could ease the integration of these efforts into the significant task of building up democratic structures based on the rule of law.
- *Minorities*: The OSCE High Commissioner on National Minorities, members of the Council of Europe, the UN High Commissioner for Refugees and EU representatives could team up on efforts to improve the situation of minorities by better co-ordinating their political, legal and economic programmes.
- *Economic reconstruction*: This task is dealt primarily by the EU and other financial organizations. A joint working group could help to ensure that available financial resources are used effectively and efficiently, supporting small and medium-sized companies that are especially important for sustainable economic growth, and backing up the establishment of financial systems and other economic structures that are properly designed and prepared to handle the demands of world-wide economic competition. While the financial resources that are indispensable for running a firm can be obtained as venture capital, from capital markets or in the form of a loan, it is generally much harder to acquire the necessary managerial skills. Thus new ideas are needed for institutionalizing exchange programmes and supporting start-up companies (business angels), for increasing co-operation in research and development among well established companies, and for expanding the support and the involvement of professional consulting firms.
- *Administrative structures*: On the one hand administrative structures should conform with the rule of law. On the other their redesign should take into account the principles of New Public Management with its strong emphasis on performance orientation. Here, representatives of the OSCE, the EU and international financial organizations could, for example, co-ordinate their work with professional consulting firms.
- *Organized crime, drug trafficking, money laundering*: It has become accepted that countries marked by war or conflict are especially attractive to practitioners of these forms of crime.⁵ There are numerous specialized international institutions such as the United Nations Drug Control Pro-

5 Cf. Kurt Schelter/Michael Niemeier, The Fight against Organized Crime as a Challenge for Europe - for the OSCE as well?, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1995/1996, Baden-Baden 1997, pp. 325-332.

gramme (UNDCP), the Office for Drug Control and Crime Prevention (ODCCP) and Interpol which are involved in combating these problems and their causes. Therefore, OSCE field missions, the country offices of the United Nations Development Programme (UNDP) and international financial organizations should establish integrated approaches and work closely in fighting these crimes.

Improving Co-operation in the Field

Strengthening civilian capacities is the *first* step in improving institutional co-operation in crisis areas. Two important military lessons can be learned through this: first, crisis management, peacekeeping or peace enforcement troops assigned to NATO or the WEU are "prepared units". This means that they are chosen for the task at hand and they are given the appropriate composition and equipment. Second, light and mobile command posts in which soldiers can move around easily have proven indispensable for such operations. They provide secure accommodation for all command and control equipment and serve as a protected area for meetings and situation briefings.⁶ If we apply these thoughts to the civilian aspects of peace-building we should think about establishing a rapidly deployable "OSCE Peace-Building Unit".⁷ It should consist of a Technical Headquarters Support Unit working along the lines of the Swiss "Yellow Berets" in Bosnia and Herzegovina and a Civilian Reconstruction Unit which would consist of experts for election monitoring, state-building and economic consulting.⁸ These two sub-units could be sent to crisis areas separately or together as an independent element of the mission. Depending on the situation on the ground two security options are possible: working out an agreement with international military units that protect the civilian forces or backing them up with a military unit of their own. The fact that the Swiss "Yellow Berets" have already been employed by the OSCE to transport material for the establishment of a new mission to

6 Cf. R. Uwe Proll, Führung sicherstellen [Ensure Command and Control], in: Europäische Verteidigung. Eine kritische Bestandsaufnahme [European Defence. A Critical Stock-taking], Bonn 1997, p. 82; Horst Welsch, Containerisierte Gefechtsstände. Eine innovative Systemlösung der Firma Dornier [Containerized Command Posts. An Innovative System Solution from Dornier], in: *ibid.*, p. 83.

7 Cf. Heiko Borchert/Jürg Martin Gabriel, Die Schweizer Armee und die europäische Sicherheitsordnung: Herausforderungen und Aufträge [The Swiss Army and the European Security Order: Challenges and Tasks], in: Thomas Cottier/Alwin Kopse (Eds.), Der Beitritt der Schweiz zur Europäischen Union. Brennpunkte und Auswirkungen [Swiss Entry into the European Union: Critical Aspects and Consequences], Zurich 1998, pp. 609-636, here: p. 629.

8 Similarly, the 335th Civil Affairs Command of the US Army, which was sent to Bosnia and Herzegovina in 1996, was made up of managers from both the public and private side, engineers and bankers. See: Michael C. Williams, *Civil-Military Relations and Peace-keeping*, Oxford 1998, p. 62.

Minsk (Belarus) shows that the OSCE has a great demand for such services.⁹ Especially during the first stages of establishing a field mission the assistance of an OSCE Peace-Building Unit would ensure that civil operations could be set up quickly and flexibly.

Second, in order to improve co-ordination among the different missions in a crisis area "International Peace-Building Bureaus" should be established which would be financed out of the regular budgets of the participating organizations. When establishing such a network the UNDP offices and the Office for the Coordinator for Humanitarian Affairs (OCHA) should be taken into account. They have a global outreach and co-ordinate the work of the UN special agencies. It should therefore be analysed whether and how they could perform the same tasks for other organizations and if they could share office space with other missions in the field. The establishment of joint offices in crisis areas would create a central location to which all actors - national and international, governmental and non-governmental - could turn, where they could be competently and thoroughly briefed and where resources (e.g. press services, secretariat, etc.) would be made available for everyone to use. Representatives of international organizations would be assigned to each office, when necessary, as liaison officers to co-ordinate their organization's activities and to call in additional experts as needed. If a number of joint offices exist in a crisis area the responsibility for overall co-ordination should be assigned to one of them.

Third, in the case of large and ambitious missions such as the ones operated in Bosnia and Herzegovina or in Kosovo, a new approach should be used. International organizations should no longer launch their own separate missions. Instead they should form an "International Peace-Building Mission", for which a sample organizational chart can be found on page 419. While international organizations would still provide the necessary input, the mission would no longer be structured along organizational lines, but according to problems to be solved.

The mission would be directed by the Head of Mission, chosen either from the group of international organizations or participating states. He would have an office and a staff of his own which would give him both administrative and substantive support. In addition to directing the mission he would be responsible for informing international organizations and individual countries on progress achieved. If necessary, he should be given the authority to issue instructions when the conflicting parties do not agree on measures.

The management of the international mission would be assumed by a Steering Committee who would have particular responsibility for political planning. It would consist of the Head of Mission and the chairmen of the Working Groups, including the Administrative and Technical Support Units. If conditions in the crisis area made it necessary to protect international recon-

9 Interview with Marco Cantieni, Commander of the Swiss Headquarters Support Unit, Sarajevo, 14 March 1998.

struction efforts or if armed forces played a role in monitoring a cease-fire or enforcing the peace then the military Commander-in-Chief would also become a member of the Steering Committee.¹⁰

The most vital services would be provided by the Administrative and the Technical Support Units. The former would be responsible for press matters and public relations, would exercise financial control and would take care of the needs of the non-governmental organizations active in the crisis area. The latter, modelled according to the Swiss "Yellow Berets" stationed in Bosnia and Herzegovina, would be responsible for maintaining the joint vehicle pool, providing transport, logistical and postal services and ensuring information technology support.

The reconstruction work would be co-ordinated by so-called Working Groups that would implement the strategic guidelines of the Steering Committee. Since the actual structure of an "International Peace-Building Mission" would have to be adapted to local conditions the organizational chart serves as no more than an illustrative example. Experts from international organizations and from individual states along with locally recruited personnel would be assigned to the Working Groups on military affairs, infrastructure, economic recovery, governmental affairs, and humanitarian affairs. It is obvious that, due to interdisciplinary issues, additional teams would have to be set up. For example, media reporting during an election campaign could result in an overlapping between the Working Groups on governmental and humanitarian affairs. Rebuilding the traffic infrastructure can under certain circumstances require that bridges be built with the support of the military corps of engineers. Moreover, issues related to the return of refugees involve both humanitarian and governmental groups. This is especially true when property rights have to be established or when political rights must be instituted.

In contrast to the independent and competing missions we have had hitherto, an international mission organized along these lines would have the advantage that many services previously delivered separately would now be available "in a single house". In particular, these would include situation analysis, which can be supported with satellite information from NATO or the WEU, early warning, decision-making now facilitated by more centralized structures, and policy planning which would follow a more integrated approach. In addition, lines of communication would be drastically shortened, the cost of co-ordination lowered, the dissemination of information would be facilitated, the mission would take a unified position vis-à-vis local parties, its own image would be strengthened, and it would be easier to deal with personnel

10 Based on experiences in Bosnia and Herzegovina it can be assumed that NATO participation in a mission will require military command authority to lie with the Commander-in-Chief. He, for his part, is subordinate to SACEUR and thus to the North Atlantic Council or, in the case of an allied military command led by the WEU (CJTF), to the (European) DSACEUR and the WEU Council.

bottlenecks. Under these conditions we could take better advantage of lessons learned because experiences would no longer be limited to each international organization but would be worked out within a joint framework.

Learning Systematically

The idea of creating "learning organizations" aims at ensuring the best possible ways an organization can adapt to a changing environment and to the challenges that emerge from it. This requires two things: The employees' knowledge must be transferred to the organization, and the collective knowledge available within an organization must be developed further. Thus the use of available knowledge and the opening up of new areas of knowledge are of central importance.

Following the lines of this idea the experience gathered so far in peace-building must be systematically evaluated in order to ensure that future missions are optimally planned and managed. In 1995, the UN therefore established a "Lessons Learned Unit" within the Department of Peacekeeping Operations which serves many purposes. It examines ongoing and completed missions with an eye on the lessons to be learned, makes appropriate proposals for improvement, monitors their implementation, and contributes to the "institutional memory" of the UN. With this in mind the unit members conduct interviews in the field, question UN members, prepare their own reports, organize seminars, make use of the appropriate research literature and maintain their own document centre in which relevant material is made available. Similarly, the OSCE ought to consider setting up a learning unit in its Conflict Prevention Centre. With regard to improving institutional co-operation one of its jobs would be to take a look at the conditions that must be met in order to co-operate effectively on the local scene. Beyond that, it should systematically evaluate the experience garnered in connection with: the definition of mandates and the resources to be made available to the missions, planning, information management, security of mission members, logistics, budgeting and financing, initial and ongoing training of mission members, and methods of dealing with the population in the mission area.¹¹

Along with the analysis of one's own work, regular use should be made of experience in the military sector and insights from management theory and New Public Management. Proponents of the latter have for some time been discussing the consequences which emerge e.g. from the trend towards autonomous and flexibly operating units that carry out their duties independently and according to clearly defined strategic guidelines. A great deal of

11 The *Lessons Learned Unit* of the United Nations has published a handbook on these matters entitled "Multidisciplinary Peacekeeping: Lessons from Recent Experience". It is also available online (<http://www.un.org/Depts/dpko/lessons/handbuk.htm>).

attention is also devoted to information management because it is seen to be the backbone of modern organizations. The following example illustrates how peace-building could benefit from these insights.

Past experience has shown that more attention should be given to the exchange of information between missions, as well as between these missions and their individual headquarters. This requires improving personal communication and ensuring a supply of adequate technical equipment. An OSCE mission that assumed overall responsibility for co-ordination in the crisis area could establish a central data bank in which all relevant decisions, minutes of meetings, agenda planning and other documents such as maps and mining charts would be stored and from which they could be retrieved with appropriate security arrangements. For the sake of consistency, all relevant services should be out-sourced to professional bidders from the private sector. Their employees would be taken on as mission members and thus be able to provide local support.¹² The advantages to the OSCE are obvious. The OSCE would define the performance tasks to be met by the companies and would be freed from the concrete implementation of information technology systems. This way scarce resources would be made available for use elsewhere. Evaluations of the services provided by third parties should be conducted by the proposed learning unit which, in the event of unsatisfactory performance, would propose appropriate measures to the Secretary General.

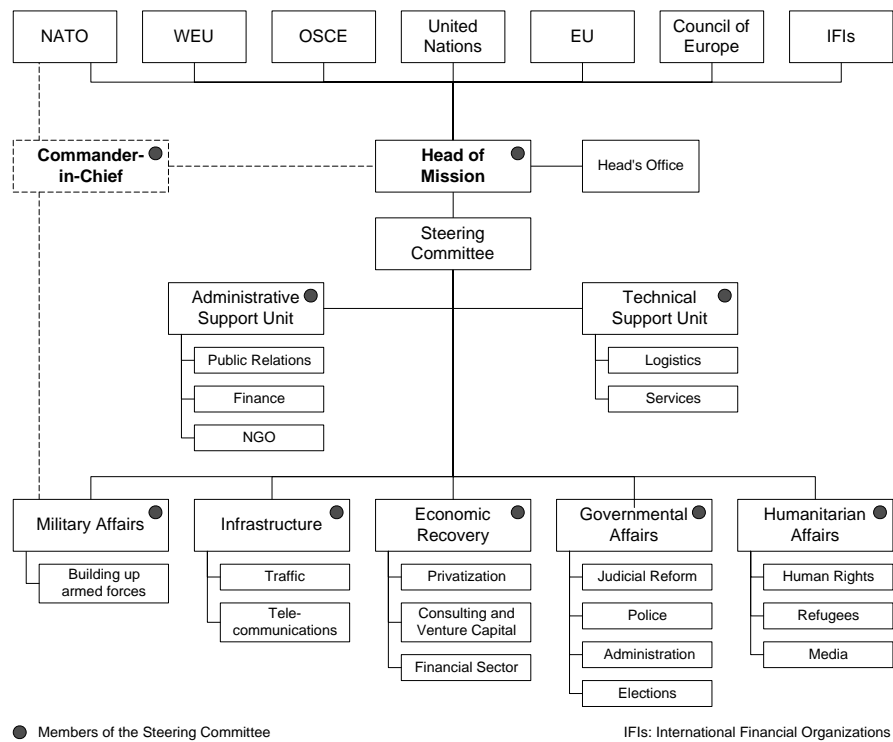
Conclusions

Peace-building is essential for security and stability in the OSCE area. By reorienting ruined social, economic, and political/administrative structures according to the principles of democracy, the rule of law and the social market economy, peace-building lays the foundation for peaceful and prosperous relations between states. However, the civilian side of peace-building has not yet gained the same attention as the military side. It is therefore not as adequately planned, carried through and evaluated as it should be. In order to close these gaps this essay has proposed various improvements. First, it was argued that institutional co-operation must be improved at an early stage. This can be achieved by redesigning the flow of information according to the needs of the involved international organizations, by regular exchange and joint training of their employees, and by setting-up joint working groups in different issue areas. Second, institutional co-operation in crisis areas should be improved by fundamentally backing up civilian capacities, by establishing

12 This approach has already been discussed in the military services for the maintenance of sensitive electronic equipment. See: Joachim Rohde, *The Roles of Arms Industries in Supporting Military Operations*, working paper of Stiftung Wissenschaft und Politik (Foundation Science and Politics), AP 3045, October 1997.

"International Peace-Building Bureaus" and, in particularly demanding cases, by deploying joint "International Peace-Building Missions". Third, peace-building must be constantly and systematically evaluated. This requires a performance analysis of each mission as well as a comparison with military experience and insights gained from management theory and New Public Management.

Organizational Chart of an "International Peace-Building Mission"



Early Warning and Conflict Prevention as Tasks of the European Union and EU-OSCE Co-operation

The European Union and Conflict Prevention

For quite some time now, conflict prevention, early warning and early action have become crucial elements of any proactive foreign policy. It has also been generally acknowledged that both the human and financial costs of crisis resolution and conflict management are far higher than the cost of effective conflict prevention. Yet the number of regional conflicts is still growing. Europe itself has not been spared: the ideology of ethnic cleansing, primitive nationalism, killings and expulsion of and brutality against whole populations have culminated recently in Kosovo, after having hit other parts of the former Yugoslavia. The damage done has far outweighed the cost of timely stabilization.

The conclusion to be drawn from this should be to reinforce efforts in conflict prevention. The European Union has a particular role to play in this context.

The European Union itself is a security community, based on the very idea that reconciliation, integration and the organization of interdependence are the best guarantees for ensuring peace and prosperity among nations. The enlargement process in which the Union is presently engaged has been the largest conflict prevention project in history (post-1989). The enlargement of the Union will be to the mutual benefit of all both politically and economically, but it is clear that one of the superordinate objectives of the enlargement process, including the very comprehensive pre-accession strategy, is to ensure peace, stability and economic development in Europe.

Over the past five decades, the European Union has also developed into a major player on the international stage. The European Union is engaged in international co-operation at many levels and is an important actor in international trade and economic relations, development co-operation and foreign policy in general.

In relation to the former USSR, the Union is contributing to the consolidation of democracy and a sound market economy through the TACIS programme and through partnership and co-operation agreements between the EU and Russia, Ukraine and the other successor states. The European Union has played a major role in implementing the Middle East peace process and the Dayton Agreement for Bosnia. It is active in the Balkans and in Kosovo through a process of association and stabilization. We have actively sup-

ported the South African transition to democracy. We have introduced conditionality clauses on fundamental human rights into our co-operation agreements with our third country partners, including the Lomé Agreement with African, Caribbean and Pacific nations. The list of elements of EU foreign policy which serve a conflict prevention or peace consolidation objective is long.

The European Union is very aware of its responsibility as a major player in international relations. Although initially conceived as a "civilian power", the EU is gradually developing foreign and security policy capacities under the Amsterdam Treaty. In this context civilian and military instruments will have to be applied in an increasingly complementary manner in crisis management.

In the vast field of conflict prevention, the political objectives of the EU's Common Foreign and Security Policy (CFSP) complement the external relations instruments of the European Community. In the Union, much attention has therefore been given to improving the Union's early warning capacities in order for the EU to engage in "early action" and become a proactive, rather than a reactive, player in international relations.

Experience shows, however, that it is more useful to talk about "timely action", instead of "early action", meaning that the most important conflict prevention challenge for the EU is to be able to identify the right instruments to apply at the right time at various stages in the development of an international crisis situation.

In a reasonably stable country or region, where there are serious and credible local interlocutors, the Union can contribute to a continued positive development through trade, economic assistance, institution-building, democracy programmes, environment projects, etc.

In a more acute crisis situation, such as the Kosovo crisis with large scale refugee problems, notably in Albania and Macedonia, the Commission is heavily engaged in humanitarian assistance and post-conflict rehabilitation right at the front line. These will in turn have to be accompanied by measures within the framework of the Common Foreign and Security Policy of the Union.

Finally, post-conflict reconstruction is also crisis prevention in as much as it serves the objective of consolidating peace and promoting stability. Here the European Union has again been able to make use of a series of Community instruments, and co-operate with other relevant bodies, such as the World Bank or various UN agencies.

The institutions of the European Union are under a great deal of pressure to react rapidly in dealing with current affairs, maybe at the expense of a more thorough analysis of structural conflict dynamics in the various geographical areas in the world and medium-term prospective scenarios. Against this

background, in combination with the recognition of early warning as a prerequisite for timely action, the Commission established in 1996 - upon an initiative by the European Parliament - the Conflict Prevention Network (CPN).

A wide ranging network of think tanks, experts and relevant NGOs has been developed, creating a pool of knowledge. The CPN provides analytical assessment and policy advice and by means of the Commission and the European Parliament makes it available to those actors who are responsible on the European level.

The CPN places a special emphasis on structural problems which are likely to provoke a crisis. Structural causes might consist of weak or discriminatory state institutions, ethnic tensions, exclusionary ideologies, severe economic problems, political, economic or cultural discrimination, etc. Furthermore, prospective scenarios are developed and, where possible, specific events are identified that could trigger the outbreak of a latent conflict.

A series of analysis, policy, and impact studies allows further development of EU concepts, instruments and procedures for proactive policy.

Furthermore a "lessons learned" exercise helps to draw methodological and institutional conclusions and to suggest improvements. The aim is to bring together, and to profit from, the joint communities of academics, practitioners, and policy makers.

A CPN board, "Group of Experts", meets at least three times a year. The Group of Experts consists of representatives from the Commission and from the European Parliament (Members of the EP Foreign Affairs and Development Committees). The principal task of the Group of Experts is to provide general guidelines for the CPN in the context of building up the network, establishing the CPN work plan, developing concepts and strategies and discussing the results of the projects undertaken.

On request from the Commission and the European Parliament, the CPN organizes and executes a series of projects of different kinds according to the analysis or advice requested. The projects are carried out in close co-operation with the requesting operational service in order to ensure that CPN input is policy relevant and operationally useful. To this end, a basic rule of confidentiality is generally applied, ensuring mutual trust among academics and practitioners.

CPN does, however, in many cases publish the finished products with the approval of the requesting service.

The principal activities of the Conflict Prevention Network are the following:

- in-depth studies, substantial background analysis set in a prospective policy context;
- *ad-hoc* briefings;

- seminars on specific horizontal conflict prevention topics;
- workshops, primarily used to prepare or follow-up on an in-depth study.

The CPN also takes into consideration possibilities for the European Union to co-operate at a practical and operational level with other relevant organizations in the field of conflict prevention, such as the OSCE, the various UN bodies, and the World Bank, in light of the role that these organizations can play and the instruments that are available to them.

Both the European Commission and the European Parliament have established internal structures to optimize the institutional benefit of the CPN facility. This means the channelling and co-ordination of requests to the Conflict Prevention Network for various activities, as well as the presentation and distribution of finalized products.

As to range of topics, the CPN not only analyses concrete regions or individual countries, but also examines thematic issues such as the role of media in conflict prevention, democracy-building, etc.

The CPN is an interesting project that reflects the European Commission's wish for the European Union to optimize its efforts in conflict prevention. It remains, however, a small project in comparison to the much larger objective of creating an effective and genuinely Common Foreign and Security Policy for the European Union.

Progress has been made and important experience gained since the Maastricht Treaty entered into force in 1993, providing a treaty framework and some new instruments for the Union in the field of CFSP. On the basis of these experiences, the Treaty of Amsterdam, which entered into force on 1 May 1999, constitutes yet another element of progress in establishing an efficient European CFSP.

Several new CFSP provisions are relevant to the Union's future as a major actor in conflict prevention. The quest for a sound analytical basis for decision making and for an early warning system is reflected, *inter alia*, by the creation of a Policy Planning and Early Warning Unit in the Council Secretariat. The nomination of a High Representative for CFSP and the possibility of appointing special envoys for specific tasks will provide the Union with a higher profile in many contexts. The decision-making system in the Council of Ministers has been made more flexible, introducing the concept of constructive abstention and qualified majority voting in the implementation of Common Strategies. The new instrument of Common Strategies will also contribute to achieving coherent and comprehensive EU policies towards specific countries or regions. The integration of the so-called Petersberg Tasks of the WEU (humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking) into

the Amsterdam Treaty will allow the Union to have recourse to military capacity when this is indispensable in backing up foreign policy decisions. Until the Union can make optimal use of the new opportunities under the Amsterdam Treaty, there will continue to be a noticeable discrepancy between the European Union's weight as an economic power in the world and its capacity to exercise a leading role in crisis prevention and crisis management. The gradual integration of WEU into the EU is part of the road map. Through the British-French initiative and the conclusions of the European Council in June 1999 in Cologne, a start has been made at developing a genuine capacity for the EU to deal with humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.

Early Warning and Conflict Prevention: EU-OSCE Co-operation

One of the OSCE's main tasks is certainly that of conflict prevention and crisis management.

This has never been more evident than in the Balkans. Who would have thought that the nineties, ushered in with so much hope and promise after the fall of the Berlin Wall, would end with hundreds of thousands of refugees and displaced persons once again on the march - innocent victims of ethnic conflict and human rights atrocities within the OSCE region?

As if sensing the vulnerability of the transition to democracy in many of the participating States of the CSCE, as it was then called, and in order to better address the new risks and challenges to European security, successive Summits of CSCE participating States adopted a series of landmark decisions. Starting with the 1990 Charter of Paris and continuing with the 1992 Helsinki Document, and the subsequent Summit in Budapest, the CSCE gradually adapted and transformed itself into what it is now - a primary instrument in its region for early warning, conflict prevention, crisis management and post-conflict rehabilitation.

The OSCE spans the geographical area and embodies the shared common values of countries "from Vancouver to Vladivostok". Its approach to security is *comprehensive* and *co-operative*. Through its field missions and operational activities as well as through its myriad institutions, the OSCE addresses a wide range of security-related issues including arms control, preventive diplomacy, confidence- and security-building measures, human rights, election monitoring and economic and environmental security. It provides a forum for the participating States to hold a political dialogue and seek solutions together, on the basis of sovereign equality.

The OSCE has thus become a more operational institution, focusing on the process of political and economic reform necessary for consolidating democratic stability as well as the effective implementation of the OSCE's principles and commitments.

The early warning and conflict prevention roles are reflected in the mandates of several of the OSCE institutions. For example, the mandate of the OSCE High Commissioner on National Minorities states that he "will provide 'early warning' and, as appropriate, 'early action' at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the potential to develop into a conflict within the CSCE area affecting peace, stability or relations between participating States (...)".¹ Recent crises demonstrate even more, however, the need for strengthening the mechanisms for dialogue and conflict prevention/resolution established within the OSCE.

It was precisely in the case of Kosovo in autumn 1998 with the establishment of the Kosovo Verification Mission that the response capacity of the OSCE to such challenges was put to the test. While the KVM gained the confidence of local communities, thus contributing to confidence-building, there were nevertheless a number of weaknesses in its structure. Hence the 1999 budget decision to increase the OSCE Secretariat permanent staff in the fields of planning, mission support, financial management and human resources is to be seen as a valuable asset.

The OSCE is of course not alone in addressing the security needs of the region.

The EU itself has played a significant role in the process of adaptation which the OSCE has embarked upon in response to the challenges of the post-Cold War period. Since 1989, the European Community and later the European Union has been represented first at CSCE and later OSCE meetings by a representative of the country holding the EU Council Presidency and a representative of the European Commission. The President of the Commission and the Commissioner responsible for external relations participate, with their Foreign Minister colleagues from the 55 OSCE participating States, at Summits and Ministerial Councils of the OSCE. In November 1990, President Jacques Delors and President of the Council Giulio Andreotti signed the Charter of Paris for a New Europe on behalf of the European Union. Indeed, the EU Member States contribute some two thirds of the OSCE budget and the EU also contributes substantially through the EU budget to additional calls for support - financial and in-kind.

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: p. 716.

Examples of EU support for the OSCE include support for the Office for Democratic Institutions and Human Rights (ODIHR) in monitoring free elections and developing national electoral and human rights institutions in new democracies. This was the case with elections in Bosnia and Herzegovina in 1997 and 1998. In this last action, the EU financed over 60 per cent of the election observation, including the joint EU/OSCE Media Centre. It is also co-financing the programme for democracy-building in Central Asia developed by the ODIHR.

This co-operation has also led to several important activities in the field of conflict prevention and crisis management. The EU Troika and the Commission took part in the González mission to Belgrade in December 1996. OSCE experts took part in the EU mission to Belarus in January 1997. The Commission was also represented in the OSCE mission to the Caucasus in November 1998 led by the then Chairman-in-Office of the OSCE, Polish Foreign Minister Professor Bronisław Geremek. The EU and OSCE are also working together to assist Albania. They share the chair of the "Friends of Albania" group which is monitoring assistance in that country.

This interaction between the EU and the OSCE has underlined the significant contribution which the EU can make to the achievement of OSCE objectives. Indeed, because of the important role already played by the EU in many OSCE countries, through its association, partnership and co-operation agreements and through the PHARE, TACIS and MEDA assistance programmes, the OSCE has come to recognize the significant "added value" which the EU can bring to sustaining political stability and nation-building throughout the OSCE region. The EU agreements are based, *inter alia*, on the UN, OSCE and Council of Europe "*acquis*".

The EU has been developing a process of identifying specific actions in conflict areas which are aimed at promoting economic development and creating a climate conducive to reconciliation: the EU rehabilitation project in the Tskhinvali region, South Ossetia, is a noteworthy example which was highlighted during the visit of Professor Geremek to Georgia, mentioned above, and in his discussions with President Eduard Shevardnadze.

This work has also led to close co-operation in the field with the OSCE missions, which are encouraged to liaise and consult with the EU delegations, whether in Central Asia, the Caucasus or the Balkans.

The call for increased EU political and financial support to OSCE-led activities will expose both organizations to the need to reassess the current status of the EU in the OSCE context. The success of the EU and of other international institutions demonstrates that in this world of increasing globalization states are not the only significant actors on the international stage, especially when it comes to early warning and conflict prevention. On the other hand, a classic international organization of participating governments such as the

OSCE is dependent on collaboration and on the EU as an integrative community. Thus integration and co-operation are the complementing processes for whose reinforcement an intensive relationship between the EU and the OSCE is indispensable.

OSCE and NATO: Complementary or Competitive Security Providers for Europe?

*A Long Range Perspective*¹

When they are viewed in ideal terms, NATO (the North Atlantic Treaty Organization) and OSCE (the Organization for Security and Co-operation in Europe) each represent half of a comprehensive European security organization. NATO, with nineteen members in March 1999, organizes armed forces to deter aggression and to undertake peacekeeping and peace enforcement missions in Europe. The OSCE, with a more comprehensive membership of 55 states, has come to specialize in conflict prevention and in post-conflict peace-building - elections, police, and civil administration. Today, both organizations are deeply involved in the struggle over Kosovo.

It is fairly evident, whatever the outcome of the dispute over Kosovo and over the treatment of the Kosovars, that both organizations will continue into the future. But NATO, which is conducting a military action against Serbia, risks much more with its Kosovo involvement than the OSCE, which thus far has a subordinate role. If NATO can cope with the Kosovar refugees, bring them back to Kosovo into relatively tolerable material conditions, reach an understanding with Serbia to allow Kosovo far-reaching autonomy within Serbia and can provide an effective peacekeeping contingent to assure implementation of this agreement, its prestige as it enters the next century will be high; OSCE's repute is likely to be carried along with that of NATO. If NATO fails in significant respects on Kosovo, the damage to European and Transatlantic unity will be great and the ensuing debate over NATO's proper role and that of the OSCE is likely to continue for years. In this situation, the general feasibility of multilateral military actions in support of human rights will also be placed in question.

Even if the Kosovo crisis ultimately subsides, whether favourably or not, these two halves of an ideal European security organization, NATO and OSCE, are not likely to come together anytime soon to form a single, comprehensive institution. As already indicated, the current state of productive coexistence has not always characterized relations between the two organizations. During the Cold War years, the main role of the Conference on Security and Co-operation in Europe, as the OSCE was called prior to 1995, was to promote discussion and negotiation between East and West. This role was

1 The manuscript was completed in April 1999.

questioned by some in the West, but ultimately supported as a vehicle for promoting Western political views in Warsaw Pact states. At that point, CSCE was considered a potentially useful but not essential complement to NATO, which was charged with the main responsibility for defending Europe.

This slightly tense but productive relationship suddenly changed for the worse with the end of the Cold War. American political leaders, concerned over the possibility of an isolationist resurgence in American political opinion, urgently wanted to maintain the pre-eminent influence in Europe that they had exercised through NATO during the Cold War. These fears of isolationism proved somewhat misdirected. Traditional American isolationism did not show major increases, but instead appeared transmuted into a modern post-Cold War version, American unilateralism. Nevertheless, the concerns of the U.S. administration about NATO were justified. In the years before the United States' reluctant 1995 decision to become directly involved in peacekeeping in Bosnia, NATO had only a residual function of insuring against the distant possibility of a revived Russian threat. It was being vigorously criticized for failure to play a more constructive role in the conflicts in Croatia and Bosnia, and more and more considered an expensive and useless relic of a past confrontation. The ultimate result was the energetic campaign for NATO enlargement.

In this situation, even a faltering OSCE appeared a potential threat to NATO's survival, and U.S. officials went on the offensive against it. For example, the November 1990 CSCE decision establishing a Council of Foreign Ministers agreed that the Council would meet only once a year. Despite urgent efforts, as Yugoslavia was coming apart and as conflicts broke out in Moldova, Georgia and Azerbaijan, the CSCE was unable to agree on a procedure for convening its Council on an emergency basis. The United States firmly opposed such emergency procedures; the National Security Council staff under General Brent Scowcroft was of the steadfast view that NATO - and only NATO - was the right organization for managing crises in Europe. It took six more months until the June 1991 CSCE Foreign Ministers' meeting in Berlin, for an emergency procedure to be agreed upon. Again, from November 1990, the date of the Charter of Paris formally ending the Cold War, up to the CSCE Foreign Ministers' meeting in late 1993, the United States opposed the establishment in Vienna of a permanent committee of middle ranking officials from CSCE States to deal with emergencies - all this despite Secretary of State Baker's statement in April 1990 that the two organizations were complementary. Finally, the United States realized both that CSCE was performing useful work and was too weak to be a serious challenge to NATO. Washington then shifted its repressive activities to WEU,

also a weak rival to NATO, until it finally realized that NATO's real long-term rival was the European Union itself.

There were other reasons for the United States administration's restraint towards the OSCE, among them, consensus voting in which the United States is only one of a current total of 55 participating States. There is consensus voting in NATO, too, but American pre-eminence in NATO is not vigorously challenged, as that pre-eminence is challenged by France, Russia and others in the OSCE. The United States has also opposed recurrent European moves towards supranational obligations for the OSCE, moves expressed, for example, in the effort to convert "politically binding" OSCE executive agreements into treaties and in the OSCE Court of Conciliation and Arbitration successfully established by European participating States despite American opposition. Successive U.S. administrations have considered this tendency to provide a treaty base for the OSCE as a potential challenge to U.S. national sovereignty. (In reality, they have feared that the U.S. Senate would reject OSCE treaties on the grounds that they impaired U.S. sovereignty, leaving the U.S. relationship with OSCE weaker than if the treaty route had never been tried.) For Russia, too, another security organization, the Commonwealth of Independent States (CIS), has been of more direct importance than the OSCE. Germany and France give natural priority to the European Union. But Russia recognizes that the OSCE gives it a legitimate voice and role in European security issues, while the EU member states recognize the value of an organization that protects the political and economic environment of the EU and assists in preparing new members for admission to the EU.

Moreover, the fact that the major powers involved in European security give priority to other organizations has not prevented them from making increasing use of the OSCE, which indeed is both indispensable and unequalled in the intensity of its efforts at conflict prevention and post-conflict peace-building and in its function as an organizational framework for very valuable force reduction and confidence-building agreements. OSCE activities in building democratic institutions and strengthening human rights, its pioneering work on protecting national minorities, and its often risky field operations in former Yugoslavia and eight former Soviet republics have been valuable and innovative. OSCE long-term missions in places like Latvia and Moldova have been especially useful for conflict prevention and resolution and improved majority-minority relations.

These types of missions are essential to the maintenance of peace in Europe and, in practical terms, NATO could not attempt them. Here is true complementarity. True, the United Nations could possibly perform functions like these, but the UN lacks the OSCE's advantage of being a European regional organization closer to the problem and probably more capable of mobilizing large numbers of civilian officials or former officials.

Especially in the former Yugoslavia, as monitor of sanctions and elections in Bosnia, as provider of police in Slavonia and of verifiers, police, and administration in Kosovo, the OSCE has complemented NATO peacekeeping and will doubtless also play a key role in a post-conflict Kosovo. This complementarity has not been without some cost to the OSCE. Through the Partnership for Peace, NATO has taken over earlier OSCE programmes for promoting civil control of the military and for training for peacekeeping.

In general, the OSCE remains under-governed, under-financed, and under-staffed for its increasing functions, while NATO still receives far greater funds from its member states. OSCE decision-making remains weak - medium and small participating States sensitive to the possibility of big power domination continue to reject establishment of a smaller circle of countries whose officials could at least prepare major decisions for consensus decision by the full OSCE membership. The OSCE is not strong enough to absorb NATO, nor does NATO want to dilute its cohesion by absorbing the much larger membership of the OSCE, so these two halves of an ideal European security organization will remain separate institutions for many years to come - although not necessarily forever. However, NATO-OSCE rivalry could resume if NATO fails in Kosovo and is weakened by criticism arising from that failure. In that event, debate would resume over whether NATO, the OSCE, or the European Union should be the pre-eminent security organization in Europe.

The Future

It looks as though both NATO and the OSCE will endure over the next couple of decades. During that period, under worst-case assumptions, Russia, still with a large nuclear arsenal, might be a resurgent problem under a nationalistic fascist government. Control of Egypt and also of Turkey could be seized by radical Islamists, finally providing the cohesion and leadership for an Islamist alliance of North Africa and the Near East hostile to Western countries and controlling the oil supplies of the Persian Gulf. Even if they do not actually take place, the possibility of worst-case contingencies like these will keep NATO alive and funded over coming decades. The states of the Balkans, the Caucasus and Central Asia could provide enough turmoil and bloodshed to keep both NATO and OSCE active in conflict prevention, peacekeeping and post-conflict peace-building during the same period.

NATO member states had prepared a revised Strategic Concept which was approved at the celebration of NATO's fiftieth anniversary in April 1999. There had been some disagreement about parts of the Concept which imply possible NATO deployment to the Persian Gulf or North Africa. But, prior to

Kosovo, there was no serious disagreement about using NATO forces for peacekeeping on the periphery of NATO members' territory. Nor is there any question about the continued need for OSCE conflict prevention, peace-building and arms control roles. So both organizations will probably continue in their complementary roles until the struggle over Kosovo has subsided. Then, depending on the outcome, NATO's peacekeeping role could be questioned and OSCE loaded with further responsibilities.

Today, the only serious disagreement over security roles in Europe comes when discussing the future organizational shape of the OSCE. Russia has not given up completely on its effort to build OSCE as the pre-eminent security organization in Europe through its project for a Common and Comprehensive Security Model for Europe for the twenty-first century. The expanded organization foreseen by Russia would control NATO peacekeeping and security policy and block further expansion of NATO. But the inability of Russian foreign policy to mount a consistent, enduring coalition-building effort in favour of this project has made it easy for the United States to drain the substance out of this effort, now inoffensively known as the Document-Charter on European Security. The project has been reduced to a set of anodyne principles.

Despite resolute pruning by the U.S. and the United Kingdom, however, the vision of a bigger, better OSCE remains alive in the background, kept alive by France, Italy, Spain and the smaller European countries. This is the vision of the ideal regional security organization for Europe, a more effective League of Nations, with universal membership, treaty-based, more powerful, better financed than today's OSCE, capable of deciding rapidly on complicated issues, and with strong peacekeeping forces at its disposal whose deployment it can rapidly order, a Europe-based organization which the United States supports but does not attempt to dominate.

This is a logical ideal. Something closer to this ideal European regional security organization may actually emerge, perhaps by the middle of the next century. But when it does, it is likely to be called the European Union, not the OSCE.

Growth of the European Union

As with the OSCE and NATO, early 1999 was a time of trial for the European Union. The European Monetary Union entered into effect at the beginning of the year and in March, the entire European Commission, headed by its President, Jacques Santer, felt compelled to resign amid charges of corruption, nepotism and slipshod conduct of affairs. In spite of these difficulties, it is probable that, by 2010, the European Union will have moved into

successful completion of the European Monetary Union. At that point, the first phase of Eastern enlargement of the EU will be under way, with Estonia, Slovenia, Poland, the Czech Republic, Hungary and Cyprus accepted as new EU members, or on the verge of acceptance. The second group of candidates for EU membership - including Latvia, Lithuania, Slovakia, Romania and Bulgaria - will have passed the first hurdles of membership. European economic prosperity and better support for OSCE's conflict prevention methods may have reduced the number of local conflicts in Europe. By this time, Russia too may have calmed somewhat, although its political future will probably still remain uncertain.

The European Union already has a larger population and a larger GDP than the United States. Under the favourable assumptions used here, this difference is likely to gradually widen in favour of the EU. The European Union will continue to move slowly towards the Common Foreign and Defence Policy which is its official aim. When the Union achieves the capability to reach rapid effective decisions on tough foreign policy and security, this objective will have been achieved, and the European Union will be on the path to superpower status.

That point is a long way off and, for the next two decades or so, the European Union is likely to remain an awkward mix of federal and confederal characteristics. In the lengthy interim, Washington is likely to maintain U.S. leadership in the Europe-Atlantic security arena.

However, European restiveness over American pre-eminence in this area is likely to increase and eruptions of serious friction may become more frequent. NATO itself will have become progressively Europeanized as regards senior positions, with Europeans filling nearly all of its key military and civilian positions. During this period, the framework of formal United States-European Union consultation may become more important than United States-European consultation in NATO.

By 2030, all the candidate members for membership may well have joined the EU. Even an increasingly democratic Russia might be included; through membership in the EU, Russia will finally have opened up a continuing, consistent source of investment, development and modernization for the Russian economy. The issue of Turkish membership may be favourably resolved.

If general trends in Europe are moderately favourable, by the time this stage of completed enlargement is reached, 20 years or more from now, the European Union may be both strong enough and sufficiently concerned about long-term security issues affecting Europe to have finally put together the two halves of an ideal European security organization, the OSCE and NATO, absorbing both into the EU structure as subordinated and co-ordinated components of the European Union itself.

The Mediterranean Security Dimension¹

OSCE's Relations with the Mediterranean Partners for Co-operation

Necessity for an Acknowledged Relationship

From the beginning of the Helsinki process, a number of countries on the Southern rim of the Mediterranean pioneered a special relationship with the OSCE based on the link between European security and that of the Mediterranean region. The geographical proximity, as well as the OSCE countries' historical, cultural, economic and political ties with Mediterranean countries, led to the inclusion of a chapter on "Questions Relating to Security and Co-operation in the Mediterranean" in the Helsinki Final Act in 1975. In signing the Final Act, Heads of State or Government endorsed that

"security in Europe is to be considered in the broader context of world security and is closely linked with security in the Mediterranean area as a whole, and that accordingly the process of improving security should not be confined to Europe but should extend to other parts of the world, and in particular to the Mediterranean area".²

Since then, the intertwining of security in Europe and the Mediterranean region has been underscored time and again in subsequent CSCE/OSCE documents, as well as in seminars and meetings which have addressed the Mediterranean dimension of security. The substance of that relationship is emerging only slowly, however.

This article first briefly discusses the composition of the group of the Southern Mediterranean countries involved in the dialogue with the OSCE. It then provides a list of some proposals aimed at deepening the Mediterranean dimension of the OSCE, suggested by participating States or Mediterranean countries. It continues with a discussion of the history of the strengthening of relations, including the creation of the Contact Group with Mediterranean partners, Mediterranean OSCE seminars, and finally, operational issues. The discussion of the Mediterranean dimension in the framework of the prepara-

1 The views expressed in this article are solely those of the authors and do not necessarily reflect those of the OSCE.

2 Final Act of Helsinki, Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 141-217, here: p. 182.

tion of the Security Model (Document-Charter for the twenty-first century), to be adopted at the Istanbul Summit in November 1999, concludes this paper.

The Mediterranean Security Dimension: Participating Countries

The OSCE co-operates with six Mediterranean partners: Algeria, Egypt, Israel, Morocco and Tunisia and - since May 1998 - also Jordan.

It was Algeria, Egypt, Israel, Morocco and Tunisia, who requested a closer association with the activities of the CSCE during the 1993 Rome Ministerial Council. A more structured relationship was then offered to these five Mediterranean countries, earlier referred to as non-participating Mediterranean States (NPMS), with a decision of the Committee of Senior Officials (25th CSO meeting, March 1994, Prague). A new designation - "Mediterranean partners for co-operation" (MPCs) - was adopted with a Permanent Council decision in December 1995.

In 1994, a year in which the Mediterranean security dimension attracted much attention, the Foreign Minister of Israel, Shimon Peres, made a proposal to extend the OSCE dialogue to Jordan and the Palestinians. The Permanent Representative of Italy to the OSCE, Mario Sica, wrote in 1995 that "it is also conceivable that in the future the dialogue may extend to Jordan and the Palestinians, as proposed by Israel (...) and, depending on developments in the Middle East, to other states as well".³

In fact, four years later, Jordan sought status as an MPC. In May 1998, a PC decision welcomed Jordan as an MPC, after the country requested that status. Due to recent developments in the Middle East peace process it may well be that other states will come forward to express their interest in becoming OSCE's Mediterranean partners for co-operation.

At times, reference has also been made to "security in adjacent areas", which includes the Mediterranean dimension, and relations with the Mediterranean partners for co-operation, the partners for co-operation (Japan and Korea), and other non-participating States. The reference to "adjacent areas" is to be found as early as in the report of the Meeting of Experts on the possibilities and means of promoting concrete initiatives for mutually beneficial co-operation concerning various economic, scientific and cultural fields in Valletta in 1979.

The MPCs are not a homogeneous regional group. However, occasionally they present joint approaches. For example, during the review conference be-

3 Mario Sica, The New Mediterranean Dimension of the OSCE, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE-Yearbook 1995/1996, Baden-Baden 1997, pp. 379-383, here: p. 383.

fore the 1996 Lisbon Summit, the five Mediterranean partners did speak with one voice. They presented a proposal for the MPCs to be invited to attend OSCE meetings such as those of the Permanent Council, the Forum for Security Co-operation and the Security Model Committee. This proposal was not implemented due to a lack of consensus on the matter. OSCE participating States have occasionally reiterated their encouragement to the MPCs to make joint contributions and to develop common positions on issues of interest - but so far without much success. The apparent inability to speak as a group weakens the position of the MPCs when lobbying for closer relations with the OSCE. Of course, asking for joint positions implies that participating States assume the notion of a homogeneous international region where, however, such patterns of interaction do not (yet) exist. In particular, the ups and downs of the Middle East peace process have had an impact on the interaction of the countries of the Mediterranean. Egypt, for example, stated recently in a paper distributed to participating States that "tangible and substantive progress (...) in all tracks of the Arab-Israeli negotiations" is a precondition for the implementation of CSBMs.⁴ It may be argued that in view of the political process underway in Israel, prospects of progress in OSCE-Mediterranean relations may have become more realistic.

Proposals

Over the years, many suggestions have been made in different contexts by a number of different states, including the MPCs themselves, on how to develop the OSCE's relations with the Mediterranean States. In fact, since the European Union countries have formed a caucus in the OSCE and speak with one voice, proposals are put forward mostly by the EU as a whole or by Malta. Some countries are opposed to any further institutionalization within the framework of the OSCE and are concerned about overloading the very busy agenda of the OSCE and overburdening its resources. A number of participating States also underline that the OSCE's dialogue with the MPCs should not interfere with the activities of other existing structures such as the Barcelona process. Given the fact that not all participating States are fully supportive of the various proposals, the failure described above of MPCs to act jointly vis-à-vis the OSCE, and thus not being clear about their priorities, further diminishes the chances of implementing these proposals.

The list below is an attempt to summarize the main proposals tabled on cooperation of the Organization with MPCs. The purpose of this list is not to give a full catalogue of ideas, but rather to point to the wealth of approaches and concepts that characterize the internal debate on the future direction of

4 Egypt, PC. DEL/380/98, 4 September 1998.

the Mediterranean dimension in the OSCE. Many of the following concepts have been tabled several times on different occasions (at meetings of the Contact Group, Mediterranean seminars, and others). Some have found their way onto the agenda, and some have been adopted. Others may simply have been unrealistic, given the link to the political situation in the Middle East.

A number of proposals pertain to information systems. In particular, the creation of an information system MEDGATE has been proposed to disseminate information and knowledge related to the OSCE process of setting norms and standards to the Mediterranean partners.

Another set of proposals relates to the status of the MPCs. *Inter alia*, intensification of dialogue in the Permanent Council, including full access to plenary meetings of the Permanent Council, the Forum for Security Co-operation, and the Security Model Committee; formalization of the informal open-ended Contact Group; and creation of an observer status in the OSCE for MPCs have been requested.

An issue of specific interest to MPCs are anti-terrorism measures. In this area, in which the OSCE does not have much experience, the development of a model anti-terrorism convention has been proposed that could be adopted by OSCE participating States and MPCs; to hold special Forum for Security Co-operation meetings on terrorism with MPCs; to create a database on terrorism accessible to MPCs; and to introduce preventive measures to detect links between organized crime, drug trafficking, and terrorism groups.

For the economic and environmental dimension, past proposals range from widening the scope of the Economic Forum to include topics related to migration, environment, science and technology and food security; to the implementation of economic dimension commitments regarding enhanced co-operation with the Mediterranean region; exchanging information on environmental policies and programmes; and establishing a consolidated database on environmental policies and programmes, particularly in the Mediterranean. In fact, the 1999 Economic Forum, to which all MPCs were invited (though not all attended), focused on environmental issues.

A realm of interest to the MPCs are confidence-building measures (CBMs) relevant to the human dimension (cultural CBMs, including setting up information systems and databases, and CBMs in the field of religion, aimed at presenting undistorted images of religions to the general public). While the human dimension has been part of the CSCE/OSCE since its inception and religious and cultural diversity and tolerance is a hallmark of the OSCE, some of these CBMs proposed by MPCs go beyond the OSCE's expertise or field of activity.

Although it is recognized that traditional CBMs and confidence- and security-building measures (CSBMs) cannot be currently implemented in the

Mediterranean region,⁵ it is thought that the OSCE may be a source of inspiration⁶ and offer a model for similar approaches to be taken in the region in the realm of transparency, confidence-building measures, and CSBMs.

Both the OSCE participating States and MPCs must decide whether, in the absence of viable prospects for introducing traditional CBMs in the Southern Mediterranean region, a focus on CBMs in the human dimension could be a basis for ultimately developing CBMs which fit the comprehensive concept of OSCE security.

A promising area of the OSCE Mediterranean dialogue pertains to OSCE operational work: visits of MPCs to missions, participation in OSCE/ODIHR election observation and monitoring, and, perhaps in the future, appointing staff to OSCE institutions and missions. The first two proposals have already been implemented; the latter is currently under discussion.

The establishment of structures in the Mediterranean analogous to those of the OSCE has been proposed utilizing OSCE expertise in order to establish structures for conflict prevention, early warning, preventive diplomacy as well as other activities and mechanisms. In this context, the following points were raised: transfer of OSCE expertise in internal stabilization, *inter alia*, in the field of elections and the development of legal systems; regional round tables based on the experience of the Stability Pact; a Stability Pact for the Mediterranean; development of a Conflict Prevention Centre for the Mediterranean region (with close co-operation with the OSCE CPC as a first step); as well as a Conference on Security and Co-operation in the Mediterranean (CSCM).

The most ambitious proposal for a CSCM based on the CSCE model deserves special attention. During a 1990 CSCE meeting in Palma de Mallorca this proposal was developed by the so-called "4+5 Group", consisting of four Southern European EC member states (France, Italy, Spain and Portugal) and the five participants of the Arab Maghreb Union (Algeria, Libya, Mauritania, Morocco and Tunisia) with Malta as an observer.

Due to a lack of consensus, a non-binding open-ended report was issued, declaring that a meeting outside the CSCE process could discuss a set of generally accepted rules and principles in the fields of stability, co-operation and

5 Tanner wrote that "given the multi-level threat scenarios, combined with sub-regional military rivalries and the continuous militarization of the region, the application of classic arms control and militarily significant CSBMs in the Euro-Mediterranean region appears extremely urgent, but also highly unrealistic at this point in time". Fred Tanner, *The Euro-Med Partnership: Prospects for Arms Limitations and Confidence Building after Malta*, in: *The International Spectator* 2/1997, p. 9. Regional players indicate that "the absence of a comprehensive, just and lasting peace (...) precludes parties in the region from applying the progressive CBMs that have proved effective in the framework of the OSCE". Statement by Amre Moussa, Minister for Foreign Affairs of the Arab Republic of Egypt, December 1997.

6 OSCE Mediterranean Seminar on the OSCE Experience in the Field of Confidence-Building, Cairo 1995.

the human dimension in the Mediterranean when circumstances in the area permitted. A prominent expert on regional issues in the Mediterranean provided an assessment of the initiative:

"The CSCM proposal thus attempted to institutionalise concepts associated with the notion of a comprehensive international region where such patterns of interaction did not exist. As a result it can be described as a premature initiative (...) (A) CSCM must succeed and not precede the regional dynamics it seeks to encourage. Its underlying 'co-operative approach' to security does not reflect the more conflictual patterns of relations which exist across the Mediterranean."⁷

But the CSCM concept is not buried yet. The summary of a 1997 OSCE seminar states that the "idea of convening a CSCM should not be shelved for good: a CSCM could play a co-ordinating role with respect to other initiatives such as the Barcelona Process and the Mediterranean Forum".⁸

Structuring Relations

Algeria, Egypt, Israel, Morocco, Syria and Tunisia had made contributions and statements at the second stage of the Conference on Security and Co-operation in Europe. In the follow-up meetings after Helsinki 1975 the Mediterranean States were invited to make contributions. A series of specific meetings were held on Mediterranean issues mostly relating to the economic, environmental, scientific, and cultural fields, in which the Mediterranean States were invited to participate (Valletta, 1978; Venice, 1984; Palma de Mallorca, 1990; and Valletta, 1993). During the second OSCE Summit in 1990, in the Charter of Paris, the participating States maintained that they "will continue efforts to strengthen security and co-operation in the Mediterranean as an important factor for stability in Europe".⁹ The 1992 Helsinki Summit Document states that the "non-participating Mediterranean States will continue to be invited to contribute to CSCE activities".¹⁰

In 1994, following a request by the five Mediterranean countries for closer association with the activities of the CSCE, they were offered a structured

7 Stephen C. Calleya, *Navigating Regional Dynamics in the Post-Cold War World: Patterns of Relations in the Mediterranean Area*, Aldershot 1997, pp. 152-155.

8 Consolidated Summary, OSCE Mediterranean Seminar on the Security Model for the Twenty-First Century: Implications for the Mediterranean Basin, 3-5 September 1997, Cairo, p. 8.

9 Charter of Paris for a New Europe, Paris, 21 November 1990, in Bloed (Ed.), cited above (Note 2), pp. 537-566, here: p. 547.

10 CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Bloed (Ed.), cited above (Note 2), pp. 701-777, here: p. 731.

relationship. Consequently, they were invited to a series of CSCE/OSCE meetings (meetings of the Ministerial Council, review conferences, regular meetings with the OSCE Troika, that is the representatives of the previous, current and forthcoming Chairman-in-Office, and, on a case-by-case basis, to seminars and other *ad hoc* meetings on subjects of special interest). They were also given access to all CSCE documents and the right to submit their views to the Chairman-in-Office.

Contact Group

The association was further deepened at the 1994 Budapest Summit, where it was decided, among other things, that an informal, open-ended Contact Group at the level of experts would be established within the framework of the Permanent Council in Vienna "in order to facilitate the interchange of information of mutual interest and the generation of ideas".¹¹ This new framework for co-operation was designated for the organization of Mediterranean seminars on topics of mutual interest and high-level consultations between the OSCE - represented by the Troika and the Secretary General - and the MPCs.

Though the meetings of the Contact Group with the Mediterranean partners are informal, a number of participating States, including the MPCs, are represented at ambassadorial level. All six MPCs regularly attend the meetings of the Contact Group, which take place several times per year. It is up to individual countries to signal their interest in joining the discussions of the Contact Group with the MPCs as well as in attending other meetings they may be invited to.

The Contact Group with the MPCs mainly provides an exchange of information and discussion on issues of mutual interest between the MPCs and the OSCE participating States. The agenda includes a briefing by a representative of the Chairman-in-Office who presents information on the most recent events, in particular OSCE missions and field activities. This is usually followed by a presentation on one of the main aspects of the OSCE activities by an OSCE official, such as the Representative on Freedom of the Media, the Co-ordinator of OSCE Economic and Environmental Activities, or a Personal Representative of the Chairman-in-Office.

The Contact Group meeting with the MPCs is the main framework for dialogue but occurs relatively infrequently and lacks a strategic concept for the promotion of effective interchange. This, combined with the fact that a number of the MPCs proposals for closer association with the OSCE have so far

11 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. 188.

not been developed, contributes, in turn, to a certain frustration on the part of the MPCs, occasionally interpreted by participating States as disinterest. Perhaps, one might even refer to this phenomenon as a vicious circle. Further reflection is required in order to facilitate the development of the OSCE-MPC dialogue.

Seminars

Mediterranean seminars provide for a large part of the ongoing Mediterranean dialogue by focusing on specific issues. The seminars are usually attended by high-level representatives from the Mediterranean partners for co-operation, participating States, international organizations, as well as by academics and NGOs. The seminars provide the opportunity to devote time to exchanging views, recapitulating ideas and suggestions made, and possibly to contributing to further developments in the OSCE-MPC relationship - but they have yielded little in terms of solid visible results or follow-ups.

The most recent seminar was held in 1998 in Malta on "The Human Dimension of Security, Promoting Democracy and the Rule of Law". Jordan will be hosting the 1999 OSCE Mediterranean seminar on "Implementing the Human Dimension". As a newcomer, Jordan has offered to host the next Mediterranean seminar in December 1999, showing an active interest in the OSCE-MPC dialogue.

Operational Developments

In June 1998, the OSCE Permanent Council adopted a decision permitting representatives of the MPCs to perform part of OSCE/ODIHR election monitoring and supervision operations, on a case-by-case basis, and to make short-term visits to the OSCE missions in order to continue to gain understanding of OSCE know-how.¹² The MPCs have been encouraged to take advantage of this decision by participating actively in this process and by keeping themselves informed first hand about OSCE field experience.

The decision was based on an EU proposal tabled during a Contact Group meeting that underscored the importance of the Mediterranean partners taking advantage of the OSCE field experience. The proposal hinged upon the assumption that through visits to the missions and participation in election observation, the MPCs could take advantage of OSCE past experience and witness the comprehensive approach to security in the field. The Permanent Council decision states that in "the light of the continued interest shown by

12 Cf. Organization for Security and Co-operation in Europe, Permanent Council, 172nd Plenary Meeting, PC Journal No. 172, Agenda item 7, Decision No. 233, PC.Dec/233, 11 June 1998.

the Mediterranean partners in becoming better acquainted with OSCE activities and the desire of participating States to improve the quality of the interaction between the Mediterranean partners for co-operation and the work of the Organization"¹³ representatives of the MPCs may embark on short-term visits to OSCE missions as well as participate in OSCE/ODIHR election monitoring or supervision operations.

In the following year, during May 1999, when the OSCE Mission to Bosnia and Herzegovina organized a workshop in Sarajevo to which MPCs were invited, the MPCs took advantage of the opportunity to visit a mission for the first time. Through lectures on specific issues, Mission experts provided insight into the field work being carried out by the OSCE in Bosnia and Herzegovina, including the areas: elections, democratization, human rights and regional stabilization. A visit to the field office in Travnik, Central Bosnia Canton, was also organized. Apart from representatives from various participating States, almost all the Mediterranean partners for co-operation took part. The MPC delegations have since expressed their interest in visiting other missions of the OSCE.

In response to an invitation to participate in election monitoring, an Egyptian representative let it be known that when election monitoring takes place in an OSCE participating State, Egyptian representatives have been instructed to supervise in those states where Egypt has diplomatic representation. Up to now, some of the MPCs have participated in election-monitoring activities organized by the ODIHR in the OSCE region.

By taking advantage of both the opportunities to visit OSCE missions and participate in election supervision and monitoring, the MPCs demonstrate their interest in exploring how the OSCE functions and contribute to OSCE activities - thus bringing into the relationship an element of reciprocity.

The Security Model

Currently, the MPCs' attention is focused on the so-called Security Model. During the Budapest Summit held in 1994 the OSCE participating States decided to prepare a Common and Comprehensive Security Model for Europe for the 21st century whose goal it will be to create a "common security space free of dividing lines in which all States are equal partners". The Security Model debate is to culminate in the adoption of a Document-Charter at the OSCE Summit in Istanbul in November 1999. It is envisaged that this will be a comprehensive political document, evaluating European security at the macro-political level.

13 Ibid.

From the beginning of the discussions on the Security Model, the Mediterranean partners expressed their interest in participating actively. Although they repeatedly had the opportunity to follow and occasionally also discuss the Security Model in a number of fora (seminars,¹⁴ Contact Group), it was not until early 1999 that they were invited to participate in one of the meetings of the main framework for negotiations, the Security Model Committee.

The Chairman of the Contact Group with the Mediterranean partners (in 1996, Switzerland) reported on contributions to the Security Model at the 1996 Lisbon Summit. Under priority areas it was stated that concrete measures would be explored in areas where the OSCE had acquired specific expertise and where it could share its experience with its Mediterranean partners. The areas mentioned pertained to the development of CSBMs, preventive diplomacy, conflict prevention, human rights and other items from the list of risks and challenges. It was also stated that "issues related to terrorism, social and economic disparities, and cultural and religious misconceptions meet with wide interest".¹⁵

The discussions of participating States with the MPCs in the Contact Group and seminars culminated in the inclusion of the Mediterranean dimension in the decisions adopted at the 1997 Copenhagen Ministerial Council. The Guidelines on an OSCE Document-Charter on European Security state that

"(r)ecognizing the indivisibility of security, they (the participating States) 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 ways of 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."¹⁶

During the 1998 OSCE Ministerial Council in Oslo, the Troika met at the ministerial level with the Mediterranean partners for co-operation. The latter expressed their desire to contribute to the shaping and drafting of any section on the Mediterranean dimension of the Charter on European Security. They expressed their interest in drawing on OSCE expertise in tackling threats to their own regional security.¹⁷ They have however also expressed some disap-

14 For example, the 1997 Cairo seminar was entirely devoted to "The Security Model for the Twenty-first Century: Implications for the Mediterranean Basin".

15 The Security Model Discussion 1995-1996. Report of the Chairman-in-Office to the Lisbon Summit, Lisbon, 30 November 1996.

16 Organization for Security and Co-operation in Europe, Sixth Meeting of the Ministerial Council, Copenhagen, 18-19 December 1997, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1998, Baden-Baden 1999, pp. 431-457, here: p. 448.

17 Cf. Press release, Ministry of Foreign Affairs of Norway, 1 December 1998.

pointment with the process. The Minister of Foreign Affairs of Egypt indicated that,

"since the Budapest Summit in 1994, various OSCE conferences have called for an increased participation of the Mediterranean partner countries in the Mediterranean dimension of the Security Model (...) Egypt has therefore strongly called for the urgent implementation of the Budapest and Lisbon Summit resolutions, granting the MPCs the accessibility to various instances in the Organization in matters relating to the Mediterranean dimension of the Security Model. Unfortunately, till today, we have not seen tangible process on this quintessential step."¹⁸

He went on to say that while he understands why the process of developing the Security Model is slow, MPCs should be able to contribute to shaping this process in its formative stage.

At the beginning of 1999, the Mediterranean partners, together with the other partners for co-operation, Japan and Korea, were invited for the first time to participate in the relevant meeting of the Security Model Committee on "Security and Co-operation in Adjacent Areas - Co-operation with Partners for Co-operation".

During the writing of this article, discussions on the final draft of the Document-Charter and of its components were still in process.

Conclusion

Two routes form the point of departure within the Mediterranean dimension of the OSCE: the development of the OSCE's *acquis communautaire*, especially the progress on the Document-Charter; and the peace process in the Middle East, which defines not only the composition of the group of Southern Mediterranean countries participating in the dimension, but also their coherence as a group or region.

Political developments in Israel are an encouragement to those who believe that the time has come to develop a regional approach to the Southern Mediterranean, to transfer knowledge from the OSCE, and develop OSCE-like approaches and structures in the region. It remains to be seen whether the hoped-for revival of the peace process in the Middle East will take place, and to what degree, and at what speed the Southern Mediterranean States will respond by approaching the OSCE as a region.

18 Speech by H.E. Mr Amre Moussa, Minister of Foreign Affairs of the Arab Republic of Egypt to the Seventh OSCE Ministerial Council Meeting, Oslo, 2-3 December 1998.

Likewise, the development of the Document-Charter provides a real opportunity to redefine the operational base of the OSCE-MPC relationship. Here, as well, it remains to be seen which elements from the array of proposals on strengthening this relationship will find their way into the Document to be adopted later this year in Istanbul.

One thing is clear: the MPCs are eager to expand their relationship with the OSCE. At the Oslo Ministerial in 1998, for example, Morocco underscored the need "to legitimate the MPCs' status and to reinforce links with OSCE, and to render the OSCE decision-making mechanism more transparent, through active MPC participation in a 'Security Model for the 21st Century', participation in the OSCE missions, in the observation of elections in the common OSCE-MPC region, and the practical implementation of mutual confidence-building measures and preventive diplomacy for the resolution of crisis situations".¹⁹ Other MPCs advocate a similar approach. The latter does not appear all that unrealistic any more.

19 Morocco, MC. DEL/59/98, Oslo Ministerial Council Meeting, 3 December 1998.

The IFEX Clearing House - Activities and Co-operation with the OSCE

Working Together towards Freedom of Expression

Freedom of expression has gained many champions in this decade, many of them non-governmental organizations set up specifically to fight for media freedom, such as those who belong to the International Freedom of Expression eXchange (IFEX). But there have also been steps taken to protect free expression by intra-governmental organizations such as the Organization for Security and Co-operation in Europe (OSCE) or the United Nations. Only in this decade have official representatives to protect freedom of expression been appointed, some on a regional basis, such as the OSCE Representative on Freedom of the Media and the Special Rapporteur for Freedom of Expression of the Organization of American States (OAS), appointed only last year. The United Nations Special Rapporteur on Freedom of Expression was also appointed in the 1990s. Similarly, IFEX was created in 1992 to unify the work of the world's freedom of expression organizations. The freedom of expression community has grown by leaps and bounds, and grown closer.

IFEX is a coalition of around 40 groups world-wide dedicated to promoting free expression and protecting the rights of journalists and writers.¹ IFEX has

¹ As of 1999, IFEX members were: Alliance of Independent Journalists, Jakarta; ARTICLE 19, London; Association of Independent Electronic Media, Belgrade; Canadian Journalists for Free Expression, Toronto; Committee to Protect Journalists, New York; Egyptian Organization for Human Rights, Cairo; Free Expression Ghana, Accra; Free Media Movement, Colombo; Freedom of Expression Institute, Johannesburg; Freedom House, New York; Glasnost Defence Foundation, Moscow; Greek Helsinki Monitor, Kifisia; Hong Kong Journalists Association; Human Rights Watch; Index on Censorship, London; Institute for the Studies on Free Flow of Information, Jakarta; Instituto Prensa y Sociedad, Lima; Independent Journalism Centre, Lagos; Inter American Press Association, Miami; International Federation of Journalists, Brussels; International Federation of Newspaper Publishers, Paris; International Press Institute, Vienna; Journalists Safety Service, Amsterdam; Media Institute of Southern Africa, Windhoek; Media Watch, Dhaka; Network for the Defence of Independent Media in Africa, Nairobi; Norwegian Forum for Freedom of Expression, Oslo; Pacific Islands News Association, Fiji; Pakistan Press Foundation, Karachi; Paraguay Union of Journalists, Asunción; Periodistas, Buenos Aires; Press Freedom Committee of the Guatemalan Journalists' Association, Guatemala City; Reporters Association of Thailand, Bangkok; Reporters sans frontières, Paris; West African Journalists' Association, Accra, Dakar; World Association of Community Radio Broadcasters, Montreal; World Press Freedom Committee, Reston, Virginia; Writers in Prison Committee of International PEN, London; PEN American Center; PEN Canada. For more information, contact the IFEX Clearing House at: 489 College St. #405, Toronto, Ontario/Canada M6G 1A5, Tel: +1 416 515 9622; Fax: +1 416 515 7879; E-mail: ifex@ifex.org; WWW site: www.ifex.org

members in every region of the world, taking action on free expression violations wherever they occur. Members come from countries as diverse as Egypt to Argentina to Russia to Ghana to Bangladesh. Half of the IFEX members are based in eleven OSCE countries, including Austria, Belgium, Canada, France, Greece, the Netherlands, Norway, Russia, the United Kingdom, the United States, and the former Yugoslavia.

The work of IFEX is facilitated by the IFEX Clearing House, located in Toronto, Canada, and managed by Canadian Journalists for Free Expression (CJFE). The Clearing House helps co-ordinate the work of IFEX members, reducing overlap among their activities and making us more effective in our shared objectives. We also work with many, many subscribers around the world, including concerned individuals, other non-governmental organizations, and offices such as that of Freimut Duve, the Representative on Freedom of the Media of the OSCE.

The idea behind IFEX is that by sharing information we can target violators of free expression more efficiently and can illuminate abuses taking place even in the smallest villages or the remotest corners of the world. While there are many cases where the perpetrators are deaf to appeals, IFEX and its members have seen evidence that its appeals have worked - from a court case in Peru to the jail cells of Nigeria. We have received thanks for helping journalists by issuing appeals in their favour and encouraging hundreds of others to do so world-wide.

IFEX has the ability to respond instantly to an emergency situation. On a daily basis, the Clearing House receives information from our members by electronic mail which is edited into an alert and then sent out quickly to members and subscribers world-wide over the IFEX Action Alert Network (AAN). IFEX has over 700 e-mail subscribers and thousands more visit the IFEX Internet Service at www.ifex.org where the alerts are posted.

The ability to send and receive information electronically means that the response time has decreased and efficiency has increased. It gives people in regions with poor telecommunications services access to the world. Those without access to the Internet can receive a weekly IFEX report by mail.

IFEX members initiate action alerts in response to cases where journalists, writers or media workers are attacked, detained, kidnapped, threatened or murdered; involving censorship or the banning of publications; targeting media laws which violate internationally-accepted standards; involving criminal cases launched against journalists, writers or publishers; and many other cases. Some members focus more on attacks against journalists, others on media laws, and others on broader violations against freedom of expression.

In 1998, the IFEX Clearing House issued over 1,500 alerts. They included at least 52 journalists or writers murdered; 94 journalists or writers arrested and held for more than 48 hours; 301 journalists or writers assaulted or beaten;

34 journalists or writers threatened with death; 217 charges, sentences or legal actions; and 118 media outlets banned, suspended or closed.

The urgent reaction to attacks on media freedom is also integral to the job of the OSCE Representative on Freedom of the Media. As outlined in the mandate for the OSCE Representative on Freedom of the Media, created in November 1997, the person holding the position "will concentrate (...) on rapid response to serious non-compliance with OSCE principles and commitments by participating States in respect of freedom of expression and free media." In drawing up the mandate, OSCE participating States promised to "reaffirm the principles and commitments they have adhered to in the field of free media. They recall in particular that freedom of expression is a fundamental and internationally recognized human right and a basic component of a democratic society and that free, independent and pluralistic media are essential to a free and open society (...)"²

In addition to operating the AAN, the Clearing House publishes the "Communiqué", a weekly bulletin containing current free expression news, events, and awards. It is published in English, French and Spanish, and is available in print, by e-mail or via the Internet. Every year, a special World Press Freedom Day issue is published on or around 3 May, with a round-up of activities around the world. In 1999, the IFEX Internet Service also featured a special World Press Freedom Day page.

In order to address the disparity between North and South, the Clearing House runs the IFEX Outreach Programme. This initiative gives support to nascent freedom of expression organizations in the developing world, Eastern Europe and in the former Soviet Union. IFEX offers these groups technical and financial support, as well as the encouragement they need to overcome the particular hardships they face in their country. When they become members of the IFEX community, these groups are provided with a support network that they can rely on. In exchange, they disseminate important news on freedom of expression violations that might otherwise go unchecked.

Another significant effort in which members of IFEX are united in their efforts is by working together on joint actions, as they did in early April 1999 on an action protesting attacks on independent media in the former Yugoslavia. The World Association of Community Radio Broadcasters (AMARC) led the joint action on 6 April to condemn the closure of Radio B92 and the increasing crackdown on independent media in the Federal Republic of Yugoslavia. Early on 2 April, Yugoslav police officers sealed the offices of Radio B92 and ordered all staff to cease work on the premises immediately. A court official who accompanied the police told station manager Saša Mir-

2 Organization for Security and Co-operation in Europe, Permanent Council, 137th Plenary Meeting, PC Journal No. 137, Agenda item 1, Decision No. 193, PC.DEC/193, 5 November 1997, p. 1.

ković that he had been dismissed and replaced by Aleksandar Nikačević, a member of President Slobodan Milošević's ruling Socialist Party of Serbia, according to the joint statement "thus bringing Radio B92 under effective government control". The move came a little more than a week after the start of bombing in Serbia and Kosovo by the North Atlantic Treaty Organization (NATO). According to the statement "Radio B92, the leading independent radio station in the region, has been the main source of alternative information in and from Serbia since the beginning of NATO air strikes".

AMARC was joined by diverse groups including CJFE, Freedom House, Greek Helsinki Monitor, the Institute for Studies on Free Flow of Information in Indonesia, the International Press Institute, the Pakistan Press Foundation and the World Association of Newspapers. It is apparent that groups in countries far away from the conflict can support their colleagues at times of need, even when they have no direct interest other than the preservation of free expression.

The Association of Independent Electronic Media (ANEM) was voted in as a new member of IFEX in February 1999, just before the crisis in Kosovo flared up dramatically. It was a timely move which allowed information coming directly from the source in the region to be circulated on the IFEX Action Alert Network. IFEX members responded by showing their solidarity with the beleaguered group.

The Balkans has been a trouble spot for much of this decade for freedom of expression violations, among other human rights abuses. Monitors such as the IFEX Clearing House and the OSCE Representative on Freedom of the Media have taken note of the many abuses in the region. In September 1998, Duve was appointed Chairman of the Council of the Independent Media Commission in Bosnia and Herzegovina, which "has as its current priority the creation of a media environment conducive to the promotion of an open and pluralistic democratic society". On 6 October 1998, Duve reminded Serbian authorities that threats to independent media for broadcasting foreign-produced programmes "are in contravention with the principles and commitments of the Conference on Security and Co-operation in Europe signed by Yugoslavia in 1975". Also in October 1998, in a somewhat prescient statement, Duve urged Serbian authorities "to provide immediate and unimpeded access for national and international media to the conflict-ridden region of Kosovo". This is one example where our work has produced similar results.

The IFEX Clearing House has also circulated alerts on attacks against the independent media in Belarus. In turn, the OSCE has responded to this repression. In February 1999, in an address to the OSCE Permanent Council, David Johnson, United States Ambassador to the OSCE, appealed to the Belarusian government to allow the media to report freely on plans by the opposition to

hold May elections, and condemned the crackdown on the independent media which is enforced through laws against the media.

IFEX members have also united over the years in joint actions to support democracy and the independent media in Nigeria; to call on Chinese authorities to preserve free expression in Hong Kong when it was transferred to their control; and to call for free expression in countries from Algeria to Peru. As a united voice, IFEX can come together to appeal to governments and others who are guilty of violating Article 19 of the Universal Declaration of Human Rights, which guarantees that "everyone has the right to freedom of opinion and expression".

Every year, IFEX members join together at an annual meeting, where they come up with strategies for the coming year. Joint statements emerge from these meetings as a response to current crises. In 1999, the IFEX meeting was held in South Africa, taking place in Africa for the first time. IFEX members used the opportunity to discuss media in times of crisis, repressive media laws, the development of a media alliance in Southeast Asia, media freedom in the Middle East and North Africa, the current situation in Yugoslavia, the crackdown on the independent media in Zimbabwe, the state of the media in Nigeria, and a number of other topics specific to Africa.

IFEX functions at its best as a network of networks. Many of our members are networks, such as the Pacific Islands News Association (PINA), the West African Journalists' Association (WAJA), the Media Institute of Southern Africa (MISA) and the Inter American Press Association (IAPA).

Likewise, OSCE is a network of countries. The OSCE Secretariat has been a subscriber of IFEX for a number of years. The IFEX Clearing House has been the recipient of information from that office since its creation, when the OSCE was still known as the Conference on Security and Co-operation in Europe. We have also shared information with the office of the Representative on Freedom of the Media since its mandate was created. Through increased co-operation with this new office which caters to our field, we have increased the flow of information substantially.

In October 1998, I had the opportunity to meet with Freimut Duve when he visited Canada. He explained that it was imperative that the position of the Representative on Freedom of the Media had been created, because he felt that media freedom was of the utmost importance to democracy. That sums up the essence of the mandate of IFEX: that freedom of expression is integral to freedom itself, and we must struggle to protect it.

Annex

Seventh Meeting of the OSCE Ministerial Council

Oslo, 2-3 December 1998

I. Oslo Ministerial Declaration

I.

We have discussed the challenges to security in our region, the OSCE's contribution to meeting them and how this can be developed in future. We stress the need for the international community to develop co-ordinated responses to such challenges. 1998 has been an important year in this regard, including for the OSCE.

The crisis in Kosovo has come to the forefront of the OSCE's concerns and action. We urge the parties to stop all violence and to co-operate in the negotiation of a political settlement.

The Kosovo Verification Mission (KVM) is the largest and most difficult operation ever put into the field by the OSCE. It marks the international community's recognition of the Organization's developing potential and expertise to contribute to security. Success for the KVM requires not only the use of internal mechanisms for transparent consultations, but also effective co-operation with other inter-governmental bodies, as well as with non-governmental organizations; and it requires adequate allocation of resources by participating States.

This year the OSCE successfully supervised the general elections in Bosnia and Herzegovina. It will continue to further the gradual processes of transferring responsibility for democracy building to the authorities in this country.

The OSCE role in police monitoring in the Danubian region of Croatia marks a new and practical development of the OSCE's operational capabilities.

The OSCE will continue and strengthen its efforts directed at the resolution of conflicts in Georgia and Moldova, as well as the Nagorno-Karabakh conflict. It is necessary that the OSCE responds with equal energy and determination to all of its tasks.

We welcome the Memoranda of Understanding signed between the OSCE/Office for Democratic Institutions and Human Rights and the governments of Georgia, Armenia and Azerbaijan aimed at deepening the co-operation in the fields of democracy and human rights. We take note of the proposal of the Chairman-in-Office to open OSCE offices in the Republic of Armenia and the Republic of Azerbaijan.

We note with satisfaction the growing involvement of the OSCE in Central Asia and welcome the establishment of the OSCE Centres in Kazakhstan, Kyrgyzstan and Turkmenistan as a further expression of our commitment to

promote stability and co-operation throughout the entire OSCE area. We also welcome the signature by the Chairman-in-Office of Memoranda of Understanding on co-operation between the OSCE/Office for Democratic Institutions and Human Rights and the governments of Kazakhstan and Kyrgyzstan. We recognize that the expansion of OSCE operations requires further strengthening of operational capabilities of the OSCE, including its Secretariat, and appreciate that the Secretary General has taken initial steps towards this goal. We support an early finalization of an OSCE strategy for training, the object of which is to enhance the ability of the Organization to carry out its tasks.

II.

We have taken stock of the progress this year in the work on a Document-Charter on European Security. This has been achieved through focused, target-oriented negotiation. Emphasis has been on the practical development of OSCE instruments for action, including co-operation with other organizations and institutions. At both conceptual and practical level, there has been progress in the development of the OSCE Platform for Co-operative Security as an instrument enhancing European solidarity and partnership and one of the essential elements of a Document-Charter. Developments on the ground have enriched the discussion of the role of the OSCE in conflict settlement. We urge rapid progress in the development of a Document-Charter.

III.

We conclude once again that the potential of the OSCE to contribute to security stems from its broad membership, its shared values, and its decision making based on transparency and consensus. We underline that respect for OSCE principles and implementation of OSCE commitments remain fundamental to security. Promoting compliance and reinforcing thereby democracy, the rule of law, respect for human rights and fundamental freedoms, including rights of persons belonging to national minorities, the development of free market economies and social progress, and alleviating the plight of refugees and displaced persons, require constant effort. Primary responsibility for achieving these goals lies with individual States, but much depends upon solidarity in the OSCE and a genuine partnership based on sovereign equality.

We stress the importance of sub-regional and bilateral co-operation to complement OSCE-wide activities in the promotion of solidarity and partnership. This spirit of solidarity and partnership is essential to OSCE's capacity to respond to risks and challenges to security. This extends not only to partnership between States, but to co-operation among the different organizations and institutions to which those States belong. In this pragmatic,

flexible and non-hierarchical co-operation the OSCE should continue to develop its own operational activities in areas in which it has proved its strength.

We recognize that the OSCE police operations are now an integral part of the Organization's efforts in early warning, conflict prevention, crisis management and post-conflict rehabilitation. International police operations can provide an important contribution to building a society based on the rule of law that can consolidate democracy and enhance respect for human rights and fundamental freedoms. The participating States will enhance the capacity of the OSCE with regard to police operations. To this end, close co-operation with the international organizations having relevant experience in conducting police operations, and in the first instance the United Nations, will be established.

IV.

We reaffirm our commitment to arms control as an important element of our common security.

We reaffirm the importance of the CFE Treaty as a cornerstone of European security. Full implementation of the Treaty and its adaptation to the changing security environment in Europe will be an essential contribution to our common and indivisible security. In this context, we take note of the report by the Chairman of the Joint Consultative Group. We welcome the commitment made by the States Parties to complete the adaptation process by the time of the OSCE Summit in 1999. This goal will require that outstanding key issues be resolved and drafting begun in the first months of next year. We welcome the mutual commitment by the States Parties to redouble their efforts to achieve this goal.

We take positive note of the report on the activities of the Forum for Security Co-operation (FSC). We declare the objective to complete the work on the review of the Vienna Document 1994 by the OSCE Summit in 1999. We welcome the increased attention given by the FSC to the regional dimension of security and confidence building measures, in accordance with the decisions of the Lisbon Summit and the Copenhagen Ministerial meeting.

We reaffirm the significance of the Open Skies Treaty and the necessity of its entry into force without delay.

We note with satisfaction that agreement was achieved on the mandate for negotiations on regional stability, as foreseen under Article V of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina.

V.

We reaffirm that strengthened security and co-operation in adjacent areas, in particular the Mediterranean, is important for stability in the OSCE region.

We welcome Jordan as a new Mediterranean Partner for Co-operation. We value the long-standing relationship with the Mediterranean Partners and their interest in the work of the OSCE. As mutual dialogue develops, improvements in mechanisms of co-operation to reinforce the principles and values of the OSCE could be considered. We support the work of the Mediterranean Contact Group in Vienna and encourage the Mediterranean Partners to continue to contribute to OSCE activities including through sending visitors to OSCE missions and guest observers to OSCE election monitoring operations.

The OSCE welcomes support for its activities from its Partners for Co-operation. We appreciate the contributions of Japan and the Republic of Korea to OSCE efforts. We thank Japan for its generous financial support for Bosnia and Herzegovina elections and in the context of Kosovo.

II. *Statement on Kosovo*

The plight of so many people in Kosovo caught up in violent confrontation and fleeing their homes in fear has moved us all.

Involvement in Kosovo represents a challenge and an opportunity for the OSCE. It shows that security, democracy, human rights and fundamental freedoms are inseparable.

Thanks to the vigorous efforts of the international community, including the OSCE, there is now a ceasefire. It is still fragile, but it marks a great step forward. Displaced persons and refugees are starting to return to their homes. Now further diplomatic efforts are underway to find a political solution. Those efforts have our strong support.

There is still violence in Kosovo, and this is of deep concern to us. We urge all parties involved to stop the violence and to resolve their differences by peaceful means. We urge the FRY authorities, Serbian authorities and all Kosovo Albanians to co-operate in the search for a political settlement, so that substantial political dialogue could start as soon as possible. The international community is determined to help. But only the parties can overcome their differences. The sooner they do so, the sooner the reconstruction and development of Kosovo can make headway.

United Nations Security Council Resolutions 1160 and 1199 set out what is required of the parties to bring the confrontation to an end. Those resolutions have confirmed also the need to respect the sovereignty and the territorial integrity of the FRY, while securing a political settlement for Kosovo, involving substantive, broad and meaningful self-administration. The OSCE has

taken on the task of verifying that all parties are complying with these Resolutions.

The OSCE is setting up its largest ever operation, the Kosovo Verification Mission. Besides verifying compliance, the KVM will help to implement the political settlement to be reached by the parties by supervising elections, providing support in building up democratic institutions and assisting with police force development in Kosovo. We intend to do this effectively, and in a manner in which the views of governments contributing to KVM are taken fully into account.

The head of the KVM, Ambassador Walker, his team and the OSCE Secretariat have worked very hard in the past few weeks to establish the Mission. Numbers are building up quickly. We encourage all those involved to continue their excellent work. The OSCE will continue to work in close co-ordination with other international organizations and NGOs involved in the international effort in Kosovo.

We urge all parties to the conflict to respect the ceasefire, to comply fully with relevant Security Council Resolutions, and to co-operate closely with the KVM so that it can carry out its duties unimpeded throughout Kosovo. The OSCE, for its part, will respect fully the terms of the agreement on the establishment of the KVM signed by Foreign Minister Geremek as the Chairman-in-Office, and Foreign Minister Jovanovic. We stress that its implementation will be important for any future consideration of FRY participation in the OSCE.

The staff of the KVM must be able to carry out their duties safely. The OSCE verifiers are not a fighting force. Although their true protection is compliance by all parties with the terms of agreement, security must be in place to protect them. The OSCE welcomes the commitment of other organizations to provide assistance and protect the OSCE and its verifiers in its mission in Kosovo, in case it would be required.

It is our hope and belief that the KVM will make the path to a settlement to the conflict in Kosovo easier. We will continue to give it our full support. But it is for the parties themselves to go down that path and to ensure that Kosovo can look forward to a peaceful future.

III. Decisions of the Oslo Ministerial Council Meeting

Decision on Georgia¹

Ministers appreciate the efficient co-operation between Georgia and the OSCE. They stress that the OSCE should intensify its efforts in the conflict resolution process as well as in monitoring the situation in the sphere of building democratic institutions in Georgia. Ministers emphasize that the lack of progress in the peaceful settlement of conflicts in Georgia requires additional measures to increase the safety of the international personnel and transparency regarding military armaments and equipment in the conflict areas.

Ministers acknowledge certain progress in the process of peaceful settlement of the conflict in the Tskhinvali Region/South Ossetia, Georgia, in particular with regard to the military-security situation and the return of refugees and internally displaced persons. They stress that there is an immediate need to increase efforts on all sides to promote the activities related to political negotiations on the definition of the political status of this region and facilitation of the process of the return of refugees.

Ministers express the hope that meaningful progress will soon be achieved with respect to a peaceful solution of the conflict in Abkhazia, Georgia. They strongly condemn the violent acts in the Gali District of Abkhazia, Georgia, in May and June 1998, resulting in mass destruction and the forcible expulsion of Georgian population. In this respect they recall numerous United Nations documents, the OSCE Budapest Decision and in particular the Lisbon Summit Declaration where utmost support for the sovereignty and the territorial integrity of Georgia within its internationally recognized borders was underlined. They also condemn the terrorist activities. They stress the need to refrain from the use of force, the importance of the prompt, immediate, safe and unconditional return of the refugees to the Gali District and the immediate conclusion of bilateral negotiations on this issue as a precondition for a comprehensive settlement of the conflict.

Ministers stress that the Geneva process is a leading framework for the peaceful settlement of conflict in Abkhazia, Georgia, and underline the primary responsibility of the United Nations for advancing this process. They declare the OSCE's readiness to assist the United Nations in their efforts. They appeal to the United Nations and the Group of Friends of the United Nations Secretary-General, as the initiators of the Geneva process, and the Russian Federation, as a facilitator, to activate their efforts with a view to implementing the already adopted decisions and undertakings. They ask the OSCE Chairman-in-Office to stay in close contact with the Friends of the United Nations Secretary-General on all matters concerning Abkhazia, Geor-

¹ MC(7).DEC/1.

gia. They declare the OSCE's readiness to participate in the implementation of a final and comprehensive settlement, including assistance to a local administration of the Gali District, particularly with regard to a joint mechanism of investigation of criminal cases in the zone of conflict and law enforcement body.

Ministers stress that promoting respect for human rights and fundamental freedoms, monitoring of the smooth and safe return of refugees, and assisting in the development of legal and democratic institutions and processes, in particular in establishment of a joint local administration in the Gali District with the participation of the returnees, can contribute to a peaceful settlement of the conflict in Abkhazia, Georgia. In that respect they ask the OSCE Chairman-in-Office to conduct with the United Nations Secretary-General, and within the OSCE, appropriate consultations exploring the utility of the establishment of an OSCE office in the Gali District. Ministers emphasize that all necessary measures should be taken to ensure the safety of the personnel of this office.

Ministers express their support for the Georgian-Abkhazian dialogue, in particular on confidence-building measures. The Ministers encourage the parties to follow up the decisions on confidence-building measures and to further study the proposals put forward at the Athens Meeting on Abkhazia, Georgia. If all parties agree to a similar meeting in Istanbul, this may provide a good opportunity. Ministers stress the possible role of the UN/OSCE Human Rights Office in Sukhumi in monitoring and assisting in implementation of any confidence-building measures between the two parties.

While reiterating that reconstruction measures cannot be a substitute for political settlement, Ministers acknowledge the importance of the rehabilitation of the conflict areas and regions and the return of refugees for advancing the process of the conflict settlement. They call on all parties to create conditions appropriate for such measures to be implemented. They undertake to explore the possibilities of a more active OSCE role in this respect in close liaison with international donors and institutions which are already active in this field in Georgia, and as a complement to their activities.

Decision on Moldova²

Ministers note that negotiations respecting the status of the Trans-Dniestrian region of Moldova have languished. They call for re-invigorating these negotiations through the facilitation of the OSCE Mission to Moldova and the Russian and Ukrainian mediators. They strongly urge both parties to intensify their discussions aimed at consolidating the independence, sovereignty

2 MC(7).DEC/2.

and territorial integrity of the Republic of Moldova along with an understanding on a special status for the Trans-Dniestrian region.

They stress the positive role of the peacekeeping forces in securing stability in the region.

Ministers call for full implementation of the relevant OSCE decisions and express concern over the lack of progress in the withdrawal of Russian troops currently stationed in the Republic of Moldova, with the understanding that the removal of Russian armaments, military equipment, ammunition and other ordnance from Moldova should be the primary step in this direction.

To redress these circumstances, Ministers agree that the following small and "do-able" steps could have beneficial consequences for the full resolution of these problems:

(a) with regard to the political settlement of the question of the status of Trans-Dniestria:

- the complete implementation of the confidence- and security-building measures set out in the Odessa Protocols of 20 March 1998;
- the intensification of dialogue on the outstanding issues among relevant authorities and experts from both sides, particularly with regard to the division of competencies as agreed in the Memorandum and in the Joint Declaration of the Presidents of the Russian Federation and Ukraine of 8 May 1997;
- identification and implementation of specific projects in the areas of the environment and economic and cultural relations as well as information flows across the Dniestr River;
- high-level meetings on the Trans-Dniestrian problem;

(b) with regard to military issues:

- consideration of making use of the offers of assistance in solving the environmental problems caused by the presence of unstable munitions;
- consideration of the existing offers of assistance relating to removal and/or destruction of Russian armaments, military equipment, ammunition and other ordnance;
- the elaboration, within a period of six months after the Oslo 1998 OSCE Ministerial Council, of a schedule for the withdrawal of the armaments, military equipment, ammunition and other ordnance;
- completion of the remaining protocols of the Moldo-Russian Agreement of 21 October 1994 on the withdrawal of Russian troops;
- resumption of the activities of the Mixed Moldo-Russian Commission on military issues.

- (c) *with regard to the activities of the OSCE Mission to Moldova:*
- consideration of a potential role of the OSCE Mission in ensuring transparency regarding the process of withdrawal of Russian troops.

*Decision on a Document-Charter on European Security: The Way Ahead*³

The Ministerial Council,

Reiterating the will to develop the key role the OSCE is playing within the framework of the emerging European security architecture based on partnership and co-operation,

Welcoming considerable progress in the development of the mutually reinforcing and non-hierarchical co-operation between the OSCE and other organizations and institutions,

Taking note of the on-going operational evolution of the OSCE especially in the fields of early warning, conflict prevention, crisis management, comprehensive conflict settlement and post-conflict rehabilitation,

Taking note of the Chairman-in-Office Progress Report on the work on a Document-Charter in 1998 and welcoming what has been achieved to date,

Confirming the political commitment of the OSCE participating States to continue the work with a view to elaborate comprehensive and substantive Document-Charter on European Security, worthy of adoption at the OSCE Summit.

Has agreed that

1. With the aim of completing the work on a Document-Charter in 1999, the Chairman of the Security Model Committee at an early meeting of the Committee will present a work programme for the drafting of a Document-Charter. Drafting will be based on Copenhagen Decision No. 5 and a detailed structure of a Document-Charter, derived from that decision, which will be presented to the SMC by its Chairman by the end of March 1999.
Progress in drafting will be assessed at reinforced PC meetings in 1999.
2. The negotiation on the Document-Charter will build on what has been achieved thus far and will continue to reflect, *inter alia*, practical efforts to strengthen the work of the OSCE in all its dimensions, as well as to develop further co-operation with other organizations and institutions.
3. Further development of the Platform for Co-operative Security, as a part of a Document-Charter, should also include provisions relating to the subregional dimension of security in the OSCE area.

3 MC(7).DEC/3.

*Decision on the Further Operational Strengthening of the OSCE*⁴

The Ministerial Council,

Recalling its Decision No. 3 taken last year in Copenhagen,

Welcoming the Permanent Council Decision No. 257 and the Secretary General's report on the implementation of this decision (MC.GAL/1/98/Rev.1 Restr.),

Aware of growing operational activities of the Organization and in particular the build-up of the Kosovo Verification Mission, resulting in a significantly increased workload for the OSCE Secretariat,

Willing to increase the effectiveness and cost-efficiency of the OSCE operations,

Recognizing the need to further strengthen the OSCE capabilities for early warning, conflict prevention, crisis management and post-conflict rehabilitation in its area, and in particular the need to enhance the operational capacities of the OSCE Secretariat,

1. Tasks the Permanent Council, as a matter of priority, to consider expeditiously requests of the Secretary General concerning the staffing of the OSCE Secretariat contracted personnel in relation to the need to provide adequate support for enhanced operational activities of the OSCE.
2. Decides that work on further operational strengthening of the OSCE will be considered by the Permanent Council.
3. Further decides that the Permanent Council in mid-1999 will review progress achieved in this respect.
4. Requests the Chairman-in-Office to prepare a progress report, taking into account findings of the Permanent Council meeting referred to above.

*Decision on Enhancement of the OSCE'S Operational Capabilities
Regarding Roma and Sinti Issues*⁵

The Ministerial Council,

Bearing in mind the existing OSCE commitments regarding Roma and Sinti, and

Recalling the decision taken by the Budapest Summit to appoint within the ODIHR a Contact Point for Roma and Sinti (Gypsies) Issues,

4 MC(7).DEC/4.

5 MC(7).DEC/5.

1. Decides to enhance the capability of the OSCE regarding those issues by strengthening the existing ODIHR Contact Point for Roma and Sinti Issues. Among its priorities will be:
 - to enhance the OSCE's interaction with the governments of the participating States, with representatives of Roma and Sinti communities, as well as with international organizations, initiatives and NGOs relevant to Roma and Sinti issues, and in particular to secure further mutual reinforcement of co-operation with the Co-ordinator for Roma in the Council of Europe with a view to avoiding duplication of effort, including the establishment of regular consultations with those organizations, initiatives and NGOs in order to develop synergies and common approaches designed to facilitate full integration of Roma and Sinti communities into the societies they live in, while preserving their identity;
 - to enhance co-operation among OSCE institutions and missions/field presences with respect to Roma and Sinti, if applicable;
 - to develop, on the basis of input from participating States, the OSCE institutions, and in particular the HCNM, Roma and Sinti communities, NGOs, and international organizations and other institutions and initiatives, a work programme which should include, *inter alia*, seminars, workshops and clearing houses;
 - to collect information from the participating States on legislative and other measures related to the situation of Roma and Sinti with a view to making it available to the OSCE community, as well as to other interested international organizations, and to elaborating additional reports on the situation of Roma and Sinti in the OSCE area.
2. Further decides that the Contact Point should deal solely with matters concerning Roma and Sinti.
3. Tasks the Permanent Council with devising appropriate ways to ensure adequate resources to implement this decision.

Decision on the Location of the Office of the High Commissioner on National Minorities⁶

The Ministerial Council,

- Accepts with gratitude the commitment of the Netherlands to continue providing the High Commissioner on National Minorities with premises in The Hague and its readiness to renovate, enlarge and refurbish them;
- Affirms its understanding that this commitment, initially covering the pe-

⁶ MC(7).DEC/6.

- riod up to and including the year 2004, has been made regardless of the person holding the office of High Commissioner on National Minorities; and
- Notes with appreciation that the commitment represents a significant contribution to the OSCE.

*Decision on Central Asia*⁷

The Ministerial Council,

Expressing its support for the enhancement of the OSCE's activities in Central Asia, among other things through the newly established OSCE Centres in the region,

- Expresses the need for co-ordination among various international organizations and institutions with respect to activities in Central Asia;
- Requests the Chairman-in-Office to prepare a report concerning various possibilities for the OSCE to strengthen this co-ordinated approach;
- Tasks the Permanent Council to consider this report before the summer recess.

*Decision on the Chairmanship in the Year 2000*⁸

The Ministerial Council decides that Austria will exercise the function of the OSCE chairmanship in the year 2000.

IV. Chairman's Summary

The OSCE Ministerial Council held its session in Oslo to review the role and activities of the OSCE, and especially the Organization's contribution to meeting current risks and challenges to security.

Discussion at the meeting focused on the OSCE's involvement in Kosovo, the OSCE's role in and contribution to European security, as well as operational capabilities of the Organization. The current stage of negotiation on a Document-Charter on European Security was assessed and specific suggestions were made with regard to the future work on that issue.

⁷ MC(7).DEC/7.

⁸ MC(7).DEC/8.

Ministers discussed regional conflicts in the OSCE area and the Organization's efforts contributing to their settlement. A number of operational issues relating to the strengthening of the OSCE's activities were considered. The discussion has found its reflection in the adoption by the Ministers of several documents listed below.

Ministers adopted the Oslo Ministerial Declaration, issued a Statement on Kosovo, and approved the following decisions:

- on Georgia,
- on Moldova,
- on a Document-Charter on European Security: The Way Ahead,
- on the further operational strengthening of the OSCE,
- on the enhancement of the OSCE's capabilities regarding Roma and Sinti issues,
- on the location of the Office of the High Commissioner on National Minorities,
- on Central Asia,
- on the next OSCE Chairmanship,
- on the date of the next OSCE Summit.⁹

The Chairman-in-Office of the OSCE, Polish Foreign Minister Bronislaw Geremek, submitted to the Ministerial Council his Activity Report for 1998 and a Progress Report on the Development of a Document-Charter on European Security.

In addition to the issues contained in the above-mentioned documents, the Ministers discussed questions reflected in this Summary.

The OSCE Chairman-in-Office made a trip from 23 to 26 November to the countries of the South Caucasus region, including the Republic of Armenia and the Azerbaijani Republic. In the course of his trip, he met with the Presidents of Armenia and Azerbaijan as well as the leadership of Nagorno-Karabakh and got acquainted with the situation in the area of conflict. All parties agree that the OSCE Minsk Process is the only suitable framework for the continuation of the peace process. The parties reiterated their commitment to maintain the cease-fire. Upon the suggestion of the Chairman-in-Office, all parties agreed to an exchange of prisoners of war as one confidence-building measure.

The OSCE Chairman-in-Office has received the report of the Co-Chairs of the Minsk Conference on their efforts in the settlement of the Nagorno-Karabakh armed conflict. The Chairman-in-Office welcomes the vigorous activity by the Co-Chairs during 1998. He accordingly urges the parties in conflict to resume negotiations in the framework of the OSCE Minsk Group without de-

9 Editor's note: see PC/DEC/283.

lay in order to promptly define a mutually acceptable basis for comprehensive settlement of the conflict. He calls also on the Co-Chairs of the OSCE Minsk Group to continue their efforts to facilitate negotiations and search for a solution. The OSCE Chairman-in-Office expresses the firm conviction that all parties should demonstrate political resolve and a willingness to take into account all legitimate interests and concerns. In this way, through the assistance of the Co-Chairs, this conflict can and should be settled in order to establish lasting peace and stability in the South Caucasus region.

Ministers expressed appreciation of the efforts of the Chairman-in-Office, supported by the OSCE community, with regard to the Kosovo crisis. Concerning the establishment of the Kosovo Verification Mission of the OSCE (KVM) emphasis was put on the extraordinary challenge of this task. Ministers welcomed the use of the Vienna-based ad hoc open-ended committee on Sandjak, Vojvodina and Kosovo as the channel of information regarding the operation of the KVM and conditions in Kosovo as well as the informal venue for the discussion of OSCE decisions with respect to the KVM. In this context, the commitment of the Lisbon Summit was recalled to transparency in action and relations with one another among OSCE States, and how this could be reflected best in OSCE decision making.

Ministers congratulated the parties to the agreements on confidence and security-building measures and sub-regional arms control under Dayton for progress achieved in their implementation and encouraged the further development of co-operation among the parties. They thanked the Personal Representative of the Chairman-in-Office, General Jean, for his contribution to this process.

Satisfaction was expressed about the agreement reached among the interested parties on the mandate for negotiations on regional stabilization, as foreseen under Article V of Annex 1-B of the Dayton Peace Agreement. Ministers thanked the Special Representative of the Chairman-in-Office, Ambassador Jacolin, for the work done on the mandate enabling the negotiation process to start.

The OSCE's important role in Albania was underlined, including in its new function as Co-Chairman, together with the European Union, of the group of "Friends of Albania" in concerting the efforts of concerned countries and international bodies.

Ministers reiterated their support for the OSCE's involvement in Belarus, in particular in helping the authorities there to comply with their OSCE commitments. They stressed the importance of constructive co-operation between the OSCE Advisory and Monitoring Group and the host country.

Ministers appreciated the work of the OSCE Assistance Group to Chechnya, Russian Federation. The personnel of the Group deserve special praise for

carrying out tasks in a very insecure environment where hostage-takings are a matter of continuous and grave concern.

The readiness of the OSCE to contribute, through its mission, to progress in the peace process in Tajikistan was reiterated.

During the discussion the hope was expressed that Kazakhstan will work closely with the OSCE, including on how to improve its electoral processes.

While reviewing the operational activities of the OSCE, including these of the missions and institutions, the Ministers commended OSCE personnel for outstanding work and stressed the different nature of tasks carried out in the field by the OSCE, ranging from preventive diplomacy and conflict prevention to post-conflict rehabilitation and promotion of dialogue and co-operation.

Ministers stressed the importance they attach to the effectiveness of the OSCE's operational activities. Acknowledging the challenge posed to the OSCE by growing field operations, they thanked the Secretary General for his report on the implementation of OSCE decisions on the enhancement of operational capacities of the Secretariat.

Ministers stressed the importance of the implementation of the Common Concept for the Development of Mutually-Reinforcing Institutions. They assessed the co-operation between the OSCE and other international organizations and institutions as developing very well.

The OSCE Court of Conciliation and Arbitration was referred to as one of the means for peaceful settlement of disputes. Ministers stressed that the signature and ratification of the 1992 Stockholm Convention on Conciliation and Arbitration within the OSCE, establishing the court, would contribute to the use of this instrument.

During the discussion organizational and financial aspects of the functioning of the OSCE were touched upon.

Ministers emphasized that the work in the human dimension and democracy building, extending to the individual, plays a crucial role for comprehensive security. They commended in this regard the excellent work carried out by the High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights, and the OSCE Representative on Freedom of the Media. Special gratitude was expressed to Mr. Max van der Stoep for his readiness to continue to serve as High Commissioner.

The need for improvement in the compliance with and implementation of all commitments in the human dimension did not diminish, in particular with respect to human rights and fundamental freedoms, including rights of persons belonging to national minorities. Ministers referred, *inter alia*, to the standing commitment of the OSCE to address problems of continuing violations of human rights, such as involuntary migration, threats to independent media, electoral fraud, manifestations of aggressive nationalism, racism, chauvinism,

xenophobia and anti-Semitism. Unreserved condemnation of all acts and practices of terrorism was expressed as well as the commitment for enhanced co-operation to eliminate that threat to security, democracy and human rights. In the human dimension stress was laid specifically on the need to better accommodate persons belonging to national minorities within State borders, the importance of their effective participation in public decision making, and the enhancement of harmonious coexistence of minorities and majority populations. Problems of statelessness were touched upon. Ministers recalled OSCE commitments regarding equal opportunities between men and women. They agreed to continue to pursue the objective of full and true equality between men and women as a fundamental aspect of a just and democratic society.

In discussions concerning the economic dimension, reference was made to the need for further promotion of free market economies and social progress, economic and environmental co-operation throughout the OSCE region. The need for the elimination of discrimination in trade, and of barriers to the movement of persons, goods, services, capital and information in accordance with relevant norms and agreements was mentioned. Ministers welcomed the activities of the Co-ordinator of the OSCE Economic and Environmental activities.

Referring to the threats posed by the uncontrolled accumulation and spread of small arms and light weapons, several Ministers noted with satisfaction the launching of discussion in the Forum for Security Co-operation context on how the OSCE can best contribute to meeting this challenge, without duplicating existing initiatives. They welcomed the envisaged entry into force on 1 March 1999 of the Ottawa Convention on the ban of the use, stockpiling, production and transfer of anti-personnel landmines and on their destruction, drawing attention to the humanitarian significance thereof.

With reference to co-operation between the OSCE and the Mediterranean partners for co-operation relevant provisions of the OSCE Budapest Document 1994 were recalled in the context of positive experience of the activities of the Vienna-based Mediterranean Contact Group, the well-established tradition of Mediterranean seminars and regular high-level consultation of the OSCE Troika and the partners.

Ministers expressed their deep gratitude to the Government of Norway for the excellent organization of the Ministerial Council Meeting.

V. Reports to the Oslo Ministerial Council Meeting

Chairman-in-Office's Activity Report for 1998

1. During 1998 the OSCE's contribution to European security underwent a process of qualitative refinement and enlargement in rapid response to risks and challenges. The Organization's political mission of enhancing peace and stability in the OSCE area through consolidation of common values, broadly understood conflict prevention and promotion of co-operative security has been constantly put to the test by the challenges posed by existing and emerging potential conflict. Activities aimed at furthering compliance with OSCE principles and commitments continued to be a responsibility requiring great attention by the Organization.

2. The OSCE faced a variable and complex security environment that mobilized the development of its operational capabilities and stimulated its mission of creating solidarity and partnership among participating States in meeting common challenges. The evolving crisis in Kosovo challenged the OSCE's abilities to adapt itself adequately to the requirements of conflict prevention. While the institutions and numerous missions of the OSCE continued to pursue their tasks, the Organization expanded its presence in Central Asia and created conditions for similar enhancement in Transcaucasus. The commitment of the OSCE to refining its role within a non-hierarchical security system for Europe resulted in the active consideration of a future OSCE Charter on European Security. This consideration was backed up by the development of dynamic co-operation with other international organizations and institutions, furthering their mutual reinforcement in pursuit of common goals and objectives.

3. During 1998 the OSCE has been reaffirming its key role in fostering security and stability by applying instruments for early warning, conflict prevention, crisis management and post-conflict rehabilitation. Long-term missions and representatives of the OSCE in the field have continued to serve throughout the area as effective, responsive and flexible tools of preventive and mitigating action in the face of the manifold risks and challenges to security and stability. The OSCE has continued to prove its reliability as a mechanism for promoting dialogue, solidarity, partnership and co-operation. It has maintained its focus on aiding the implementation of basic principles and commitments, including the fundamental aspects of greater respect for human rights and the building of democracy.

4. In all its endeavours the OSCE has been working closely together with relevant international organizations and institutions. This co-operation, based

on the Common Concept for the Development of Co-operation between Mutually-Reinforcing Institutions, as defined by the 1997 Copenhagen OSCE Ministerial Council, has been guided by the principles of pragmatism, responsible burden-sharing and the use of the comparative advantages of all the actors involved. The range of OSCE contacts with its partner organizations and institutions in 1998 was unprecedented, both at the headquarters level and in the field. It encompassed, in addition to the activities of the Chairman-in-Office, those of the OSCE institutions and of its missions and representatives throughout the OSCE area.

5. The operational activities of the OSCE in 1998 included the consolidation and adjustment of activities as well as the assumption of new mandates. In addition to several continuing efforts, operations of a new type, such as compliance verification and police monitoring, have been initiated by the OSCE, leading to the defining of new potential capabilities in the Organization's conflict prevention role. In the field of preventive diplomacy and in contributions to crisis management and post-rehabilitation efforts, stress was laid on early warning on risks and challenges.

6. Eight months elapsed in 1998 before the Federal Republic of Yugoslavia (FRY) was persuaded by the international community to cease warfare in Kosovo and to start withdrawing in substantial numbers its special forces from the province. Subsequent resolutions of the United Nations Security Council (Nos. 1160, 1199 and 1203) reflected and defined the international community's positions on the Kosovo crisis and the requirements for FRY compliance. It was nevertheless only the threat of military intervention that prevented Belgrade from continuing its pacification activities in the province with its toll of death and displacement for many civilians. The OSCE reacted immediately to Serb repression of the ethnic Albanian population in Kosovo. This was reflected in the statement issued by its Chairman-in-Office on 2 March, followed by an action plan of the Chairman-in-Office for Kosovo and the Permanent Council Decision No. 218 urging the FRY to halt its excessive use of force in the province and to initiate a genuine dialogue with Kosovo Albanian representatives. The Chairman-in-Office also pointed to the need to draw up status proposals on Kosovo and to hold round-table talks in the FRY with international participation as crucial aspects of the search for political solutions. The OSCE continuously pursued the objectives of reinstating the mission of the Personal Representative of the Chairman-in-Office, Mr. Felipe González, and of ensuring a permanent OSCE presence in the FRY, including Kosovo. For several months the Chairman-in-Office maintained dialogue on the level of ambassadors with Yugoslav authorities on the question of the FRY's participation in the OSCE. Such participation was, however, used by the FRY as a condition for the return of the OSCE to the country, a demand that led to the suspension of the talks. Pursuant to Security Council resolution No. 1160, the Chairman-in-Office began providing to the United Nations monthly information on the situation in Kosovo and on the measures taken

by the OSCE in response to that crisis. In March the OSCE strengthened its field presence in Albania and the former Yugoslav Republic of Macedonia in order to make its monitoring efforts more effective.

7. In the autumn of 1998 intense negotiations between the United States special envoy, Mr. Richard Holbrooke, and Belgrade led to the acceptance by the FRY of political talks and brokerage between the parties to the Kosovo conflict. Agreement was reached on the establishment of a regime to verify compliance by the FRY with the requirements of the international community. The OSCE showed itself ready to contribute to the concerted international effort to put an end to violence in Kosovo through the establishment of the Kosovo Verification Mission in October. The relevant Agreement signed on 16 October in Belgrade by the Chairman-in-Office and the FRY has opened fresh prospects for an end to repression in Kosovo and the start of a return to political dialogue between the parties to the conflict. At the same time, the OSCE has been faced with the extraordinary task of organizing a huge and unprecedented verification operation, thus opening a qualitatively new chapter in OSCE conflict prevention activities.

8. During 1998 the OSCE continued to fulfil the role assigned to it under the Dayton General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP). Both confidence- and security-building measures under Article II and the sub-regional arms control under Article IV of Annex 1-B to the GFAP were consolidated. The work on the mandate for negotiation on regional stabilization under Article V was advanced towards acceptance. In Bosnia and Herzegovina the OSCE contributed significantly to the efforts of the international community with regard to the consolidation of State structures, democracy building and human rights implementation. This was done in line with the recommendations of the Peace Implementation Council (PIC). While OSCE tasks in connection with the general elections held in September were in the forefront of the activities of its mission, further support was provided through action on behalf of democratization, human rights including those of returnees, and the build-up and functioning of democratic institutions such as the office of the ombudsman. In Bosnia and Herzegovina the complementary nature and the mutual reinforcement of the activities of different international organizations and institutions have been proving their value. The OSCE's contribution to the preparation and carrying out of the elections in that country proved to be on the right track, in light of the fact that the voters there have opted for a more pluralistic political spectrum. The dedication of the OSCE election personnel deserves high praise.

9. The continuous presence of the OSCE mission in Croatia has been contributing to the strengthening of that country's efforts in the fields of post-war confidence building, return of refugees, and the further development of democratic standards. The implementation of international obligations by Croatia was a precondition for OSCE assistance to government and local authorities as work continued towards furthering tolerance, reconciliation, the rule of law and a civil society. The OSCE embarked on a new mandate in Croatia and a new dimension in the development of its own capabilities through the establishment of a police monitoring operation in the Danubian region of that country. The assumption by the OSCE of the tasks and responsibilities of the United Nations Police Support Group in the Danubian region was completed in October 1998. Integrating the Serb local community into Croatian society and ensuring sustainable implementation of the refugee return programme continued to remain challenging tasks, as did assistance in drafting legislation covering human rights, the judiciary, the media and elections.

10. The prevailing political instability in Albania challenged the OSCE to increase its determination and efforts to assist that country in fostering political dialogue and the amalgamation of democracy and the rule of law through the strengthening of its institutions. This goal was pursued jointly with other international organizations and institutions. The OSCE continued to provide a flexible co-ordinating framework for international support for Albania, *inter alia*, in its new role as co-chairman, together with the European Union, of the group of "Friends of Albania", which brings together concerned countries and international bodies and was established in September 1998. The international ministerial conference on Albania held in October in Tirana with the participation of the OSCE welcomed the comprehensive reform programme presented by the Government and laid down a number of priorities for the stabilization and development of the country. The subsequent strengthening of the OSCE Presence in Albania demonstrated the Organization's resolve to continue its assistance efforts. Earlier in the year a monitoring component was established as part of the Presence for the purpose of providing analysis of the situation in Kosovo and on the border between Albania and the Federal Republic of Yugoslavia.

11. The mandate of the OSCE Spillover Monitor Mission to Skopje has been implemented with a view to supporting sustainable internal stability in the former Yugoslav Republic of Macedonia, which has been jeopardized in an unpredictable way by the crisis in neighbouring Kosovo. The situation in the country has remained stable and calm in the course of 1998, allowing the OSCE mission to concentrate its work on co-operation with the Government in promoting the internal aspects of stability, including respect for human rights, elections and economic opportunities.

12. The OSCE's Advisory and Monitoring Group in Belarus pursued a constructive dialogue with the Government and representatives of different segments of Belarusian society on a number of issues relating to the building of democratic institutions and civic society. The Group offered advice regarding the drafting of electoral legislation, the establishment of an ombudsman's office, the penal code and the code of criminal procedure, and also regarding projects regarded by the Group as important, such as the legislative project on the electronic media. The Group also monitored compliance with international commitments in the fields of human rights, the rule of law and democracy building, acting as a catalyst for democratic values and projects between governmental and non-governmental forces in Belarus. In spite of great efforts, meaningful progress was difficult to achieve. A round-table to overcome the constitutional crisis would be instrumental to promote democracy in Belarus. Belarus should play its role as a democratic member of European organizations. This would also lead to the full observance of human rights in Belarus.

13. During this year the withdrawal of Russian troops, ammunition and equipment from the Trans-Dniestrian region of Moldova as well as an overall political settlement to the conflict over Trans-Dniestria have been issues of concern to the OSCE. This long-standing commitment to a search for solutions to both questions was reflected in the holding by the OSCE of meetings on military transparency and political issues in July and October of 1998. Offers of practical assistance in the destruction of ammunition and continued attachment to an approach to the problem of troop withdrawal based on sequenced, achievable steps have been remaining at the focus of the OSCE's attention. The contributions of Russia and Ukraine as mediators to efforts aimed at the political solution of the conflict over Trans-Dniestria should be noted.

14. The 1998 year saw continuing positive political transformation in Georgia towards a more open and democratic society and movement towards a market economy. There was some progress in the search for a peaceful settlement of the conflict over South Ossetia/Tskhinvali region, in particular with regard to the military security situation and the return of refugees and internally displaced persons. However, no meaningful progress was achieved with respect to a peaceful solution of the conflict over Abkhazia, Georgia, although the search for a settlement has been stepped up and there are some grounds for optimism.

15. The OSCE continued its efforts to advance the work of resolving the conflict over Nagorno-Karabakh. The co-chairmen of the Minsk Group continued their work with the parties with a view to an early resumption of negotiations. The monitoring of the line of contact by the Personal Representative

of the Chairman-in-Office and his staff was essential for the consolidation of the cease-fire regime and for building confidence between the parties.

16. The visit of the Chairman-in-Office to the Caucasus in November underscored the importance the OSCE has been attaching to its continuing efforts to bring about a peaceful resolution of conflicts in that region. In Georgia the Chairman-in-Office emphasized the OSCE's long-standing commitment to work, through its mission, for the advancement of a political settlement of the South Ossetian conflict and to contribute to confidence building between the parties to the dispute on the future status of Abkhazia. The possibility of the opening of an OSCE office in the Gali region was also discussed. As regards Nagorno-Karabakh, the Chairman-in-Office called on the parties concerned to demonstrate the political will to negotiate and compromise in the interest of achieving a mutually acceptable and mutually advantageous resolution of the conflict. An exchange of prisoners of war was agreed during the visit. Furthermore, Armenia and Azerbaijan gave positive response to the suggestion of the Chairman-in-Office to establish OSCE offices in Erevan and Baku. The Chairman-in-Office signed memoranda of understanding between the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the three countries aimed at deepening co-operation in the fields of democracy and human rights.

17. The OSCE Assistance Group to Chechnya, Russian Federation, continued to support and facilitate humanitarian assistance and to monitor the evolving internal situation including respect for human rights. The OSCE was the only international organization present in Chechnya. Developments there do not provide ground for optimism. The frequent kidnappings there are a matter of grave and continuing security concern. The extremely complex situation in Chechnya remained a major obstacle to the work of the Assistance Group, leading, among other problems, to temporary difficulties in ensuring the appropriate level of staffing in Grozny and its permanent presence there.

18. The OSCE assisted in the task of national reconciliation in Tajikistan, among other ways by providing advice on the development of legal and democratic political institutions and processes. The OSCE continued its monitoring of the human rights situation, thereby promoting compliance with OSCE principles and commitments in Tajikistan. It should be noted that although there has been some progress in the implementation of the peace agreement, implementation of the vast majority of the protocols is behind schedule.

19. In April the Chairman-in-Office paid visits to Kazakhstan, Kyrgyzstan, Turkmenistan, Uzbekistan and Tajikistan. These visits confirmed the willingness of the host countries to advance their integration within the framework of OSCE principles and activities, along with their desire, shared by all participating States, to strengthen the OSCE community. The implementation of the Chairman-in-Office's recommendations drawn from his trip to Central

Asia led to the establishment of OSCE centres in Almaty, Ashgabad and Bishkek. This gives the OSCE and the countries involved a unique opportunity to intensify co-operation in all relevant spheres, including the economic, environmental, human and political aspects of security, and with a view to strengthening regional links and stability, and preventing the emergence of risks and challenges to stability. The human dimension aspects of co-operation have been reinforced through memoranda of understanding between ODIHR and, respectively, Kazakhstan and Kyrgyzstan. The memoranda were signed by the Chairman-in-Office at the Ministerial Council meeting in Oslo.

20. OSCE activities in Ukraine concentrated mainly on human rights and economic projects aimed at assisting in the implementation of OSCE principles and commitments by strengthening and stimulating the process of overall democratization in the country. Clear progress in carrying out the mandate of the OSCE Mission to Ukraine has resulted in serious consideration being given to the scope and modalities of future co-operation between the OSCE representation in Ukraine and the host country authorities.

21. The OSCE missions to Estonia and Latvia continued to perform several useful and concrete functions as agencies promoting and assisting social integration in both countries. By pursuing this goal and contributing to the implementation of a number of related projects, they have had a stabilizing effect on interethnic relations. OSCE representatives in Estonia and Latvia continued to assist the relevant governmental and inter-governmental bodies in solving problems relating to the legal status and situation of Russian military pensioners in both countries. In August, in line with the relevant bilateral agreement between Latvia and the Russian Federation signed in 1994, the Skrunda radar station in Latvia was switched off, marking the beginning of the dismantling of that installation. The Skrunda radar inspection regime, established by the OSCE at the request of the parties, and the work of its representative in the relevant joint commission contributed to the success of this task undertaken by the OSCE.

22. While consolidating and developing its operational activities, the OSCE was actively engaged, pursuant to the decisions of the 1997 Copenhagen Ministerial Council, in preparing a Document-Charter on European Security. Considerable progress was achieved in this work, as noted in a separate report. This progress allows the OSCE ministers gathering in Oslo to call on the incoming Chairman-in-Office to organize the drafting of the future document with the aim of adopting it at the next meeting of the Heads of State or Government of the OSCE participating States. The OSCE's partner organizations and institutions played an active part in the development of the concept of a Platform on Co-operative Security, which is aimed at strengthening the mutually reinforcing character of the relationships in place among organizations and institutions concerned with the promotion of comprehensive and co-operative security within the OSCE area.

23. As regards human dimension issues in 1998, apart from assistance in comprehensive implementation of commitments, the OSCE put strong emphasis on the supervision and monitoring of elections. Co-operation between the ODIHR and the Parliamentary Assembly of the OSCE on electoral observation was strengthened and improved in several cases through joint efforts with the Council of Europe. The new methodology for electoral assistance and observation developed by the ODIHR, which includes the monitoring of the entire election process, has proven to be efficient and reliable in terms of assessing compliance with OSCE commitments. Numerous projects were prepared and run by the ODIHR in co-operation with several OSCE missions and other international and national institutions. They strengthened the role of the OSCE in the promotion of democracy, the rule of law and respect for human rights, and helped in the build-up and consolidation of democratic institutions in several participating States. The modalities for OSCE implementation meetings on human dimension issues, agreed upon in July, helped to integrate more closely the human dimension into the daily work of the OSCE and also to increase the contributions of relevant inter-governmental and non-governmental organizations to OSCE activities. The Warsaw meeting on human dimension issues held in October-November provided a framework for thorough discussion of compliance with OSCE commitments. The OSCE developed further, through the ODIHR and in other ways, its role vis-à-vis the regional conference on problems of migration in and around the Commonwealth of Independent States, and it focused particular attention on issues of equality of opportunity between men and women. The OSCE worked on formulating a more effective response to the problems of Roma and Sinti ethnic groups.

24. The High Commissioner on National Minorities continued to contribute to the promotion of comprehensive security in the OSCE area, especially in regions where tensions involving national minorities might have potential consequences for peace and stability. The range of the High Commissioner's activities was very broad and concentrated on efforts aimed at assisting Governments in responding to the political and human rights aspirations of persons belonging to national minorities. Among the numerous initiatives to this end it is worth while mentioning the international conference on "Governance and Participation: Integrating Diversity" organized in October in Locarno. Benefits of decentralization and subsidiarity as means of accommodating diversity in society and, ultimately, of contributing to the resolution of minority-related issues, were discussed.

25. The Office of the OSCE Representative on the Freedom of Media became operational in the first quarter of 1998. The OSCE media representative has established an extensive network of contacts with Governments and with international and non-governmental organizations and is co-operating constructively, *inter alia*, with the Council of Europe and the ODIHR. The work of the Office has focused primarily on early warning activities and on rapid response to serious cases of non-compliance with OSCE commitments regarding freedom of expression and the media.

26. OSCE activities in the economic dimension have been intensified during the year. The Co-ordinator for Economic and Environmental Activities has begun to implement actively his mandate. This has resulted in much closer OSCE co-operation with the United Nations Economic Commission for Europe, the European Bank for Reconstruction and Development, the Organization for Economic Co-operation and Development and the European Commission, and in better interaction with the Parliamentary Assembly of the OSCE. An expanded network of contacts with non-governmental organizations and the private sector has also been put into place. The successful Sixth Meeting of the Economic Forum held in June of this year in Prague, along with the regional seminars organized in the run-up to next year's Economic Forum, helped to raise the profile of the Organization's economic dimension.

27. In 1998 the OSCE has reinforced its network of co-operation channels with other international organizations and institutions. A number of high-level consultations on specific subjects have been held during the year. These have led to operational conclusions and the strengthening of co-operation frameworks involving OSCE institutions and missions. The OSCE has strengthened its role as a regional arrangement under Chapter VIII of the United Nations Charter, through, *inter alia* the establishment of the Kosovo Verification Mission which has been endorsed by the United Nations Security Council. Memoranda on co-operation were concluded between the Secretary General of the OSCE and the United Nations High Commissioner for Refugees (UNHCR), the ODIHR and the UNHCR, and the ODIHR and the United Nations High Commissioner for Human Rights. The OSCE maintained close co-operation and held consultations with several United Nations agencies, the Council of Europe and NATO. The Kosovo Verification Mission of the OSCE became an important testing ground for co-operation between the OSCE and NATO. The information exchange among international organizations and institutions has increased, with the OSCE in a position to provide useful data thanks to its strong field presence.

28. In accordance with the relevant decision of the Copenhagen Ministerial Council Meeting, a group of experts was established in the OSCE to review possible ways of further enhancing the Secretariat's operational capacities. As a result of its work several relevant problems were defined and recommendations set out on how best to approach them. Based thereon

decisions were taken on adjustments to the structure of the Secretariat, carried out by the Secretary General. During 1998 the OSCE devised a "strategy for capacity-building and training for conflict prevention and human rights". This strategy is aimed at improving the ability of OSCE institutions and missions to carry out their mandates, to strengthen their internal performance, and in this way to improve the effectiveness and sustainability of OSCE activities. The strategy envisages a number of short- and long-term measures in pursuit of its objective. The challenge of the Kosovo Verification Mission requires an appropriate response in terms not only of the continuing reform of the OSCE Secretariat but also of adequate training.

29. In 1998 the OSCE maintained and developed good contacts and co-operation with the partners for co-operation - Japan and Korea. The partner's continued interest in OSCE activities and work was recognized. Their contribution and willingness to sustain it in support of the efforts of the international community, including the OSCE, in Bosnia and Herzegovina and in Kosovo is highly appreciated. In May the OSCE welcomed Jordan as a new Mediterranean Partner for Co-operation. Co-operation between the Mediterranean partners and the OSCE participating States has been stepped up during the year in the framework of monthly meetings of a Contact Group that brings all of them together and serves as a useful instrument of dialogue and exchange. The OSCE invited the Mediterranean partners to send their representatives on visits to its missions and to participate in election monitoring operations organized by it. This year's OSCE Mediterranean seminar was regarded by all who took part as another significant element in the dialogue between the Organization and the partners.

30. During the year the Chairmanship followed the guidelines governing the method of work that had been submitted by the Chairman-in-Office to the Permanent Council on 15 January. Efforts were undertaken to strengthen existing interaction and complementarity between the OSCE and other international organizations dealing with European security. The number of contacts established and the numerous forms of interaction demonstrate that this goal has become a reality. Another aim was to make the early warning system more effective. The flow of early warning information within the OSCE framework in 1998 can be regarded as good. However, the capability to process that information and the linkages permitting co-ordinated action once early warning has been received needs further improvement, even though expedient holding of special plenary sessions of the Permanent Council in Vienna on short notice was used quite frequently. The idea of conducting periodic, brief evaluations of OSCE activities was implemented to a limited extent (reinforced meetings of the Permanent Council) and deserves further study. Furthermore, it was the Chairmanship's intention to preserve a multi-dimensional system of consultations in the OSCE in keeping with the democratic nature of this Organization. Here, the record is quite satisfactory, con-

sidering the number of informal open-ended and bilateral consultations held. 31. It is worth while pointing out that during this year the Chairman-in-Office and the Chairmanship established very close co-operation with the Secretary General and the OSCE Secretariat, as well other OSCE institutions and representatives in the field. The co-operation within the OSCE "Troika" worked well. The Chairman-in-Office paid official visits to Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Georgia, Kazakhstan, Kyrgyzstan, the former Yugoslav Republic of Macedonia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, the Federal Republic of Yugoslavia. These visits as well as consultations in several other countries provided an opportunity to discuss matters of interest to the Organization.

Chairman-in-Office's Progress Report on the work in 1998 on a Document-Charter on European Security

The OSCE occupies a key place in the new system of security in Europe and has an important role to play in meeting new risks and challenges to security as an organization specializing in conflict prevention, broadly understood. It is also a source of norms and principles, a promoter of the notion of comprehensive and indivisible security and the organizer of an integrative and flexible framework for co-operation among different organizations and institutions.

To perform effectively this new role, the OSCE has to be equipped with new tools. The work on the Document-Charter on European Security is therefore of particular importance.

Summary of Main Activities

The basis for the work within the Security Model Committee under the Polish Chairmanship was Copenhagen Decision No. 5 on Guidelines on an OSCE Document-Charter on European Security. In accordance with this Decision, two additional working groups have been established in order to deal with specific elements of the Document-Charter. In addition, the Security Model Committee was given the task of conducting negotiations on other issues not covered by the working groups.

All the specific elements referred to in the Copenhagen Decision No. 5 were discussed thoroughly. The basis for the debates within the working groups were working papers prepared by the chairmen of both groups. These working papers are based on proposals tabled earlier. Thanks to this approach, discussions on the Document-Charter entered a qualitatively new stage, i.e., substantive, organized and structured exchanges of views and deliberations on the content of the future Document-Charter.

This method of work seems to have achieved its main purposes: the advancement of goal-oriented discussions, the delineation of areas of emerging common understanding and the identification of the most difficult problems. The chronology of work on the Document-Charter in 1998 is contained in Annex 1.

On a number of issues considerable progress was achieved. At the same time, significant differences of opinion on many questions were registered. The common understanding is, however, that at this juncture there is a need to turn gradually the discussions into a joint drafting process.

In the view of the Chairmanship, the drafting process would be facilitated by adoption of the structure of the Charter, based on the work done so far. This is why an indicative and non-exhaustive table of contents of the future Charter has been presented by the Chairman-in-Office. In addition, the Chairman-in-Office, in co-operation with the Troika, has prepared a comprehensive vision on the basic framework of the Charter, which is contained in Annex 2. This Annex illustrates a very significant negotiating progress, which has been achieved in the course of 1998.

In accordance with the Copenhagen Decision, the Chairman-in Office, in co-operation with the Secretary General, has been called upon, pending the elaboration of the Platform for Co-operative Security as part of Document-Charter, to work actively to step up the OSCE's co-operation with international organizations and institutions, basing his activities on the Common Concept adopted in Copenhagen. During the Polish Chairmanship it was possible to intensify further the OSCE's co-operation with a number of international organizations and institutions. The non-exhaustive list of OSCE contacts in this respect is contained in Annex 3. This list illustrates the intensity and comprehensive character of the OSCE's practical co-operation with other organizations and institutions in 1998. At the same time, the principal partners of the OSCE took a very active part in the elaboration of the concept of a "Platform for Co-operative Security". Among the most important events in this regard were two informal meetings of the Security Model Committee with the participation of representatives of international organizations and institutions. Both these meetings provided an opportunity for a discussion of the experience gained from co-operation and contacts in the past, with a particular focus on co-operation in the field. They emphasized the need for pragmatic co-operation, based on the principle of using comparative advantages. At the same time, there was agreement that co-operation needed to be based on the principle of the equal status of the various organizations and the recognition of their distinctive characteristics.

Specific Issues

New risks and challenges to security

The basic working assumption was that the Document-Charter should offer a framework and general principles for identifying new risks and challenges to security, and that in so doing the participating States should consider what ought to be the appropriate role of the OSCE, including how it can best facilitate international efforts in tackling those new risks and challenges. Another assumption was that participating States should, in this context, continue to be guided by a comprehensive concept of security, the indivisibility of security and the principle that no OSCE participating State should seek to enhance its own security at the expense of another.

A common understanding started to emerge that, in view of the evolving nature of new risks and challenges in a changing security environment, an all-inclusive definition is probably neither possible nor desirable. In this context, it was noted that the Lisbon Summit Declaration as well as the Lisbon Declaration on a Common and Comprehensive Security Model and the Copenhagen Ministerial Decision on guidelines for a Document-Charter, identify a number of new risks and challenges.

It has been suggested that a number of issues should be added to those mentioned in the Lisbon and Copenhagen Documents. These suggestions need to be discussed further.

It was also emphasized that other international organizations were already dealing with many of the issues relating to new risks and challenges. The point has been made that unnecessary duplication should be avoided, and the question raised what added value the OSCE could give to the efforts already being undertaken by other international organizations. A number of suggestions have been made as to what role the OSCE could play in dealing with new risks and challenges. These suggestions need further examination.

Politico-military aspects of security

Agreement was reached to the effect that politico-military aspects, including arms control, are integral to the OSCE's comprehensive and co-operative concept of security. Full implementation and further development of arms control agreements and confidence- and security-building measures are essential for enhancing political and military stability and security.

There is an emerging common understanding regarding the idea that, when considering any possible new measures for enhancing transparency, predictability and co-operation, participating States should be guided by the continuing importance of existing agreements. Building on the results achieved, with a view to strengthening the security of all participating States, future work on arms control, confidence- and security-building measures and on other politico-military aspects should not only address new and emerging challenges but also promote greater transparency, openness and co-operation

in the politico-military field.

Although they have not gained consensus, proposals have been put forward with a view to ensuring that States refrain from stationing nuclear weapons on territories where they are not now present, establishing nuclear-free zones in the OSCE area, and guaranteeing the security of participating States that are not members of a military alliance.

Early warning, conflict prevention, crisis management and post-conflict rehabilitation

There was a common understanding that early warning, conflict prevention, crisis management and post-conflict rehabilitation are priority objectives in enhancing security and stability in the OSCE area. As a regional arrangement within the terms of Chapter VIII of the United Nations Charter, the OSCE is an organization of first resort for the peaceful settlement of disputes within its area. That is why it is of particular importance to continue efforts to further enhance the OSCE effectiveness as a primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation.

In discussions the participants stressed the need to assure conditions permitting full use of all available mechanisms and instruments. In this context, it was specifically noted that the early warning system needs further improvement and consolidation, *inter alia*, by ensuring the comprehensive analysis of all early warning signals received from different institutions and missions/field operations.

Discussions were initiated on a number of issues, including the relevance of systematizing of available instruments, mechanisms and procedures, establishing of a list of their possible tasks and purposes, and adopting general rules regarding their mandates. Ideas were also expressed about the need to change current procedures for the appointment of the heads of OSCE operations in the field, the role of the Chairman-in-Office in the management of such operations, reporting procedures used by heads of operations' and recruitment of staff.

It was also pointed out that, when working together with humanitarian organizations, the OSCE should take into account the distinctive character of those organizations. The need to establish principles guiding such joint work, such as a humane attitude, impartiality and non-discrimination, was also underlined.

It was impossible to finalize discussions on all these issues because of very significant differences of opinion among participating States.

Expression was also given to the need to improve the training of personnel involved in activities having to do with early warning, conflict prevention, crisis management and post-conflict rehabilitation, among other ways by establishing of a system to which partner organizations of the OSCE might contribute, especially in their main areas of specialization.

The OSCE role with regard to police operations

Discussion participants pointed out that OSCE police operations can make an important contribution to building and consolidating democracy and promoting the respect for human rights and fundamental freedoms. Such operations also contribute to the "uniqueness" of the Organization and are consistent with its role as a primary instrument in conflict prevention, crisis management and post conflict rehabilitation, in conformity with Chapter VIII of the United Nations Charter.

A common understanding was reached that the OSCE should develop capabilities that would allow for the provision of appropriate assistance in police activities if requested by any participating State, and that there is a need to consider the usefulness of including a police component in all present and future OSCE missions/field presences.

Considerable progress was achieved with regard to identifying possible forms of OSCE involvement in police operations and the principles on which such operations should be based. There was agreement that the OSCE should be active primarily in the monitoring of local police forces to ensure, *inter alia*, that human rights and fundamental freedoms are protected, that it should organize different forms of training, including "Training of Trainers" programmes, and that it should develop mechanisms to advise local police forces, on issues including the strengthening of law and order and the maintenance of a safe and stable environment. There were also suggestions that the OSCE should be ready to conduct more robust operations.

The need for strict compliance by the OSCE police missions with the norms and principles of the OSCE and with international law, and in particular with international humanitarian law and the provisions of the United Nations Charter and relevant resolutions of the United Nations Security Council, was stressed.

On a few issues it has not so far been possible to reach a common understanding. Opinions differ on whether OSCE police operations should be seen

as a multidisciplinary task in the context of the Platform for Co-operative Security. Furthermore, differences emerged with regard to the need to establish a chain of command different from that of other missions/field operations, and on issues relating to the exact terms of operation mandates.

Assistance in adherence to/implementation of principles, norms and commitments

There was a common understanding that compliance with OSCE principles, norms and commitments contributes to the creation of a common and indivisible security space and increases the security of all OSCE participating States. Furthermore, it was underlined that respect for commitments, including the willingness of each participating State to enhance its compliance and remain open to OSCE institutions in this regard, is an essential aspect of co-operative security.

Discussions focused on three main topics: action in case of identification of non-compliance, assistance in enhancing compliance, and measures in cases where efforts to enhance implementation are unsuccessful.

On the first topic, there was an agreement regarding the need to involve all OSCE institutions in the monitoring of compliance with OSCE principles, norms and commitments. The need to establish a mechanism through which cases of alleged non-compliance could be clarified and discussed was also stressed.

There was also broad agreement that all the participating States as well as all OSCE structures and institutions should provide appropriate assistance to States experiencing difficulties in meeting their OSCE commitments. In this context, emphasis was placed on the need to make full use of all the existing instruments and procedures.

It was not possible to reach a consensus on the nature of the OSCE action the OSCE should take in the case of clear, gross and uncorrected violation of OSCE principles by a participating State. Two main views were advanced. One was that the OSCE should apply punitive measures, including a recommendation to participating States to suspend political, economic and other kinds of co-operation with the State in question, a decision to refer the matter to the United Nations Security Council, with a possible recommendation for the imposition of sanctions, denial of the violating State's right to speak in the deliberations of the Permanent Council or its subsidiary organs, and the denial of the rights to participate in the decision-making proceedings of the Permanent Council. The other view is that the OSCE should use exclusively co-operative measures.

Jointly considered actions

The main assumption in the work on this issue was that in the event of threat or use of force against the sovereignty, territorial integrity or political independence of any OSCE participating State or in case of internal breakdown of law and order on the territory of any participating State, timely and immediate reaction by participating States is required. There was also agreement regarding the fact that the participating States should explore possibilities of co-ordinating their actions in such cases with other security-related organizations in the OSCE area.

It was also stressed that any action undertaken by the OSCE and/or its participating States will be without prejudice to the overriding responsibility of the United Nations Security Council for maintaining peace and international security.

Agreement was registered that any action in case of internal breakdown of law and order that might include, *inter alia*, consultation, discussions in various bodies of the OSCE, OSCE mediation, as well as co-ordinated responses, in particular within the terms of Chapter III of the Helsinki Document 1992, including responses as regards peacekeeping activities, must be in conformity with OSCE norms and principles, and in particular with the principle of non-intervention in the internal affairs of a participating State.

With regard to cases of threat or use of force against the sovereignty, territorial integrity or political independence of any participating State, it was stressed that the participating States should take any necessary action jointly and promptly, in accordance with the Charter of the United Nations, in particular its Article 51.

A common understanding was reached that participating States should withhold assistance or support to States that fail to meet their obligation to refrain from threat or use of force, that participating States will act jointly to ensure that the State threatening or using force is held accountable to the OSCE and/or the international community, and that participating States should consider cases of threat or use of force in the competent political, security and defence organizations of which they are members.

There was no agreement as to whether the decision to jointly refer a dispute to the United Nations Security Council on behalf of the OSCE whenever, in the opinion of participating States, action by the Security Council may be required, in particular within the terms of Chapter VII of the Charter of the United Nations, may be taken, if necessary, in the absence of the consent of the States or State party to the dispute. It was a common understanding, however that participating States should provide collective support, in addition to the required individual support, for such measures as may be adopted by the United Nations Security Council.

Human dimension

During the debate it was underlined that the human dimension is at the core of the OSCE's comprehensive concept of security. Respect for human rights and fundamental freedoms, democracy and the rule of law are recognized as being of direct concern to all participating States and it is agreed that the comprehensive approach to security requires improvements in the implementation of all commitments in the human dimension.

It was also reaffirmed that human dimension commitments are directly applicable and that participating States are accountable for their failure to respect the commitments they undertake.

The need for close co-operation with other relevant international organizations according to the "Platform for Co-operative Security" concept was also underlined.

The main topics which were addressed in discussions were democracy building, elections, national minorities, refugees/migration/migrant workers and institutional issues.

It was possible to make significant progress on most concrete provisions. However, considerable differences persist on questions relating to persons belonging to national minorities.

Economic and environmental issues

The common view in discussions has been that economic and environmental questions should never be considered in isolation or for their own sake but rather as an integral part of the efforts being made in connection with early warning, conflict prevention, crisis management and post-conflict rehabilitation. This is why the participating States should take the steps necessary to ensure early detection of security risks and challenges caused by economic, social and environmental problems. Opinions differed on the possibility of establishing a formal system/mechanism of indicators for identifying crisis situations.

There was agreement that, in accordance with the concept of the Platform for Co-operative Security, the OSCE's economic and environmental dimension should provide political impetus for work carried out by specialized economic and financial bodies, and that the OSCE - as a Europe-wide security organization - is well placed to provide such an impulse in support of the reform efforts needed to permit the integration of transition economies into the world economy. However, differences of principle persist regarding the need for the OSCE to go beyond this role and to develop additional capabilities in this area.

The main topics being considered in discussions are: the overall role of the OSCE and institutional matters, early warning system, post-conflict rehabilitation, the role of OSCE missions/field operations, co-operation with international organizations and institutions and NGOs, as well as possibilities for establishing a special Foundation for the OSCE Economic Dimension.

Platform for Co-operative Security

The main assumption guiding the work was that comprehensive 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. Participating States agreed on the need to strengthen the non-hierarchical, mutually reinforcing nature of the relationship between those organizations and institutions, utilizing comparative advantages, with a view to fostering a foundation for common, comprehensive and indivisible security in the OSCE area. To this end, they have chosen to co-operate on the basis of the Platform for Co-operative Security. Through the Platform, participating States will develop complementary and mutually reinforcing relations between international organizations and institutions engaged in strengthening comprehensive security in the OSCE area.

There was a common understanding that issues of comprehensive security cannot be regarded in terms of any single dimension. Co-operation between the OSCE and other organizations in the field of the human dimension and the economic dimension should be further promoted. Co-operation between the OSCE and other organizations is also an important dimension with regard to assisting participating States in their compliance with OSCE commitments. In line with Platform principles it was suggested that police activities should be based on close co-ordination and utilization of comparative advantages. With regard to new risks and challenges, the approach should be differentiated according to the nature and specificity of the risks. The potential of the OSCE through the Platform in co-operating with other international organizations to assist Central-Asian states should be further explored. At the same time, it was underlined that, while broadening the scope, it is important to avoid a dilution of the Platform concept by attempting to apply the same arrangements to all other organizations equally.

There was also agreement regarding the need for improved exchange of information, including regular contacts and liaison arrangements, with other international organizations and institutions, but the idea of establishing formal framework agreements between the OSCE and other international organizations as a basis for co-operation at all levels has not found support.

The OSCE as a forum for regional and subregional interaction

The understanding that regional/subregional co-operation aimed at serving local needs, solving local problems and building mutual confidence among States in individual regions constitutes a valuable contribution to the overall security of the OSCE community was at the basis of all discussions. Furthermore, it was commonly understood that the work on a Document-Charter offers an opportunity to utilize further the potential of the regional/subregional dimension as an integral part of the Organization's activity and thus to contribute to the indivisibility of security throughout the OSCE area.

Delegations are in agreement that the OSCE should support and encourage regional/subregional efforts by participating States, and contribute with information to all other OSCE member States about ongoing regional/subregional processes. For their part, participating States should seek to ensure that the aims, principles and norms of regional/subregional agreements, organizations, arrangements and initiatives in which they participate are consistent with OSCE principles and norms. Most delegations also seem to agree that the Document-Charter should contain an indicative list of possible areas for regional/subregional or bilateral co-operation.

Consensus has, however, not been found on a proposal to let the OSCE, at the request of the States participating in subregional processes, exercise the powers and functions of a guarantor for implementation of regional/subregional agreements and decisions. There is also a need for further discussions on a proposal to allow the Permanent Council regularly review progress achieved in regional/subregional processes, determine new areas and recommend forms of regional/subregional efforts. It has also been proposed to permit the OSCE to establish a Conference of Subregional Organizations and Associations in order to exchange experience and ensure the broadest possible examination of issues involved in maintaining stability and security in the OSCE area, but this suggestion also requires further study.

The OSCE role in connection with peacekeeping (in light of the overall OSCE role in conflict prevention)

A number of views regarding the OSCE's role in connection with peacekeeping have been identified. One view is that the OSCE should not play a military role in peacekeeping operations, since other international organizations or coalitions of States have the necessary capabilities for conducting such operations. The OSCE has proven capabilities in the fields of "conflict prevention" and "humanitarian assistance", which require no military resources but civilian personnel and tasks.

Another view is that the OSCE should adopt measures to enhance its capabilities for peacekeeping operations, including the performance of their own peacekeeping operations, participation in such operations conducted at the decision of the United Nations, and also the enlistment of other organizations and groups of States for OSCE peacekeeping operations.

The third approach around which a common understanding may be emerging is conceptually based on the Helsinki Document 1992, which divides the OSCE's involvement in peacekeeping into three categories: The OSCE could make contributions to multifunctional operations in areas where it has comparative advantages; the OSCE could request support from other organizations for conducting peacekeeping operations on its behalf; the OSCE itself could lead and conduct peacekeeping operation.

There seems to be broad agreement that the OSCE has a vital role to play in connection with multifunctional peacekeeping operations in areas where it has comparative advantages. Further, there is broad agreement that the possibility of the OSCE requesting other organizations to make their resources available should be kept open. There may be an emerging consensus on the advisability of keeping the options open with regard to OSCE-led military peacekeeping. There is no agreement on the proposal to earmark military units for OSCE peacekeeping contingents and to set up a single military command structure under the Permanent Council and the OSCE Secretariat.

Security and co-operation in adjacent areas

The point of departure for all discussions was the assumption that strengthening of security and co-operation in adjacent areas, in particular the Mediterranean, was an important factor for stability in the OSCE area and that closer co-operation with all partners for co-operation would be required in order to promote the norms and values shared by the OSCE participating States.

There seems to be general agreement about the aim of expanding co-operation with the partners. A number of concrete proposals have been put forward regarding both the content of and the modalities for such co-operation, i.e. the need to enhance the substantive content of the informal open-ended Contact Group's programme, strengthening of the institutional and procedural aspects of co-operation between the Mediterranean Partners for Co-operation (MPC) and the Conflict Prevention Centre, and invitations to attend meetings of the Permanent Council, the Forum for Security Co-operation and the Security Model Committee. These proposals will have to be discussed further.

Suggestions for co-operation with Japan and the Republic of Korea have also been made, relating for example to joint conduct of operations in Central Asia and the establishment of close contacts between the OSCE and the Asia Regional Forum. These ideas would also need further clarification and elab-

oration.

Annex 1

Chronology of Work on the Document-Charter in 1998

The Polish Chairmanship started work on the Document-Charter at the beginning of 1998. On 15 January a programme for the initial phase of work on the Document-Charter was established. Understanding was also reached on the need to look for practical means of enhancing the effectiveness of the OSCE throughout its field of activity and work so as to intensify its co-operation with other international organizations and institutions while negotiations on the Document-Charter are in progress.

On 23 January the Security Model Committee was presented with the first work programme for the process which is to lead to the adoption of the Document-Charter.

The first outline of basic assumptions for the Document-Charter was distributed on 18 February. Unfortunately, owing to differences of opinion among delegations, it was not possible to reach a common understanding on these basic assumptions.

The reinforced meeting of the Permanent Council which took place on 27 March 1998 decided that three working bodies, i.e. the Security Model Committee and two Working Groups (A and B), should be assigned the task of working on the content of the Document-Charter. In addition to its negotiating tasks, the Security Model Committee was also tasked with supervising and reviewing the work of the Working Groups.

On 3 July an informal meeting of the Security Model Committee was convened with the participation of representatives of North Atlantic Treaty Organization, the Western European Union, the European Union Commission, the Council of Europe and the Commonwealth Independent States in order to discuss issues relating to development of the "Platform for Co-operative Security", and in particular to the contribution which international organizations and institutions might make to the OSCE's work on this concept.

The reinforced meeting of the Permanent Council on 17 July reviewed the work on the Document-Charter. At this meeting the Chairmanship presented a report on enhancement of the OSCE's co-operation with other international organizations and institutions in accordance with Decision No. 5 of the Copenhagen Ministerial Council Meeting.

On the basis of the progress achieved in the first half of the year, the Security Model Committee decided to increase the frequency of meetings of the Working Groups.

On 1 October the Security Model Committee initiated its work on the manner in which the progress achieved so far should be reflected. Discussions concentrated on three possible variants:

1. A non-negotiable progress report to be presented by the Chairman-in-Office;
2. A progress report together with documents containing guidelines for further work on certain separate items under discussion and highlighting the areas requiring special attention;
3. An annotated framework, i.e. a progress report accompanied by an annotated agenda for further work, consisting of:
 - Documents containing guidelines for further work;
 - A Chairman's perception on the question of structure;
 - Recommendations for a further work programme.

On 29 October a second informal meeting of the Security Model Committee devoted to discussion of issues relating to the "Platform for Co-operative Security" concept was held with the participation of Geneva- and Vienna-based United Nations agencies, and in particular International Atomic Energy Agency, OCHA, ODCCP, United Nations Development Programme, UNESCO, United Nations High Commissioner for Human Rights and United Nations High Commissioner for Refugees.

The last reinforced meeting of the Permanent Council in 1998 took place on 12 November and was attended by the Chairman-in-Office. There was a common understanding that in Oslo the OSCE should try to confirm its continued political commitment to work on the Document-Charter on European Security and to record, wherever possible, the negotiating progress made on various issues, and that the drafting process should start and should result in a Document-Charter that would reflect the aspirations of all OSCE States, create a common vision for the twenty-first century and thus be worthy of adoption at the OSCE Summit.

Basic Framework of the Charter on European Security

New Risks and Challenges to Security

I. General Considerations

1. A common and indivisible security space in the OSCE area is a joint responsibility of the OSCE participating States. They have committed themselves to addressing the security concerns of all member States in solidarity.
2. The end of the bloc to bloc confrontation has established human rights and democracy as the common values of all our countries. At the same time, however, the new openness and freedom have created an environment conducive to the emergence of new risks and challenges to security.
3. The Lisbon Summit Declaration on a common and comprehensive security model for Europe for the twenty-first century, has tasked the participating States with "refining the existing tools and developing additional ones in order to encourage participating States to make greater use of the OSCE in advancing their security."
4. The Ministerial Meeting in Copenhagen decided that the Document-Charter "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" and called on participating States to "examine an appropriate role for the OSCE, including ways in which the OSCE can facilitate international efforts, in addressing new risks and challenges to security".
5. The OSCE has already done some work in this field, notably through the Forum for Security Co-operation (FSC). The FSC has developed principles governing conventional arms transfers and non-proliferation. The Code of Conduct adopted by the FSC in 1994 deals with some aspects of terrorism.
6. The appointment in 1998 of a Co-ordinator for OSCE Economic and Environmental Activities will assist our understanding of these aspects of security.

II. Principles

1. The OSCE participating States have committed themselves to act in solidarity to promote full implementation of the principles and commitments of the OSCE enshrined in the Helsinki Final Act, the Charter of Paris and other OSCE documents. We need to work together to deal with new risks and challenges.
2. The Document-Charter will offer a framework and general principles for identifying new risks and challenges, for affirming existing commitments, for

encouraging development of new processes, and for interrelating these new processes with the processes already going on in other organizations.

3. In doing so, the participating States will examine an appropriate role for the OSCE, including ways in which the OSCE can facilitate international efforts in addressing new risks and challenges to security.

4. The participating States will continue to be guided by the comprehensive concept of security of the OSCE, the indivisibility of security, the principle that no OSCE participating State should seek to enhance its own security at the expense of another, and the provisions of the United Nations Charter.

III. Identification of New Risks and Challenges

1. The Lisbon Summit Declaration, the Lisbon Declaration on a Common and Comprehensive Security Model and the Copenhagen Ministerial Decision regarding guidelines on a Document-Charter provide identification of a number of new risks and challenges.

2. The Lisbon Summit Declaration (Articles 7,9,12) refers to: illegal arms supplies, violations of human rights, such as involuntary migration, and the lack of full democratization, threats to independent media, electoral fraud, manifestations of aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism.

3. The Lisbon Declaration on a Common and Comprehensive Security Model (Article 2) notes that human rights are not fully respected in all OSCE States. Ethnic tension, aggressive nationalism, violations of the rights of persons belonging to national minorities, as well as serious difficulties of economic transition, can threaten stability and may also spread to other States. Terrorism, organized crime, drugs and arms trafficking, uncontrolled migration and environmental damage are of increasing concern to the entire OSCE community.

4. The Copenhagen Ministerial Decision (No. 5, pt. (g)) refers to violation of human rights and fundamental freedoms and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism.

IV. The Evolving Nature of New Risks and Challenges

Issues that need to be addressed

1. The evolving nature of new risks and challenges in a changing security environment probably means that an all-inclusive definition is neither possible nor desirable. The future may yet hold additional new risks and challenges.

2. It has been suggested to add the following issues to the above-mentioned, agreed areas of new risks and challenges:

Within the politico-military dimension:

- Proliferation of weapons of mass destruction (WMD) and their delivery means
- Breakdown of public order
- Human trafficking
- Smuggling of components and materials of WMD

Within the human dimension:

- Prevention of family reunification
- Gender discrimination
- Non-respect of rights of migrant workers

Within the economic dimension:

- Disruption of the flow of energy and natural resources
- Economic disparities
- Impediments to free trade
- Non-compliance with agreements in the economic field

V. New Risks and Challenges to Security and a Possible Role for the OSCE

Issues for further discussions

Other international organizations are already engaged in many of the areas described above. The point has been made that unnecessary duplication should be avoided. The question is therefore what added value the OSCE could give to the efforts already undertaken by other international organizations.

The suggestion has been made that this question could be answered in the following way:

- One of the principal roles of the OSCE is its function as a tool of early warning in emerging security risks and challenges. The OSCE's missions and various institutions are important elements of the Organization in performing its early warning tasks.

Therefore, missions must be able to follow the emergence and manifestations of new risks and challenges in a more conscious manner, reporting on destabilizing developments which come to their attention. This could be done by including in the mandate of missions, where necessary, relevant provisions, as well as providing mission personnel with information and training which would enable them to observe developments with a more trained eye. In case the inclusion of civilian police components in OSCE field missions is adopted, these civilian police components should be trained in identifying the

emergence of new risks and challenges and their repercussions for regional stability, reporting on these issues.

- A round table may be organized, parallel to the work on the Document-Charter, to discuss new risks and challenges and to help provide input for what the OSCE can further do in this area in the context of the Document-Charter.
- A focal point may also be established in the Secretariat to map out OSCE strategy in addressing new risks and challenges. This may be done before the adoption of the Document-Charter in order to provide input to the work on the Document-Charter. The Document-Charter may then in turn elaborate on the tasks of the focal point.
- In addition to an enhanced early warning function of the OSCE in the field of new risks and challenges as outlined above, the participating States through the Document-Charter may commit themselves to start work on a "Code of Conduct" to address new risks and challenges, co-ordinating of national policies on the issue and developing their co-operation with one another in this field.
- Seen in this framework, the OSCE participating States are entitled to receive information on what measures are being taken by other participating States to adhere to their commitments relating to issues which fall under "New Risks and Challenges". This may be exemplified in the Document-Charter. In this context, any participating State may at any time request clarification from another participating State, directly or within the framework of regular Permanent Council meetings, in connection with that State's implementation of OSCE commitments. The clarification may also be requested within the framework of FSC meetings on issues relating to its mandate (e.g. Code of Conduct on politico-military aspects of security). The participating States requested, will undertake to provide a clarification within a fixed period of time. Any bilateral or multilateral consultations may involve the Chairman-in-Office or his representative, as appropriate. A participating State suffering from the consequences of non-compliance by another participating State, following the application of the provisions mentioned above, will undertake to inform all other participating States in the Permanent Council (and/or FSC).
- The OSCE institutions, upon request, may also be tasked, within their respective competence, with providing objective assessments on compliance with OSCE commitments by participating States.
- The OSCE, through supportive public statements, can perform an important political role in addressing new risks and challenges. This role could be further elaborated in the Charter.
- Solidarity is not just a question of participating States working together bilaterally or through the OSCE. Co-operation between organizations or co-operation with a participating State through other organizations are

also important elements. Therefore, there is a need to have a person or personnel in the OSCE Secretariat with relevant experience and qualifications to prepare for co-operation and contact with other institutions and organizations in jointly addressing new risks and challenges. This task could also be performed by the focal point at the Secretariat.

Practical preparatory work cannot be postponed until the Document-Charter has been adopted. In order to define more clearly how the OSCE can facilitate international efforts in addressing new risks and challenges, a meeting between representatives of organizations and institutions dealing with new risks and challenges should be organized in the first half of 1999. The Security Model Committee could draw on both civilian and military expertise from international organizations with experience in this field to address the political and operational aspects of how the OSCE can contribute to ongoing work on new risks and challenges in international forums, with a view to avoiding duplication but ensuring that any OSCE-specific added value would be maximized.

The above suggestions need to be discussed further.

Politico-Military Aspects of Security

I. General Considerations

1. Politico-military aspects, including arms control, are integral to the OSCE's comprehensive and co-operative concept of security. The strong commitment of the OSCE participating States to full implementation and further development of arms control agreements and confidence- and security-building measures is essential for enhancing political and military stability and security within the OSCE area. Through the Document-Charter the positive trends of co-operation, transparency and predictability will be strengthened.

2. The participating States have undertaken a variety of obligations and commitments in the field of politico-military aspects of security, including arms control. Such obligations and commitments are legally or politically binding and vary in their substance and geographical scope, being global, OSCE-wide, regional or bilateral. Full implementation of these obligations and commitments is essential for building the collective and individual security of the participating States, irrespective of whether or not they are parties or signatories to such agreements.

3. The work on this chapter of the Document-Charter will have to be seen in connection with other ongoing processes in the politico-military sphere.

II. Principles

The following principles will guide the further work of participating States in the field of politico-military aspects of security:

- indivisibility of security;
- maintenance and enhancement of security of all participating States, regardless of whether or not they belong to politico-military alliances;
- maintenance and enhancement of transparency and predictability;
- ensuring democratic political control of military forces;
- no participating State, organization or grouping will strengthen its security at the expense of the security of others;
- no participating State, organization or grouping can have any superior responsibility for maintaining peace and stability in the OSCE area, or regard any part of the OSCE area as its sphere of influence;
- all participating States will ensure full implementation of arms control agreements at all times;
- participating States will ensure that arms control agreements continue to respond to security needs in the OSCE area;
- complementarity between OSCE-wide and regional approaches;
- each participating State will maintain only such military capabilities as are commensurate with legitimate individual or collective security needs, taking into account its obligations under international law;
- all participating States have the right to choose or change their security arrangements, including treaties of alliance.

III. Development of the Document-Charter in the Field of Politico-Military Aspects

1. When considering any possible new measures to enhance transparency, predictability and co-operation, participating States will base themselves on the continued significance of already existing agreements. The CFE Treaty establishes a core of military stability and predictability, which is fundamental to the security of all participating States of the OSCE. The Vienna Document has brought about increased transparency and mutual confidence as regards military forces and military activities of all OSCE participating States.
2. The Code of Conduct has defined important norms for politico-military aspects of security.
3. On a regional level, Articles II, IV and V under the General Framework Agreement for Peace in Bosnia and Herzegovina constitute an important part of the OSCE's efforts to strengthen security and stability.
4. In addition, the Treaty on Open Skies, once it has entered into force, can make a major contribution to transparency and openness.

5. Building on the results achieved and in order to strengthen the security of all participating States, future work on arms control, confidence- and security-building measures as well as other politico-military related aspects will address emerging and new challenges and will further develop transparency, openness and co-operation in the politico-military field.

6. In this connection, the following suggestions have been made:

- Ways and means to contribute to a strengthening of the non-proliferation regime so as to counter the threat of spreading weapons of mass destruction will be considered. OSCE participating States, irrespective of whether they belong to politico-military alliances and arrangements, shall refrain from placing nuclear weapons on territories where they do not exist at present.
- OSCE participating States shall take measures to implement the idea of the creation of nuclear- weapon-free zones in the OSCE region, in conformity with internationally recognized principles for the creation of such zones and as a necessary and important component of the new security architecture.
- Special attention must be paid to respect for the security interests of countries not belonging to military alliances and groupings. Their security shall be guaranteed by a whole set of pan-European, subregional and national measures, including the implementation of arms control measures, on the basis of the principle of indivisibility of security and universality of participation in the guaranteeing of such security.
- The Document-Charter should, based on the principles referred to in Section II, help to promote co-operative responses to challenges and risks that may be dealt with through politico-military measures. In further elaborating such measures, the OSCE Forum for Security Co-operation and, as appropriate, the Permanent Council, as forums for dialogue and co-operation, should be involved.

The above suggestions will have to be discussed further.

Early Warning, Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation, Including the OSCE Role with regard to Police Operations

I. General Considerations

1. Early warning, conflict prevention, crisis management and post-conflict rehabilitation are priority orientations in enhancing security and stability in the OSCE area. The OSCE role in this field is well defined in OSCE documents and, in particular, in the Helsinki Document 1992.

2. The OSCE has already established an internationally recognized niche for

itself as an organization specializing in early warning, conflict prevention, crisis management and post-conflict rehabilitation. What yet has to be done is to confirm that the OSCE is able to act effectively and be a respected partner in this realm. The OSCE will remain an attractive partner for co-operation as long as it is in a position to offer a specific contribution to early warning, conflict prevention, crisis management and post-conflict rehabilitation, and does not pretend to be the only source of wisdom. That is why particular attention should be devoted to the question of promoting synergies in this area. Due consideration should be given, in co-operation with OSCE partner organizations, to how best to create an efficient, comprehensive and internally complementary system based on the comparative advantages of different organizations.

3. The procedures and mechanisms at the disposal of the OSCE are efficient and useful. There is a need, however, to ensure their full synergy, to create one homogeneous system, to process efficiently information received from all the different sources, and to make a link between deliberations of political organs and operative actions of the OSCE in Vienna and in the field. This would contribute to increasing awareness of developments endangering peace and stability in the OSCE area.

4. Recent experience has shown that present crisis-management and post-conflict-rehabilitation operations increasingly involve police activities as part of the international community's overall effort. As OSCE's experience in Croatia, Bosnia and Herzegovina, and Albania has demonstrated, successfully implementing mandates to promote human rights extends beyond interaction with strictly civil authorities to include monitoring of police operations. That is, certain elements of police operations are already an integral part of an OSCE mission's broader mandate to address rule-of-law issues. In areas of conflict or where conflict threatens, control over the police by individual political leaders or parties frequently make the police an obstacle to the building of democracy. Furthermore, in such situations the police are often one of the main perpetrators of human rights violations. International police operations therefore provide an important contribution to building and consolidating democracy, and enhancing respect for human rights. Such operations contribute to the "uniqueness" of the Organization.

5. The OSCE should draw on the experience gained by other organizations in the field. The United Nations has the widest experience in civilian police activities. However, other relevant international organizations can play a role in such activities. Several organizations have been or are engaged in various forms of international police operations. There is a need to make the best possible use of the comparative advantages of the relevant organizations. Discussions of OSCE police activities have therefore to be seen also in the wider context of the Platform for Co-operative Security. Which organization is best suited to carry out a specific task in a specific country has to be decided on a case-by-case basis according to the actual circumstances.

6. Broad membership, flexibility to respond quickly to changing circumstances, and a critical role in European conflict prevention and resolution efforts make it a logical choice for the OSCE to develop a capability in the field of police activities. The OSCE police operations, together with existing activities, could represent a continuum of efforts, where each would be linked to and reinforce the others. Without such operations, the effect of other tasks carried out by the OSCE could be weakened in comparison to what it would be if those tasks were supplemented by police training or monitoring. Such operations could also contribute to the integration of the country involved (together with its police service) into the Euro-Atlantic community of shared values. Finally, in some cases where police operations are desirable, other organizations might not be willing to get involved because of the character of the situation, their priorities or their membership.

7. Recent developments in the OSCE area call for the early establishment of the OSCE concept for police operations. This is why there is a need to elaborate basic guidelines in this regard even before the Document-Charter on European Security which will reflect the final shape of the concept, is adopted.

8. As a regional arrangement within the terms of Chapter VIII of the United Nations Charter, the OSCE is an organization of first resort for the peaceful settlement of disputes within its area. That is why it is of particular importance to continue efforts to further enhance the OSCE's efficiency as a primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation.

II. Principles

1. The participating States proceed from respect for the main responsibility of the United Nations as laid down in its Charter for maintaining peace and security, as well as the principles of international law and justice. OSCE activities relating to early warning, conflict prevention, crisis management and post-conflict rehabilitation should be implemented in full conformity with the United Nations Charter.

2. Activities involving early warning, conflict prevention, crisis management and post-conflict rehabilitation should be based on full respect for OSCE norms, principles and commitments, including those contained in the Declaration on Principles Guiding Relations between participating States set forth in the Helsinki Final Act. The activities in this respect should be impartial and balanced in character.

3. The participating States are committed to continuously developing the OSCE's comprehensive approach to security. Action in this respect should be aimed primarily at conflict prevention, and the OSCE's goal should be to deal with the "grass roots" of conflicts at the earliest possible stage in their development.

4. The participating States are committed to increasing the OSCE's role with regard to police operations. To this end, close co-operation with the international organizations having relevant experience in conducting police operations, especially the United Nations, should be established.
5. Whenever deciding on new OSCE missions, or extending the mandate of an existing mission, the question could be asked whether the inclusion of a police element in the Mission's work would be appropriate.
6. The OSCE should be ready, when requested by a participating State, to provide appropriate assistance with regard to issues relating to police activities. Such assistance should consist, *inter alia*, of the provision of various forms of police training, advice on police reform/restructuring, and police monitoring.
7. The participating States agree on the need for the OSCE to continue evolving into an organization that is more operational and that will also remain flexible and effective.
8. The participating States reaffirm their commitment, adopted by the Rome Ministerial Council Meeting, concerning the legal capacity of the OSCE institutions and regarding privileges and immunities (CSCE/4-C/Dec.2), and in particular the privileges and immunities of members of OSCE missions and representatives.

III. Early Warning, Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation

Issues that need to be addressed

1. Early warning system

The need to improve the early warning system concerns all OSCE bodies and missions/field presences. The OSCE Secretariat, in accordance with its mandate, possibly on the basis of the activities of the Conflict Prevention Centre as well as the Co-ordinator of OSCE Economic and Environmental Activities, could consolidate its practice of submitting to the Chairman-in-Office's period (e.g., quarterly) report on possible challenges in the OSCE area. The same kind of reports could also be prepared by the High Commissioner on National Minorities (HCNM), ODIHR and Representative on Freedom of the Media.

2. Systematization of available instruments, mechanisms and procedures

In the course of discussions on this subject the view was expressed that there was a need to establish an indicative list of possible instruments, mechanisms and procedures for "operative OSCE activities", ranging from personal and special representatives of the Chairman-in-Office to OSCE presences in the field.

3. Systematization of aims of instruments, mechanisms and procedures

There is shared opinion about the need to establish a list of possible tasks and purposes of mechanisms and procedures for "operative OSCE activities", ranging from fact-finding to contributing to the settlement of disputes and the restoration of law and order.

4. Systematization of mandates

There is a proposal to establish general rules concerning mandates of mechanisms and procedures for "operative OSCE activities" - preparation, initiation, discontinuation, adoption, precise nature.

5. Appointment of the heads of "operative OSCE activities"

The view was expressed that there is a need to establish procedure for consultations on the appointment of heads of "operative OSCE activities".

6. Normalization of management

There is a suggestion to establish a procedure to be followed by the Chairman-in-Office on important issues relating to the functioning of mechanisms and procedures for "operative OSCE activities".

7. Reporting

A proposal was made to establish formal rules relating to submission by heads of "operative OSCE activities" of their written and/or oral reports, as well as concerning the examination by participating States of the recommendations contained in these reports, including States directly affected by the content of these reports.

8. Recruitment of staff

The view was expressed about the need to change the present system of recruitment, both in relation to the body responsible for the selection of candidates (CPC) and regarding the basic principles of recruitment (geographical balance and budgetary proportionality).

It is also suggested to confirm the application of the principle of secondment to "operative OSCE activities" and to establish rules regarding the duration of such secondment (one year with possible extension for one more year).

9. Training

The need to improve training of personnel involved in activities relating to early warning, conflict prevention, crisis management and post-conflict rehabilitation was noted. It is suggested that such training could be organized in co-operation between the Troika and the OSCE institution in question.

The opinion was also expressed that a system to which partner organizations of the OSCE might contribute, especially in relation to their main field of specialization, could be established.

10. Co-operation with humanitarian organizations

It was restated that while co-operating with humanitarian organizations the OSCE should take into consideration the distinctive character of those organizations. The need to establish principles of such interaction was also underlined (humane attitude, impartiality, non-discrimination).

IV. Police Operations

Types of police operations the OSCE might conduct

Police operations in general can include a broad spectrum of activities. At present, the most likely areas of operation are:

- passive and active monitoring of local police to ensure, *inter alia*, that human rights and fundamental freedoms are protected;
- different forms of training (in the field and in the classroom), including conduct of "Training of Trainers" programs; and
- advising local police, as part of OSCE activities in conflict prevention, crisis management and post-conflict rehabilitation, *inter alia* on issues related to strengthening law and order and maintaining safe and stable situation.

The door should not be closed to more complex and demanding missions. It cannot be excluded that the OSCE could be called upon to take on tasks like those carried out by unarmed police. This would probably presuppose a partnership with a military mission (such as SFOR). In future missions the OSCE could also link the civilian police activities of international organizations to OSCE crisis management operations.

In this regard, the OSCE could also determine the particular suitability of certain national police elements for use in any possible OSCE co-ordinated operation with more robust monitoring requirements.

Today, it seems highly unlikely to envisage armed OSCE police units carrying out executive policing. However, due regard should be paid to the consideration of the idea of the OSCE police operations' contribution to restoring public order, ensuring legality and promoting national reconciliation.

Main considerations that should be addressed in further work

1. Building on, *inter alia*, the Helsinki Document 1992 and the Code of Conduct, the Document-Charter should provide guidelines for future OSCE police activities.
2. It should be explicitly stated in the Document-Charter that OSCE police

activities are an integral part of its tasks in the field of conflict prevention, crisis management and post conflict rehabilitation.

3. The OSCE should address police activities in the Document-Charter as a multidisciplinary task concerning various organizations. The need for close co-ordination according to the Platform for Co-operative Security principles and the Common Concept should therefore be a guiding principle. It should be clearly stated that there is a need to make use of the comparative advantages of the various organizations and to avoid duplication of work.

4. The relationship between the police missions and police reform with reform in other areas, such as the judiciary and prison system, as well as changes in the legal framework in which police services operate, should also be addressed in the Document-Charter. In this context, the need to establish close contacts with other international organizations should also be reflected.

5. The OSCE should state in the Document-Charter its willingness in principle to contribute both to the monitoring of and to the provision of training and advice to local police forces as part of its crisis management activities.

6. Consideration could also be given to the possibility of the OSCE offering, where appropriate, to serve as a flexible framework for co-operation of crisis management efforts, including police activities.

7. The inclusion of civilian police components in OSCE field missions makes it necessary to strengthen, at least on a temporary basis, the operational capacity of the Organization. A person or personnel with relevant experience and qualifications should be identified and made responsible for preparing for OSCE police operations. This should be accompanied by the endowment of the Secretariat and, more specifically, the CPC with the means to ensure adequate support for OSCE police activities.

Furthermore, the participating States should provide names, qualifications, etc. of persons able to perform such tasks as planning and implementation of various kinds of police operations.

8. Standard operational procedures as well as a profile for mission members tasked with police monitoring functions could be drawn up, which could be used as the basis for discussing and agreeing on mandates for police missions of various kinds. The appointed person/personnel tasked with preparing for OSCE police operations should take an active part in this process. The OSCE could work with the United Nations Department for Peacekeeping Operations to draw on those standards already developed by the United Nations for use in Croatia and in Bosnia and Herzegovina.

9. A mandate by the OSCE itself might suffice for the OSCE police activities, although a United Nations mandate might be required in some cases.

A mandate for executive policing may be conferred only by a decision of the United Nations Security Council.

10. The Head of mission/field presence should be responsible for the on ground management of activities involving civil police.

11. The need for strict compliance by the OSCE police missions with the

norms and principles of the OSCE and with international law, including international humanitarian law, and in particular with provisions of the United Nations Charter and relevant decisions of the United Nations Security Council, should be stressed.

12. It might prove useful to differentiate between OSCE missions entirely dedicated to police activities and the - probably more likely - case of police monitoring elements in OSCE missions as an integral part of their overall mandate.

13. The possibility of the OSCE drawing upon the resources of other organizations might be considered.

14. Appropriate staffing of missions should be ensured. To this end, the OSCE should develop, in consultation with the United Nations DPKO CIVPOL Unit, an international roster of suitable persons for police operations, particularly monitoring and training.

15. OSCE participating States might wish to organize courses aimed at standardizing programmes for police training. Such programmes could include such subjects as: human dignity in policing; policing in a democratic society; modern policing skills; specialized skills in relation to combating corruption, organized crime, terrorism, drug trafficking, etc. Such courses could be organized in a framework of an OSCE Police Academy (at a fixed location or in a mobile training team format) or they could consist of a set of OSCE police standards which could be implemented through co-operative activities with existing police monitoring/training programs and institutes (in Hungary, Italy, Poland, Sweden; Switzerland and elsewhere).

16. OSCE participating States should declare their readiness to provide the human, technical and financial resources necessary for the conduct of OSCE-mandated police operations.

Questions to be answered

- (a) Should the chain of command in the case of police operations be different from the one applicable with regard to OSCE missions, i.e., should the Chairman-in-Office be replaced by Permanent Council (political guidance) and the Secretariat by a single military command structure (administration and operations)?
- (b) Should the mandate define a deadline for concluding the OSCE police operation or should this depart solely on the fulfilment of operation's objectives?

A list of other issues related to this topic that should be discussed

- OSCE mission experience to date with police monitoring and United Nations lessons learned;
- Examination of police monitoring/training conducted in the OSCE area; possible lessons learned;
- Mission mandate/specific operational authorities for OSCE police monitoring;
- Mission organization, structure, staffing and reporting channels;
- Personal safety of OSCE police monitors;
- Where and how police monitoring may contribute to personal safety and access for international organizations and NGOs participating in humanitarian relief activities;
- Qualifications and selection of personnel;
- Whether and how police monitoring may support civil human rights monitoring;
- Possible standards by which to measure police/paramilitary force conduct;
- Comparison of advantages/disadvantages of armed as opposed to unarmed police;
- Comparison of advantages/disadvantages of uniformed as opposed to non-uniformed police monitors;
- Role that the OSCE might play in follow-on training to improve police/paramilitary conduct;
- Concrete support for local police reform efforts;
- Interaction between judicial authorities and police/paramilitary leadership;
- How corrections/penal policy is implemented and its consistency with international standards and Helsinki principles;
- The nature of the police/prison system relationship and how judiciary/prosecution authorities interact with the police;
- The role criminal investigative authorities play in police enforcement and its effect on observance of human rights.

Assistance in Adherence to/Implementation of Principles, Norms and Commitments

I. General Considerations

1. The participating States proceed from the fact that compliance with OSCE principles, norms and commitments contributes to the creation of a common and indivisible security space and increases the security of all OSCE partici-

pating States. Respect for commitments, including the willingness of each participating State to enhance its compliance and to remain open to OSCE institutions in this regard, is an essential aspect of co-operative security.

2. Acts of non-compliance with OSCE principles and commitments degrade the common security space to the detriment of all OSCE participating States.

3. As a regional arrangement within the terms of Chapter VIII of the Charter of the United Nations, the OSCE is an organization of first resort for the peaceful settlement of disputes within its area.

II. Principles

1. The participating States recognize that they are accountable to their citizens and responsible to one another for respect of OSCE norms and principles and for the implementation of their commitments. They recognize that the OSCE commitments are matters of direct and legitimate concern to all participating States and do not refer exclusively to the internal affairs of the State concerned, since respect for these commitments constitutes one of the foundations of the international order.

2. The participating States have committed themselves to act in solidarity in order to promote full implementation of previously agreed on principles and commitments enshrined in the Helsinki Final Act, in the Charter of Paris as well as in other OSCE documents such as the Code of Conduct on politico-military aspects of security. They also have an obligation to act in solidarity in order to prevent violations of OSCE norms and principles on the illegal threat or use of force and to protect democratic institutions and human rights.

3. The participating States encourage co-operation between organizations, within the framework of the Common Concept for the Development of Co-operation between Mutually-Reinforcing Institutions, and/or co-operation with participating States through other organizations, in order to enhance compliance with OSCE principles, norms and commitments.

4. The participating States acknowledge that compliance is ultimately the responsibility of each individual State.

5. The participating States are fully committed to entering into a dialogue in cases of difficulties in implementing OSCE commitments and, in that spirit of co-operation, they will also provide assistance to any participating State facing such difficulties.

6. In accordance with international law, including the United Nations Charter, the participating States will provide support to those States whose security is threatened by the non-implementation by another participating State of its commitments and they will refrain from supporting States that seriously contravene OSCE principles, norms and commitments.

7. The participating States will at all times co-operate with other participating States and with the OSCE, including its institutions, to receive their representatives on their territory, as well as to guarantee or facilitate their free access to persons and institutions, in accordance with the laws of the receiving State.

8. Any action undertaken by the OSCE and/or its participating States will be without prejudice to principle VI of the Declaration on Principles Guiding Relations between Participating States set out in the Helsinki Final Act.

III. Action in Case of Identification of Non-Compliance with a View to Action by the OSCE

1. The OSCE High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights, the OSCE Representative on Freedom of the Media, the Co-ordinator of OSCE Economic and Environmental Activities and any other relevant OSCE institution will monitor, in accordance with their respective mandates, the implementation of OSCE commitments in their respective fields of activity, and may report to the Chairman-in-Office any shortcomings in the implementation of these commitments that they may have identified, thereby fulfilling their early warning function.

2. Any participating State may at any time request clarification from another participating State, directly or within the framework of regular Permanent Council meetings, in connection with that State's implementation of OSCE commitments. Clarification on issues relating to the mandate of the Forum for Security Co-operation (FSC) may also be requested in the framework of FSC meetings. The participating State requested will provide, within the same framework, a clarification within a specified period of time (to be agreed upon in general or on a case-by-case basis). Any bilateral or multilateral consultations may involve the Chairman-in-Office or his representative, as appropriate.

3. A participating State facing difficulties in implementing OSCE principles and commitments, following the application of the provisions mentioned above will undertake to inform all other participating States in the Permanent Council of the nature and extent of the difficulties it is facing. The participating State in question may request the convening of an emergency meeting of the Permanent Council or the Senior Council or a meeting of the reinforced Permanent Council, as appropriate.

4. The Chairman-in-Office may alert other relevant international organizations to the difficulties facing a given State.

IV. Assistance in Enhancing Compliance

1. The participating States are committed to exploring, both individually and through the international organizations to which they belong, the assistance they can provide to another participating State to help that State meet its commitments. Such assistance may include any advice or activity aimed at improving the implementation record of the State concerned. Such assistance may also be provided, as appropriate, by the Chairman-in-Office, the Troika, the High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights, the Representative on Freedom of the Media, the Co-ordinator of OSCE Economic and Environmental Activities or any other OSCE institution acting in accordance with its respective mandate.

2. The participating States encourage the use of the full range of OSCE instruments in finding ways of enhancing compliance. Apart from an assessment as to the relevance of instruments already existing or the possibility that the OSCE may, where necessary, have recourse to new tools, these instruments include, but are not limited to:

- Encouragement of dialogue;
- Submission of the matter to the Permanent Council; and/or, if appropriate, to the Forum for Security Co-operation;
- Consideration of the matter by Review Conferences and/or Human Dimension Implementation Meetings;
- Dispatch of personal representatives of the Chairman-in-Office, fact-finding missions or rapporteurs;
- Convening of roundtable meetings bringing together representatives of the OSCE, interested Governments and parties concerned;
- Assistance by the OSCE, its institutions and structures, in particular, by providing assistance that may include the organization of seminars or training programmes, the raising of funds, the taking of measures of a legal, economic, financial or military nature, or any other activity aimed at improving the implementation record of the State concerned;
- Conciliation and arbitration, where applicable and upon decision of the States involved, involving the submission of the matter to the OSCE Court of Conciliation and Arbitration;
- Consideration of the situation and, where appropriate, submission of recommendations by the OSCE institutions in accordance with their respective mandates;
- Establishment of an OSCE mission of long duration;
- Convening of a special meeting of the reinforced Permanent Council or Senior Council.

V. Measures in Cases Where Efforts to Enhance Implementation Are Unsuccessful

1. Participating States may at any time initiate a general discussion if they believe that a participating State has failed to demonstrate a co-operative approach to the enhancement of implementation of OSCE commitments.

2. There may be cases in which despite all efforts of participating States, a participating State proves itself persistently unwilling to implement commitments or to seek or receive assistance. Actions and measures taken in such cases should not exclude dialogue and should be taken with a view to restoring partnership. Very much as a last resort and by way of exception, the participating States may examine the possibility of the temporary suspension of a participating State from part of the work of the OSCE (decision making). Any decision to this effect would be subject to reconfirmation at the end of a specified period (or could of course be revoked by consensus at any time).

In cases of clear, gross and uncorrected violation of OSCE principles and its commitments and continued absence of co-operation by a participating State, the Chairman-in-Office, at the request of a participating State, may convene a special meeting of the Permanent Council, where necessary with the participation of high-level representatives, or a Senior Council meeting in order to discuss the case and suggest action to remedy the situation. The exceptional circumstances when all the above-mentioned measures have been exhausted and when all offers of assistance have failed to secure implementation, the agenda of the meeting, and any decisions it may take may be adopted without the consent of the State concerned. The meeting may also decide to convene a meeting at ministerial level.

In such cases, the participating States may decide to make their co-operation with this State subject to certain conditions and, where necessary, take corrective measures. These measures may include, but are not limited to, the following actions:

- recommendation to participating States to suspend political, economic and other kinds of co-operation;
- decision to refer the matter to the United Nations Security Council, with possible recommendation for the imposition of sanctions;
- denial of the right to speak in the deliberations of the Permanent Council or its subsidiary organs;
- denial of the right to participate in the decision-making of proceedings of the Permanent Council.

Question to be answered

Who will determine the existence of "clear, gross and uncorrected" violations of the OSCE norms, principles and decisions, and how will this be done?

3. In all cases a participating State remains bound by the commitments it has undertaken within the framework of the OSCE.

Jointly Considered Actions

I. General Considerations

1. The security of each participating State is inseparably linked to that of the others.

2. In the event of the threat or use of force against the sovereignty, territorial integrity or political independence of any OSCE participating State or in the event an internal breakdown of law and order on the territory of any participating State, timely and immediate reaction by participating States is required.

II. Principles

1. The participating States, guided in particular by the Helsinki Final Act and the Charter of Paris and reaffirming the principle of the indivisibility of security, are committed to act promptly and in solidarity in the event of the threat or use of force against the sovereignty, territorial integrity or political independence of any OSCE participating State. They will render assistance to participating States in the event of an internal breakdown of law and order. The participating States are also committed to explore possibilities of co-ordinating their actions in this regard with other organizations concerned with security in the OSCE area.

2. By taking measures that it deems appropriate, with due respect for the provisions of the Charter of the United Nations and in accordance with the principle of solidarity, every participating State will assist any other participating State or States subjected to the threat or use of force against its sovereignty, territorial integrity or political independence. Assistance will also be provided to participating State or States facing an internal breakdown of law and order. All participating States will be informed about such measures of assistance.

Any common action by OSCE will not limit the rights of OSCE participating States to provide - individually or jointly - other assistance to a State subjected to the threat or use of force or facing an internal breakdown of law and order.

3. Any action undertaken by the OSCE and/or its participating States will be without prejudice to the overriding responsibility of the United Nations Security Council for maintaining peace and international security.

III. Assistance in the Event of an Internal Breakdown of Law and Order

In accordance with principle VI of the Declaration on Principles Guiding Relations between Participating States set out in the Helsinki Final Act.

1. The Chairman-in-Office will initiate without delay consultations with the OSCE participating States and especially with the State seeking assistance, as well as discussions in various bodies of the OSCE. The participating States will consider jointly the nature of the situation as well as possible ways and means of providing support to the affected State.
2. The OSCE will offer its mediation in the search for a peaceful solution.
3. The participating States will devise co-ordinated responses, in particular within the terms of Chapter III of the Helsinki Document 1992, including responses as regards peacekeeping activities.

IV. Action in the Event of the Threat or Use of Force

Taking fully into account the principal role of the United Nations Security Council in maintaining peace and international security:

1. The Chairman-in-Office will initiate without delay consultations with the OSCE participating States and especially with the State subjected to threat or use of force against its sovereignty, territorial integrity or political independence, as well as discussions in various bodies of the OSCE. The participating States will jointly consider the nature of the situation as well as possible ways and means of providing support to the State subjected to the threat or use of force.
2. The OSCE will offer its mediation in the search for peaceful solution.
3. The participating States will devise co-ordinated responses, in particular within the terms of Chapter III of the Helsinki Document 1992, including responses as regards peacekeeping activities.
4. The participating States will withhold assistance or support to States that fail to meet their obligation to refrain from the threat or use of force against the sovereignty, territorial integrity or political independence of a State or in any other manner inconsistent with the United Nations Charter and with the Declaration on Principles Guiding Relations between participating States set out in the Helsinki Final Act.
5. The participating States will act jointly to ensure that the State threatening or using force against the sovereignty, territorial integrity or political inde-

pendence of any OSCE participating State is held accountable to the OSCE and/or the international community.

6. The participating States will consider cases of the threat or use of force against the sovereignty, territorial integrity or political independence of any OSCE participating State in the competent political, security and defence organizations of which they are members, with a view to giving concrete expression to the implementation of the principle of solidarity. This commitment do not affect the rights and obligations of the participating States arising from, *inter alia*, the international agreements and treaties to which they are parties to.

7. The participating States may decide to refer jointly a dispute to the United Nations Security Council on behalf of the OSCE whenever in their opinion action by the Security Council may be required, in particular within the terms of Chapter VII of the Charter of the United Nations. Such a decision may be taken, where necessary, in the absence of the consent of the States or State party to the dispute.

8. The participating States will provide collective support, in addition to the required individual support, for such measures as may be adopted by the United Nations Security Council.

9. The participating States will take any necessary action, jointly and promptly, in accordance with the Charter of the United Nations, and in cooperation with other relevant security organizations of which they are members, in the event that any participating State threatens to use or uses force against the sovereignty, territorial integrity or political independence of any participating State, especially where such action is directed against any participating State unable to provide for its own defence. Such action will be without prejudice to the overriding responsibility of the United Nations Security Council for maintaining peace and international security.

Human Dimension

I. General Considerations

1. The human dimension norms and commitments contained in the Helsinki Final Act and subsequent OSCE documents have proved instrumental in the profound changes that have taken place within the OSCE area in the last decade.

2. The human dimension is at the core of the OSCE's comprehensive concept of security. Respect for human rights and fundamental freedoms, democracy and the rule of law are recognized as being of direct concern to all participating States.

3. The OSCE's comprehensive approach to security requires improvement in the implementation of all human dimension commitments. This will further

anchor the common values of a free and democratic society in all participating States, which is an essential foundation for our common security.

4. The recently adopted decisions on strengthening the human dimension process as well as on the closer integration of the human dimension into the work of the Permanent Council create conditions for more focused discussions on issues of immediate concern to the OSCE community.

II. Principles

1. The participating States reaffirm that their human dimension commitments are directly applicable and that States are accountable for their failure to respect the commitments they undertake.

2. The participating States, in accordance with the principle of accountability, recognize that they are responsible to their citizens and to one another for respect of OSCE norms and principles and for their implementation. Accountability implies the right of each citizen and participating State to expect Governments to explain their actions and the commitment of Governments to respond to such requests. The participating States recognize their vested interest in exercising fully and robustly this right to raise concerns about the human rights situation in a participating State for the sake of peace, stability and prosperity in the OSCE area.

3. The participating States are fully committed to supporting continuing efforts of the ODIHR, the HCNM, the OSCE Representative on Freedom of the Media and the OSCE missions/field presences in enhancing respect for human dimension principles, norms and commitments, thus contributing to stability and security in the OSCE area, and to developing co-operation and complementarity of action with other organizations active in the area of human dimension concerns, in accordance with the Platform for Co-operative Security principles.

Main considerations that should be addressed in further work

III. Democracy Building and Promotion and Protection of Human Rights and Fundamental Freedoms

1. The OSCE and its institutions and instruments should further develop practical programs to foster democratic institutions, human rights and the rule of law in the OSCE area. The ability to react in a flexible and quick manner to emerging needs should be increased and the participating States should be encouraged to forward their requests for assistance to the relevant OSCE institutions and instruments. In particular the ODIHR should develop further its short-term advisory missions ("democratization teams").

2. The OSCE should develop close co-operation with other relevant international organizations and institutions, including the conduct of joint needs-as-

assessment missions, consultations on the development of projects and co-operation wherever possible in implementing them.

3. Particular attention should be paid to the development of ombudsman/human rights protection institutions, which together with an independent judiciary can provide national remedies for human rights violations.

4. Manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism, which may create a potential threat to peace and stability in the OSCE region, should continue to be tackled, and the participating States should mutually assist each other in efforts to combat them.

5. Further steps to ensure full equality of rights for women and men should be undertaken, including measures to ensure that where OSCE activities deal with issues affecting women and men in different ways full account is taken of gender-specific aspects. In particular the gender-related aspects of conflict prevention and crisis management should be analysed.

6. Measures to eliminate all forms of violence against women and children, in particular all forms of traffic and sexual exploitation, by, among other means, ensuring adequate legal protection against such acts, should be discussed. The ODIHR could be charged with collecting information provided by the participating States on the legislative and administrative steps taken so far in this field and with reporting on this matter at OSCE meetings on implementation issues.

7. The need to combat all forms of prejudice and discrimination, *inter alia*, on the grounds of sex, race, ethnic origin, religion, or political conviction should be emphasized.

IV. Elections

1. Further steps should be taken to ensure that elections in the OSCE area are held in accordance with OSCE commitments. Moreover, the participating States should accept a commitment to invite international observers to elections below the national level.

2. Expression should be given to support for the enhancement of OSCE electoral assistance work and the strengthening of internal procedures to devise remedies against infringements of electoral rules, with the participating States invited to provide the ODIHR in a timely fashion with draft electoral laws and draft amendments to these laws for review so that possible comments can be taken into account in the legislative process.

3. The ODIHR should be ready to serve as an interagency co-ordinator in the electoral field and should be entrusted with continuing and developing its election-related activities, both in the area of assistance to participating States and observation of elections. The election methodology developed by the ODIHR, which has proven an efficient and reliable means of assessing whether elections are held in accordance with OSCE commitments, should be endorsed. The ODIHR should be given the task of continuing to observe elections in accordance with this methodology, which includes the observation of the entire electoral process, and the participating States should be ready to provide the necessary resources for this purpose, including candidates for key positions in election observation missions.
4. The participating States should follow-up promptly on the recommendations made by the ODIHR after an election. The ODIHR should offer to the State concerned its assistance in implementing those recommendations and should report to the Permanent Council on the status of their implementation.

V. National Minorities

1. The participating States, reaffirming the importance of principle IV of the Declaration on Principles Guiding Relations between Participating States set out in the Helsinki Final Act, should ensure that persons belonging to national minorities enjoy all human rights and are able to exercise their fundamental freedoms both individually and in community with others. Failure by States to implement their commitments in this area has been a major cause of threats to security. At the same time, it has to be emphasized that national minorities must employ only peaceful means, such as elections, referendums, plebiscites and petitions, to exercise their rights.
 2. The conditions for better protection and further promotion of the ethnic, cultural, linguistic and religious identities of national minorities should be created.
 3. In view of the repeated cases of forced migration and obstacles to return of refugees, highlighting to the gap between norms and their implementation, there is a need to reaffirm commitments in this area, as laid down in paragraph 10 of the Lisbon Declaration.
 4. Self-administration is recognized as one of the means of protecting and promoting the identities of national minorities and to enhance their harmonious co-existence.
- The participating States have evolved different forms of democratic government, ranging from federal to unitary systems. Some States are emphasizing the importance of constitutional citizenship based on equal rights as a fundamental prerequisite to deal with national minorities.

Self-administration may be implemented in different forms from case to case. In some cases, a maximum degree of self-administration may be necessary. The aspirations of national minorities should be asserted by peaceful means, the rights of other minorities should be respected and protected, and the territorial integrity of the State should not be called into question. In settlements where a national minority forms the majority, local self-administration should be implemented in such a way that the rights of other minorities living in the area are not infringed.

Subsidiarity in national or regional State structures and in the organization and administration of the State may also be considered as one of means of implementing the self-administration of national minorities.

5. Close co-operation between neighbouring States in cases where there are ethnic populations living on both sides of their common border in order to secure permanently mutual respect for their territorial integrity, should be encouraged.

6. The High Commissioner on National Minorities should be ready to offer participating States his good offices and to advise them on issues relating to the preparation of statutes for local self-administration.

7. Prominence should be given to the important role of bilateral and international agreements, in particular the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, in guaranteeing minority rights.

VI. Institutional Issues

1. The Permanent Council should be encouraged to include human dimension issues in its weekly agenda in order to bring those issues into the forefront of OSCE concern.

2. In order to ensure that OSCE missions/field presences are sensitive to human dimension issues, mission members, including Heads and Deputy Heads of Missions, should receive training. The training should be geared toward the promotion of human rights as an integral part of conflict prevention. It should also sensitize Mission members to issues of equal rights for women and men, as well as to rights of persons belonging to national minorities.

3. The OSCE missions/field presences should be instructed to identify actions that should be undertaken by the State hosting the mission/field presence which would improve that State's compliance with OSCE human dimension commitments, and suggest how the ODIHR might bring its expertise to bear. To this end the ODIHR should assist missions/field presences in enhancing their human rights reporting and the appropriate lines of communications between the ODIHR and the missions/field presences should be further developed.

4. The ODIHR should concentrate its efforts on pragmatic and focused projects, in co-operation with participating States, other OSCE institutions

and missions/field presences, as well as with the relevant international organizations. In view of the fact that many human dimension issues have economic or freedom of expression aspects and in order to maximize impact and avoid overlap, the ODIHR should co-ordinate its efforts with the Representative on Freedom of the Media and the Co-ordinator of OSCE Economic and Environmental Activities.

5. The ODIHR should be encouraged and given sufficient resources to expand its focus to the all States in the OSCE area. ODIHR can play a key role in assisting the States strengthen judicial structures and electoral systems, and develop NGOs with the capability of addressing human rights and the integration of national minorities into mainstream society.

Economic and Environmental Issues

I. General Considerations

1. The radical changes that have taken place during the last decade in Europe, in particular the end of bloc-to-bloc military confrontation, brought on the one hand an expansion of economic liberties and of the market economy, while on the other hand they focused increased attention on the non-military components of security - including those of an economic and environmental nature.

The new security situation, characterized by a multitude of risks and challenges affecting all participating States, calls for a comprehensive approach to security. Thus the economic and environmental questions should never be addressed in isolation or for their own sake but rather as an integral part of the efforts aiming at early warning, conflict prevention, crisis management and post-conflict rehabilitation, for all of which the OSCE is a primary instrument in its area. Interlinkages between the economic and the human dimension are particularly relevant in this context. Democracy and the rule of law, as well as compliance with OSCE commitments in relation to human rights and the promotion of the rights of persons belonging to national minorities, and compliance with the commitments undertaken within the economic dimension, all contribute to a stable political system which, in turn, is an essential factor for economic and social development and for the success of economic reforms.

2. The tangible link between prosperity and security has become increasingly evident in the OSCE area. This nexus is particularly marked in countries in the process of moving from planned to market-oriented economies. Achievement of an acceptable balance between long- and short-term needs, and the establishment of an economy that provides for a stable and adequate standard of living, contribute significantly to the reduction of political instability. In the wake of conflict, scarce resources and economic hardship work to

heighten political tensions, impeding recovery efforts and diminishing the prospects of long-term peace. A transparent market economy may contribute to fostering respect for human rights and fundamental freedoms, including freedom of speech and religious tolerance.

II. Principles

1. The participating States are committed to take the measures necessary for the early detection of security risks and challenges caused by economic, social and environmental problems.
2. The participating States are of the opinion that the OSCE's ability to cope with economic and environmental issues should be enhanced but in ways that neither duplicate existing efforts, nor replace efforts that could be more efficiently undertaken by other organizations or entities. In evaluating ways in which the OSCE can foster economic and environmental stability, there is a need to focus on those areas in which the OSCE has a clear advantage - e.g. establishing politically binding norms, creating political impetus for the implementation of these commitments, providing early warning, on-the ground monitoring, and co-ordination and mediation assistance.
3. The OSCE is uniquely qualified, through its broad membership, its consensual decision-making process, its on-site missions, and its unparalleled history as a norm-setting organization, to identify threats, focus political attention and foster co-operative responses. By improving its ability to address economic and environmental threats and opportunities, the OSCE would also improve its ability to prevent conflict and to foster prosperity throughout the OSCE area.
4. The participating States stress that general principles for international co-operation in areas covered by the economic and environmental dimension are:
 - promotion of a stable and transparent legal, institutional and regulatory framework and of the rule of law as essential conditions for economic actors to develop initiatives in trade, investment, finance, etc.;
 - shaping of international economic relations through bilateral and multilateral agreements. Membership in the relevant international organizations and adherence to the relevant international conventions is the most efficient way of securing the adoption and implementation of generally accepted rules and disciplines which help to develop economic co-opera-

tion; it is thus instrumental in achieving full integration of all participating States in the world economic system;

- encouragement of various integration processes that are underway in Europe and throughout the world. These processes can prove beneficial for ensuring overall stability and security, provided they respect a certain number of criteria, such as voluntary participation, openness to all interested countries, transparency, non-discrimination, and conformity with rules and principles applicable world-wide;
- securing of sustainable economic development by establishing a stable macroeconomic and financial framework, providing an appropriate standard of social security, protecting and preserving the environment, and creating the conditions for a solid scientific and technological base.

International co-operation based on the general principles referred to above should aim at achieving objectives that include progress towards:

- the free and orderly movement of goods, services, capital and persons;
- an integrated, modern infrastructure for transport, energy and telecommunications, open for competition;
- employment promotion policies as well as employment-related training, development of management skills and lifelong learning, with emphasis on international exchange programmes;
- co-operation in science and technology, with emphasis on preserving and developing the scientific potential and guaranteeing the protection of intellectual property;
- enhancing the role of civil society and NGOs in economic and social development as well as cross-border co-operation.

5. The participating States reiterate that the OSCE's economic and environmental dimension should provide political impetus to work carried out by specialized bodies. The OSCE - as a Europe-wide security organization - is well placed to provide such an impulse in support of the reform efforts necessary to permit the integration of economies in transition into the world economy.

To this end, close interaction between the various international organizations and institutions is required, since the new risks and challenges can be effectively confronted only through their combined expertise and resources. The OSCE should play a political role in reinforcing such interaction among all relevant international organizations and institutions as well as regional, sub-regional and transfrontier co-operation organizations and initiatives in accordance with the concept of the Platform for Co-operative Security.

The aim should be to enhance complementarity and promote synergies, thus making optimum use of available resources, while fully maintaining the independence of the individual organizations and institutions. The OSCE should concentrate its efforts on priority areas and retain its flexible approach in re-

lation to tensions and crisis situations.

6. The participating States proceed from the conviction that promoting economic and social rights is of fundamental importance for ensuring that every individual can enjoy a decent life and develop freely. They also agree that the OSCE has an important role to play with regard to the promotion of human rights and democracy in supporting economic reform and social policy.

Main considerations that should be addressed in further work

III. Overall Role of the OSCE and Institutional Matters

1. The OSCE should, through its Institutions and in other ways, act as a forum in which economic and environmental issues can be raised, drawing upon expertise from all available sources.

2. Regular meetings of, and consultations among, senior representatives of the relevant organizations and institutions should be considered. This could help in co-ordinating their activities and, where necessary, their co-operative work programmes.

3. Regular review of the implementation of commitments, which makes it possible to identify difficulties and devise means of overcoming them within a co-operative approach, is of particular importance. The review process should be enhanced to make it as relevant as possible. The OSCE should build upon the already existing practice, according to which reviews of implementation may be conducted in the framework of the Economic Forum, at Review Conferences, or at special conferences held pursuant to a decision of the Permanent Council. The results of such reviews should be brought to the attention of the OSCE decision-making bodies.

4. The Economic Forum, as well as the OSCE economic dimension seminars, should serve as forums for the exchange of information, experience and best practices, familiarization with OSCE principles and values, increase of public awareness, involvement of the business community and NGOs, dialogue on co-operative solutions, etc.

5. The Permanent Council, in its deliberations on economic and environmental issues, should focus its attention on identifying threats and priority areas and fostering co-operative responses.

6. The OSCE should be ready to identify and address domestic and transboundary environmental issues that may result in significant human and economic costs, and, *inter alia*, to foster regional or multilateral responses, acting, as appropriate, as a co-ordinating force by identifying key actors and agencies, providing political impetus, monitoring progress, and mediating as needed. Key issues that could be addressed in such a framework include: the allocation of shared natural resources; transboundary pollution, energy supply security, mass migration in response to environmental catastrophe, and regionally sustainable development plans.

IV. Early Warning System Regarding Economic and Environmental Risks

1. The OSCE should, in co-operation with relevant organizations and institutions, take practical steps to develop a mechanism and a system of indicators that would provide early warning of the development of crisis phenomena in the economies of participating States.

The OSCE should focus on identifying the risks to security arising from economic, social and environmental problems, discussing their causes and potential consequences, and draw the attention of relevant international institutions to the need to take appropriate measures to alleviate the difficulties stemming from those risks. Rather than trying to match the economic expertise of a specialized organization, the OSCE should seek ways of using its strengths to add value where it has expertise.

2. The Co-ordinator of OSCE Economic and Environmental Activities, acting under the authority of the Secretary General, should serve as a focal point for the OSCE's efforts to identify and address these threats.

Questions to be answered

(a) Is there a need/is it possible to establish a formal system/mechanism of indicators for identifying crisis situations?

(b) If yes, what should be the modalities of such a system/mechanism?

3. The OSCE Missions can play an important role in the early warning system. In their reports regarding economic and environmental issues, which could subsequently be debated by the Permanent Council, they should concentrate on identifying threats to security stemming from economic and environmental problems. This is to alert the State concerned, but also other Participating States, and specialized organizations, that there is an economic problem that could, if untreated, or treated as a purely technical/financial difficulty, lead to a wider security problem, either within the state concerned or more widely.

V. Post-Conflict Rehabilitation

1. The OSCE should assist the efforts of the international community in connection with post-conflict rehabilitation. The Chairman-in-Office should ensure that relevant international organizations are better informed about the

needs of participating States experiencing difficulties in the post-conflict rehabilitation of civil society and the national economy.

2. The OSCE Missions/field presences should work with local authorities, international organizations, NGOs and financial institutions to develop and co-ordinate rational economic development programmes, as well as assisting local authorities in their efforts, *inter alia*, to make the transition to a free market economy, to develop regional and sub-regional strategies to foster economic stability, to provide a stable platform for broader policy goals and initiatives - also in multiethnic societies - to facilitate the return of refugees, and to support sustainable economic development.

VI. Role of OSCE Missions/Field Presences

1. OSCE Missions/field presences should have the tools to monitor those threats to national or regional economic stability that have the potential to lead to instability, political turmoil, or even conflict. In this regard, attention should be paid to those issues that impede the development and maintenance of transparent market economies throughout the OSCE area, including (but not limited to): the impact of organized crime; lack of transparency in economic regulation; inadequate or confusing legal frameworks; haphazard application of laws; excessive government control/regulation of market forces; post-conflict economic collapse; threats to regional economic stability.

2. OSCE missions/field presences can also assist in fostering improved economic transparency.

3. Although the OSCE is not a scientific or technical organization, its Missions/field presences could still take a more proactive role with regard to environmental threats - specifically by identifying key environmental threats and flash points; focusing high-level attention at the PC on key problems and indicators; facilitating regional approaches to environmental issues both by focusing broad, high-level attention on key issues, and possibly through the mediation provided in expert discussions; providing assistance in co-ordination of external resources (funding, technical expertise, leveraging NGOs) to address specific threats; and fostering the development of environmentally-oriented NGOs.

*Platform for Co-Operative Security, Including OSCE as a Forum for
Interaction of Regional and Subregional Groupings and Peacekeeping*

I. General Considerations

1. On the basis of paragraph 5(e) of the Copenhagen Decision, including the Common Concept, participating States agree 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. 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. To this end, they agree to co-operate on the basis of the Platform for Co-operative Security.
2. Through the Platform, participating States will develop complementary and mutually reinforcing relations between international organizations and institutions engaged in strengthening comprehensive security in the OSCE area. To this end, participating States agree to encourage mutual trust and transparency in relations between international organizations and institutions through dialogue, exchange of information, co-operation and co-ordination.
3. Paragraph 5(e) of the Copenhagen Decision, including the Common Concept, represents an important step forward in the development of the Platform, and the main focus should now be on identifying practical aspects of co-operation and on preparing the ground for further development of the principles in the Common Concept.

II. Basic Concepts

1. The Platform is concerned with promotion of comprehensive security.
2. The principles of the Platform apply to any organization or institution concerned with comprehensive security whose members individually and collectively decide to adhere to it.
3. The development of the Platform should take place in the overall context of the role of the OSCE as a regional arrangement under Chapter VIII of the United Nations Charter.
4. The Platform is based on the concept that no one organization can, by itself, effectively address the multifaceted challenges to security. An effective interplay is required.
5. Mutual co-operation should be based on a non-hierarchical approach. At the same time, there is a need to maintain and further develop political and operational coherence among all bodies dealing with security challenges.
6. The comparative advantages of each organization should be utilized and strengthened. Each organization should concentrate on the tasks it can do best.

7. The OSCE could serve as a flexible framework for inter-institutional co-operation. This role of the OSCE should be further clarified and developed.

II. Contacts and Co-operation with Other Organizations

1. In Copenhagen, participating States agreed on practical steps towards further development of co-operation between the OSCE and those bodies which subscribe to the Common Concept: regular contacts, including meetings, through a regular framework for dialogue, increased transparency and practical co-operation, including identification of liaison officers or points of contact, cross-representation at appropriate meetings and other contacts intended to increase understanding of each organization's conflict prevention tools.

2. As a follow-up to the above mentioned Decision, including the Common Concept, the Secretariat has established practical co-operation with several organizations, both at headquarters level and in the field.

3. Co-operation with the Council of Europe is well advanced through, *inter alia*, structured meetings at the level of Ministers and Secretaries General. This co-operation has reinforced the Platform as a central component of co-operation between the two bodies. The tripartite meetings between the OSCE, the United Nations and the Council of Europe and the "2+2" meetings between the OSCE and the Council of Europe constitute other examples of co-operation at a high level.

4. The Secretariat has also established contact with the European Commission and the Western European Union, and deliberations on various forms for co-operation at headquarters level as well as in the field have started.

5. The co-operation with NATO has intensified: the OSCE Chairmanship, the Troika and the Secretariat have all visited Brussels, and representatives of NATO have visited Vienna to meet their counterparts. A central theme in these meetings has been to increase practical co-operation in connection with crisis situations in areas where both organizations are involved.

6. With some other international organizations the OSCE has also developed extensive co-operation in the field, *inter alia*, in Bosnia-Herzegovina, Croatia and Kosovo.

7. In order to further improve the co-operation with other organizations, in line with the above-mentioned decision from Copenhagen, two informal meetings with other international organizations were held in Vienna during the course of 1998. On 3 July NATO, WEU, the Council of Europe and the Commonwealth of Independent States participated, and on 29 October the following United Nations agencies took part: UNDP, OCHA, UNHCR, UNHCHR, IAEA, ODCCP and UNESCO. Both meetings provided an opportunity for a discussion of experience derived from co-operation and contacts in the past, and possible improvements for the future, with special focus on co-operation in the field. At the meetings the need for pragmatic co-operation, based on the principle of utilization of comparative advantages, was em-

phasized. At the same time, there was agreement that co-operation would have to be based on the principle of equal status of the various organizations and on recognition of their distinctive characteristics.

8. As a means of further intensifying the dialogue between the OSCE and other international organizations and institutions, participating States agree that special meetings could be convened on a regular basis. Such meetings may take place in a technical format, including consultations between officials from the secretariats, or in a political format to bring together representatives of participating States as well as officials from the secretariats.

IV. OSCE as a Forum for Regional and Subregional Interaction

Basic principles

1. In the Copenhagen Decision Ministers agreed to 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 arising in the field of post-conflict rehabilitation.

2. Regional/subregional approaches to security have become a central part of overall efforts to provide for security and stability in the OSCE area. Regional/subregional co-operation aimed at serving local needs, solving local problems and building mutual confidence among States in individual regions constitutes a valuable contribution to the overall security of the OSCE community.

The work on a Document-Charter offers an opportunity to further utilize the potential of the regional/subregional dimension as an integral part of the Organization's activity and thereby contribute to the indivisibility of security in the whole OSCE area. Furthermore, the Document-Charter should offer a framework and general principles for regional/subregional co-operation on a non-hierarchical basis, encourage new processes, interrelate these processes and assure their coherence with the work and norms of the OSCE.

3. However, the Document-Charter should not aim at establishing a rigorous, inflexible framework encompassing an exhaustive list of any kind of regional/subregional co-operation, as such co-operation depends on a variety of regional/subregional circumstances.

4. Regional/subregional approaches to security should be based on the following considerations:

- indivisibility and comprehensiveness of security;
- the regional/subregional dimension as an integral part of common security in the OSCE area;
- transparency;
- participation on a voluntary basis;
- regional/subregional approaches compatible with and complementary to wider co-operative security frameworks, on a non-hierarchical basis;
- regional/subregional approaches compatible with the global system of collective security as defined in the Charter of the United Nations;
- in accordance with the principle of subsidiarity, states directly concerned should act first;
- regional/subregional efforts respond to specific regional/subregional demands;
- no leading status for any one State;
- regional/subregional processes not at the expense of third parties;
- compliance with norms and commitments provided by the OSCE.

The role of the OSCE

A number of suggestions have been made on the OSCE as a forum for regional and subregional interaction:

- The Document-Charter should include an indicative list of possible areas for regional/subregional or bilateral co-operation, without necessarily creating new institutions. Such a list could include, *inter alia*, the following areas: Protection of national minorities, border co-operation, measures in the areas of political, (including with regard to so called new risks and challenges) economic, humanitarian, educational, environmental and cultural co-operation as well as arms control and confidence- and security-building measures.
- Furthermore, both the OSCE as an organization as well as the individual participating States may take concrete steps to further utilize the potential of the regional/subregional dimension.
- The OSCE should support and encourage regional/subregional efforts by participating States, and contribute with information to all other OSCE participating States about ongoing regional/subregional processes.
- Based on the concept of solidarity, the OSCE should stand ready to support regional/subregional activities, upon request by States participating in such processes. On request, OSCE instruments such as the CPC, ODIHR, HCNM, and the OSCE Representative on Freedom of the Media should provide expert advice for regional processes.

- The OSCE will facilitate implementation of agreements concluded under its aegis or with its support, and will also stand ready to fulfil a repository function for regional/subregional agreements.
- On request of the States participating in subregional processes, the OSCE may exercise the powers and functions of a guarantor for the implementation of regional/subregional agreements and decisions.
- The OSCE will endeavour to ensure that the development of co-operation within the regional/subregional dimension of security does not entail the strengthening of the security of certain regions/subregions at the expense of the security of other regions/subregions.
- The Permanent Council should, on a regular basis, review progress achieved in regional/subregional processes and determine new areas as well as recommend forms of regional/subregional efforts.
- The OSCE may decide to establish a Conference of Subregional Organizations and Associations in order to exchange experience and ensure the broadest possible examination of issues involved in maintaining stability and security in the OSCE area. The Conference will meet in session once every two years at the headquarters of the OSCE, and the Conference may recommend to the OSCE the implementation of specific projects and programmes aimed at strengthening security and co-operation within the OSCE area and at enhancing the effectiveness of the regional/subregional dimension in the work of the OSCE.

Many of the above-mentioned suggestions will need to be discussed further.

The role of participating States

The following suggestions have been made of the role of participating States in connection with regional and subregional groupings:

1. Participating States will seek to ensure that the aims, principles and norms of regional/subregional agreements, organizations, arrangements and initiatives in which they participate are consistent with OSCE principles and norms.
2. Participating States will exchange experience among various regional/subregional structures in which they are participating as a means of enhancing benefits obtained from regional/subregional interaction elsewhere in the OSCE area. To this effect, participating States should keep the OSCE and the Secretary General informed about their activities.
3. Participating States will co-operate with the OSCE, its institutions and representatives.
4. Participating States will refrain from supporting States that seriously contravene OSCE principles and commitments.

V. *The OSCE role in Connection with Peacekeeping (in the Light of the Overall OSCE Role in Conflict Prevention)*

The guidelines on an OSCE Document-Charter on European Security (Copenhagen Decision No. 5, paragraph 5, last section of subparagraph (e)) task us to rigorously examine the OSCE's appropriate role connected with peacekeeping operations, bearing in mind relevant OSCE documents.

Principles and definitions

1. Examination of the OSCE's role in connection with peacekeeping should be based on earlier decisions and documents. However, this cannot be done in a vacuum; due account must be taken of the developments that have taken place in the recent years in the field of peacekeeping, and also of the OSCE's own evolutionary process.

2. The Helsinki Document 1992, Chapter III on Instruments of Conflict Prevention and Crisis Management, paragraph 17, states that:

"Peacekeeping constitutes an important operational element of the overall capability of the CSCE for conflict prevention and crisis management intended to complement the political process of dispute resolution. CSCE peacekeeping activities may be undertaken in cases of conflict within or among participating States to help maintain peace and stability in support of an ongoing effort at a political solution."

3. The Helsinki Document 1992, in its Chapter III on Instruments of Conflict Prevention and Crisis Management, Paragraphs (18), (22), (23), (24) and (25), sets forth a set of principles applicable to the OSCE's possible involvement in peacekeeping operations. As such, they are in conformity with the United Nations definition of the term "peacekeeping" as set forth in the Secretary General's "Agenda for Peace" (1992).

4. Budapest Document 1994 Chapter I, on Strengthening the CSCE, reads as follows:

"3. The Heads of State or Government have directed that the future role and functions of the CSCE will include the following:

9.- to further its principles and develop its capabilities in conflict resolution, crisis management and peacekeeping and in post-conflict rehabilitation, including assisting with reconstruction;"

5. In the Budapest Document reference is also made to a possible OSCE peacekeeping operation in the event of a peace agreement in the conflict over Nagorno-Karabakh. In paragraph 4 of Chapter II, Regional Issues, it is stated that the settlement of the conflict would make it possible to deploy multinational peacekeeping forces as an essential element for the implementation of such an agreement. In this context, it was decided that a High-Level Planning

Group should be established, with the task, among other things, of making recommendations on the size and characteristics of the force, command and control and logistics.

6. The discussions have revealed two different interpretations of the Copenhagen Decision regarding peacekeeping and its relation to other CSCE and OSCE documents, such as the Helsinki Document 1992 and the Budapest Document 1994. According to one position, the ministers in Copenhagen mandated a critical examination of earlier decisions based on experience gained in cases such as Bosnia. Another approach is that these earlier decisions are valid and should therefore not be questioned. The lack of a common understanding on this issue has influenced the discussion of the topic, since it is closely linked to the overall question of the role which the OSCE should have in the field of peacekeeping.

7. In the discussion, a number of terms, such as "peacekeeping operations", "peace enforcement operations", "peace operations" and "conflict settlement activities" are used, often interchangeably. There is a lack of clear definition or understanding of these terms. In the discussion some delegations have underlined a need for taking into account the development of peacekeeping during the last decade. According to this view, the "classical" or more traditional form of peacekeeping is now replaced by multidimensional and complex operations embracing both military and civilian tasks. Instability is seen as a continuum progressing from political, economic, and military stability first to tensions, then to full-blown crisis, then on open conflict, to post-conflict management and rehabilitation, and, finally to a restoration of stability. Experience from Bosnia-Herzegovina seems to support this argument.

It follows from this perspective that different organizations are differently equipped to deal with different stages of the continuum, and that the appropriate point for their engagement is usually best determined by their comparative advantages.

8. The report by the NACC Ad Hoc Working Group on Co-operation in Peacekeeping to the meeting of the NACC in Athens, Greece, on 11 June 1993, could also serve as a useful basis for seeking a common or universal definition of the term "peacekeeping". In part I, 1, Definitions, it is stated that there is no single generally accepted definition of peacekeeping. However, reference is made to Chapter VI of the United Nations Charter, which traditionally has laid the foundation for the United Nations understanding of the term "peacekeeping". In this context we must remember that the term as such is not mentioned in the Chapter. Peacekeeping operations - as they developed during the years immediately following the adoption of the United Nations Charter - are rooted in the basic principle of peaceful settlement of conflicts, as described in this Chapter.

OSCE and peacekeeping - On what terms?

1. The discussion of an OSCE role in connection with peacekeeping has been based on three major contributions.
2. According to one view, the OSCE should not play a military role in peacekeeping operations, since other international organizations or coalitions of States have the necessary capabilities for conducting such operations. Establishing a military capability within the OSCE framework would for all practical purposes be a duplication of other organizations' capabilities and resources. The OSCE has proven its capabilities in "Conflict Prevention" and "Humanitarian Assistance", which require no military resources but rather civilian personnel and tasks.
3. Another view is that the OSCE should adopt measures to enhance its capabilities for peacekeeping operations, including the performance of its own peacekeeping operations, participation in such operations conducted by decision of the United Nations, and also the enlistment of other organizations and groups of States for OSCE peacekeeping operations. According to this position the OSCE participating States should also designate or earmark military units that can be deployed as OSCE peacekeeping contingents. These contingents would include national military, police and civilian personnel. Furthermore, it is foreseen that a single military command structure would be established under the Permanent Council and the OSCE Secretariat.
4. This suggestion contradicts the views of a number of other delegations. In their view, this would duplicate the resources and structures that are established in other international organizations and contexts. Reference is also made to the Platform and the view that the OSCE should concentrate on activities where it has shown itself to have comparative advantages.
5. The third approach around which a common understanding may be emerging is conceptually based on the Helsinki Document 1992. It divides the OSCE's involvement in peacekeeping into three categories:

The OSCE and multifunctional peace operations

In such operations the OSCE should make contributions in areas where it has comparative advantages.

The OSCE requests support from other organizations for conducting peacekeeping operations on its behalf

Such a request would require the Permanent Council (PC) to set the general objectives of the operation and the supporting organization would have to report periodically to the PC on progress achieved in implementing its mandate.

OSCE-led operations

Although this scenario, in which the OSCE would be asked to take on an operational responsibility for a military peacekeeping operation, at present seems unlikely, the possibility should not be excluded. In the first instance, however, the OSCE should seek to make use of capabilities available in other organizations building on the Platform for Co-operative Security. As was made clear by the Helsinki Document 1992, OSCE-led operations could only be conducted with the consent of the parties directly concerned and would not entail enforcement actions.

6. In this compromising view the OSCE's peacekeeping activities are regarded as an integral part of the whole cycle of the Organization's conflict settlement activities. Every option is kept open. The organizational and operational structures of any kind of operation should be decided by the task at hand, the goal of avoiding duplication of effort being kept in mind.

7. Most delegations have stressed the need to keep all options open. According to this view, one should not exclude the possibility of the OSCE performing a peacekeeping operation including military tasks and forces.

The relationship between the OSCE and other international organizations - hierarchical or equal?

1. In the Common Concept for the development of co-operation between mutually reinforcing institutions, adopted in Copenhagen, the OSCE participating States committed themselves to working on a co-operative basis with other organizations and institutions that are prepared to deploy their resources in support of the OSCE's work. Particular attention was drawn to co-operation in conflict prevention and crisis management.

2. One position appears to underline the idea that the OSCE should play a leading role in its area by comparison with other European and Euro-Atlantic organizations, and this, in the view of some delegations, suggests a hierarchical relationship between the organizations. What we are referring to here is the term "collective security", which - according to some delegations - indicates a hierarchical system of organizations. A number of delegations prefer the term "co-operative security", which suggests a more equal and pragmatic relationship between the organizations.

3. In the discussion so far, the experience acquired in Albania has been highlighted. This experience has shown that the OSCE can provide a co-ordinating framework for the combined "soft" peacekeeping efforts of other members of the international community. The Platform should be the primary tool for the promotion of dialogue and co-operation, ensuring coherence and avoiding duplication of effort among the institutions, organizations and countries concerned.

4. A number of other delegations have also stressed the importance of the Platform and the Common Concept, with regard to peacekeeping operations, as in other contexts.

Mandates for peacekeeping operations

1. Another important question that needs clarification relates to the role of OSCE mandates. One view is that the OSCE is not in a position to accept mandates other than for its own field activities. NATO or other international organizations could therefore, according to this view, launch a peacekeeping operation without prior approval and/or mandate from the OSCE. An OSCE mandate is not a prerequisite for an international community action. However, a political endorsement from the OSCE is seen as desirable.

2. Another position is that a mandate from the OSCE or the United Nations Security Council is needed, even in circumstances where the OSCE itself does not play an active role in the operation. The OSCE as a regional organization under Chapter VIII of the United Nations Charter is highlighted, and a mandate from the OSCE is seen as being of crucial importance both for the legitimacy of the operation and also as a sign of respect for the validity of international law. Peace enforcement, however, would require special authorization by the Security Council.

3. According to the third approach there is no legal requirement for an OSCE request to be based on a Security Council resolution, as any action taken will be with the consent of the parties to the conflict. However, it would be politically desirable to secure full Security Council support for OSCE peacekeeping operations wherever possible.

The way ahead

1. There seems to be broad agreement that the OSCE has a vital role to play in connection with multifunctional peacekeeping operations in areas where it has comparative advantages.

Most delegations seem to agree that the OSCE has no role to play in connection with peace-enforcement operations.

2. There seems, furthermore, to be broad agreement that the possibility of the OSCE requesting other organizations to make their resources available should be kept open.

3. There may be an emerging common understanding on the advisability of keeping the options open with regard to OSCE-led military peacekeeping.

4. There is no agreement on the proposal to earmark military units for OSCE peacekeeping contingents and to set up a single military command structure under the Permanent Council and the OSCE Secretariat.

VI. Development of the Platform

1. There is a need for more transparency with regard to activities of other organizations. Improved exchange of information, including regular contacts and liaison arrangements, will improve transparency and help avoid overlapping, double-work and misperceptions. In the further development of the Platform, important developments in other forums, such as NATO/EAPC/PfP, EU, WEU and the Council of Europe, must be taken fully into account.
2. Practical experience (Bosnia, Albania and Kosovo) indicates that conflict prevention and crisis management will be a main focus of the Platform's operational value in the short term.
3. A proposal to establish formal framework agreements between the OSCE and other international organizations as a basis for co-operation at all levels has not found agreement.
4. Issues of comprehensive security cannot be regarded as belonging to any single dimension. The Platform should be multidimensional, including, among others, the human dimension and the economic dimension. At the same time, in broadening its scope, it is important to avoid a dilution of the Platform concept by attempting to apply the same arrangements to all other organizations equally.

Practical modalities through which the Platform can be developed.

5. Co-operation between the OSCE and other organizations in the human dimension should be further promoted. The Council of Europe and the competent United Nations agencies are especially relevant in this regard, and representation of certain organizations at future implementation meetings could lead to closer co-operation.
6. Co-operation between the OSCE and other organizations is also an important means of assisting participating States in their compliance with OSCE commitments. Specific measures to this end could include, *inter alia*, participating States inviting organizations of which they are members to inform the OSCE of measures taken to assist compliance with OSCE commitments, or examining ways in which these organizations could directly assist the OSCE in specific cases.
7. In line with the Platform principles, police activities should be based on close co-ordination and utilization of comparative advantages.
8. The Platform should also enable the OSCE and other organizations to enhance, in a coherent manner, continuing and future efforts in the economic dimension.

9. With regard to new risks and challenges, stress is laid on the fact that the approach should be differentiated depending on the nature and specific characteristics of the risks.

10. The potential of the OSCE to assist Central Asian States, through the Platform and in co-operation with other international organizations, should be further explored.

Security and Co-operation in Adjacent Areas. Co-operation with Partners for Co-operation

I. General Considerations

1. The OSCE participating States have on a number of occasions declared that strengthening of security and co-operation in adjacent areas, particularly in the Mediterranean region, is of great importance for the stability of the OSCE region.

2. The Mediterranean partners have been involved in the Organization's activities in one way or another since the start of the CSCE/OSCE process. Since the Budapest Summit of 1994 the dialogue has been institutionalized in regular meetings of the Mediterranean Contact Group. The Mediterranean partners for co-operation (MPC) today comprise Morocco, Algeria, Tunisia, Egypt, Israel and Jordan.

3. Japan and the Republic of Korea have enjoyed a status somewhat different from that of the MPC. They were recognized as "partners for co-operation" in December 1995.

4. While the MPC receive invitations to attend meetings on a case-by-case basis, Japan has, since the Helsinki Summit in 1992, had a permanent invitation to attend all meetings of the CSCE/OSCE (Summit, Ministerial Council, Senior Council and Permanent Council meetings). Japan is given the opportunity to make contributions without taking part in the decision-making process.

II. Principles

1. In the Guidelines on an OSCE Document-Charter on European Security, adopted at the Copenhagen Ministerial Council meeting, the participating States referred to their relations with the partners for co-operation (Decision No. 5, paragraph 5 (j)), as follows:

"Recognizing the indivisibility of security, they affirm that strengthening 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."

2. On this basis it would seem that there is general agreement on the necessity - even the desirability - of expanding co-operation with the partners. In the discussion so far, a number of concrete proposals have been put forward with respect to both the content of the co-operation and the modalities for implementing it.

III. Co-operation with the Mediterranean Partners for Co-operation

1. In the Budapest Decision (1994) it is stated that: "In order to consider proposals that originate in the Contact Group, seminars and high-level consultations, the Chairman-in-Office will invite during the course of the year representatives of these non-participating Mediterranean States, as appropriate, to any meetings of the Permanent Council solely devoted to 'Mediterranean Issues', or to the Senior Council when "Mediterranean Issues" are placed on the agenda. The Chairman of the Forum for Security Co-operation, with the consensus of the participating States, may also invite representatives of these non-participating Mediterranean States to meetings devoted to 'Mediterranean Issues'."

2. The Lisbon Document 1996 states that: "We are committed to further developing the dialogue with our Mediterranean partners for co-operation, Japan, and the Republic of Korea. In this context, strengthening security and co-operation in the Mediterranean is important for stability in the OSCE region. We welcome the continued interest displayed by the Mediterranean partners for co-operation, Japan, and the Republic of Korea in the OSCE, and the deepening of dialogue and co-operation with them. We invite them to participate in our activities, including meetings as appropriate."

3. A number of concrete proposals have been tabled with respect to co-operation with the MPC. It has been stated that the interest in security and co-operation in the Mediterranean has increased considerably in recent years. It is also noted that the OSCE needs to seek ways of making a specific contribution to stability in regions adjacent to the OSCE area, based on a non-discriminatory approach.

4. A number of delegations have underlined that the dialogue with the MPC should not interfere with the activities of other existing structures such as the Barcelona Euro-Mediterranean process. This process is regarded by a group of participating States as the primary vehicle for dialogue between the EU and all States of the Mediterranean region (not only the MPC).

5. A group of countries has enumerated a number of ideas regarding strengthened co-operation with the MPC. These are:

- (a) The substantive content of the informal open-ended Contact Group's work should be increased. The Group was established within the framework of the Permanent Council at the Budapest Summit in 1994. The agenda could be expanded to include, in addition, the question of implementing OSCE commitments in all areas with a view to encouraging the partners to respect the OSCE's basic values. The partners could benefit from experience in areas such as the human dimension, regional co-operation and confidence- and security-building measures.
 - (b) The MPC should be encouraged to contribute to OSCE activities:
 - By proposing subjects relevant to the OSCE's sphere of competence for discussion, drawing inspiration from the expertise of the ODIHR and the CPC;
 - By sending guest observers for election-monitoring operations or by sending representatives for short-term visits to OSCE missions in accordance with Permanent Council Decision No. 233.
 - (d) Possibilities for increasing local awareness of the OSCE by arranging conferences and seminars should be further exploited.
 - (e) The procedures for participation by the MPC in the work and meetings of the OSCE should be improved. Concrete proposals in this respect are invitations to Summit and Ministerial Council meetings, invitations - at the expense of the MPC themselves - to all seminars organized by the OSCE, invitations to attend certain meetings of the Permanent Council, invitations to attend as observers some of the meetings of the Security Model Committee and, lastly, participation as observers in certain meetings of the Forum for Security Co-operation, FSC Implementation meetings, Review Meetings and meetings concerning the human dimension and the economic dimension.
6. Other proposals have been put forward, focusing also on the institutional and procedural aspects - and possible results - of co-operation with the MPC:
- Through the Document-Charter one should offer the OSCE's expertise for the establishment of structures and mechanisms in the Mediterranean analogous to those already existing within the OSCE for conflict prevention, early warning and preventive diplomacy;
 - The OSCE should invite the Mediterranean partners for co-operation to the plenary meetings of the Permanent Council, the Forum for Security Co-operation and the Security Model Committee;
 - The OSCE should establish an MPC-CPC information exchange with the aim of setting up a Mediterranean Conflict Prevention Centre;
 - The OSCE should promote the establishment of a sub-regional arrangement for confronting, in a more focused manner, the economic, demographic, social, cultural and environmental problems already threatening the region. Such a mechanism could help in developing and elaborating a

- sustainable network of confidence- and security-building measures;
- The implementation of commitments under the economic dimension relevant for the Mediterranean region should be considered;
- The human dimension is also a field for potential constructive co-operation with the MPC. The OSCE could utilize experience gathered by the ODIHR and the HCNM.

Some of the above proposals will have to be discussed further.

IV. Co-operation with Partners for Co-operation (Japan and the Republic of Korea)

1. It has been suggested that strengthened co-operation with Japan and the Republic of Korea could, in particular, be related to the regional security dimension. Joint activities in connection with field missions in Central Asia are regarded as the most visible initial feature of the Euro-Asian co-operation.
2. Closer contacts, as called for by Japan, could be considered in connection with the Asia Regional Forum (ARF), which is regarded as the OSCE's closest counterpart in Asia.

These ideas need further clarification and elaboration.

V. Issues for Further Consideration

1. In the discussion on co-operation in adjacent areas, there seems to be broad consensus on the need for further strengthening of the co-operation with partner States. Special stress is laid on the need for giving the co-operation and dialogue more substance and content.
2. The discussion up till now has to a considerable degree focused on co-operation with the MPC. Even though the importance of this is not questioned, concern has been voiced regarding the balance between co-operation with the MPC and the other partners for co-operation.
This will probably not be a question of "either-or" but rather of finding an appropriate balance between co-operation with the MPC and the other partner States.
3. Some of the proposals tabled have concrete procedural and/or institutional implications. This is a point that needs further elaboration and clarification, as some delegations have opposed the creation of new institutions or organizational structures within the OSCE. However, there seems to be broad agreement on the need to vitalize the regular meetings of the Contact Group for the MPC. Some steps have already been taken, for example by arranging a special session of the Contact Group dedicated to the work on the Document-Charter.

VI. Co-operation with Other Non-Participating States

It is agreed that the OSCE should also be receptive to applications for co-operation with the OSCE by other non-participating States. This is regarded as necessary in order to develop the regional security dimension and to involve all States concerned with regional security in the OSCE area. Applications for closer links with the OSCE should be examined on a case-by-case basis.

Annex 3

Indicative List of Contacts between the Representatives of the OSCE and International Organizations and Institutions in 1998

3-4 December (Strasbourg): Participation of Personal Adviser of the representative on Freedom of the Media in Steering Committee on Mass Media of the Council of Europe.

23-26 November: Visit to the Trans-Caucasus States, Georgia, Armenia and Azerbaijan, by the Chairman-in-Office, with the participation of representatives of the European Commission and the Council of Europe.

20-26 November (Brussels): WEU organized CRISEX 1998 - a high level Crisis Management Exercise to which the OSCE, EU, United Nations and NATO were invited as observers.

20 November (Warsaw): Seminar on "Lessons identified and learned from Peace-keeping Missions", organized by the Ministry of National Defence of Poland, and attended by representatives of the United Nations, NATO, WEU and several high-level military experts from OSCE participating States.

20 November (Geneva): Humanitarian Issues Working Group of the Peace Implementation Council chaired by the UNHCR, attended by representatives of the OSCE, NATO, European Commission, Council of Europe, ICRC, among others.

19 November (Vienna): Addresses by Mr. Daniel Tarschys, the Secretary General of the Council of Europe, and Mr. Vladimir Petrovsky, the Director-General of the United Nations Office in Geneva to the Permanent Council.

13 November (Geneva): Preparatory meeting with the participation of the OSCE Parliamentary Assembly, the OSCE Secretariat and the UN/ECE for the parliamentary conference on "Regional and sub-regional economic co-operation", to be held in Nantes, in October 1999.

10-11 November (Sarajevo): Workshop to discuss the future work of the OSCE Mission to Bosnia and Herzegovina, including the 1999 municipal elections, and the Mission's human rights and democratization programmes, with the participation of UNHCR, ECMM, United Nations Civil Affairs (UNCA), International Foundation for Election Systems (IFES) and SFOR (Stabilization Force).

6 November (Geneva): consultations among the OSCE, UNHCHR, UNHCR and ICRC to discuss practical co-operation in Kosovo.

6 November (Vienna): OSCE - NATO/SHAPE consultations between staff members of the KVM Support Unit and the OSCE Secretariat and representatives of NATO Headquarters and SHAPE - exchange of information on the preparations of the respective operations in and around Kosovo, and discussion on modalities for co-operation.

5-6 November (Istanbul): OSCE Economic Dimension Seminar on "Regional Environmental Problems and Co-operative Approaches to Solving Them - The Case of the Black Sea Region" with the participation of the United Nations Economic Commission for Europe, Black Sea Economic Co-operation, Black Sea Environment Programme, United Nations Development Programme, and the Danube Commission.

5 November (Warsaw): ODIHR convened target-oriented Meeting on Kosovo with the participation of the delegations of the Contact Group countries, United Nations agencies, the International Criminal Tribunal for the former Yugoslavia, ICRC, Council of Europe and the European Commission.

4 November (Strasbourg): participation of the Chairman-in-Office at the 103rd session of the Committee of Ministers of the Council of Europe.

3 November (Brussels): OSCE - NATO consultations on current conceptual issues within the two organizations, in particular on the work of the OSCE Document Charter on European Security, the NATO Strategic Concept and discussions on NATO's role in peacekeeping, the elections in Bosnia and Herzegovina, and the crisis in Kosovo (OSCE delegation was headed by the Chairman of the Permanent Council).

30 October (Tirana): "Tirana International Conference" with the participation of the Chairman-in-Office and the OSCE Presence in Albania, as well as by representatives of United Nations, NATO, WEU, European Commission, Council of Europe, IMF, World Bank, EBRD, European Investment Bank.

29 October (Vienna): Special informal meeting of the Security Model Committee with the participation of representatives of United Nations Agencies - UNDP, UNHCR, UNDCP, UNHCHR, IAEA, Office for Co-ordination of Humanitarian Affairs (OCHA) and UNESCO.

26 October - 6 November (Warsaw): Human Dimension Implementation Meeting with the participation of the following organizations: UNESCO, UNDP, UNHCHR, UNHCR, International Labour Organization, European Commission, Council of Europe, EBRD, ICRC.

23 October (Mons): OSCE - NATO/SHAPE consultations on the preparation of the Kosovo Verification Mission. Subsequent meetings were held on 29-30 October 1998 in Vienna, and on 19 November 1998 in Mons.

23 October (Vienna): Reinforced meeting of the Permanent Council on regional issues, to which representatives from the United Nations, UNHCR, UNDP, Council of Europe, EBRD, Black Sea Economic Co-operation, and the ICRC, were invited.

19-20 October (Malta): OSCE Mediterranean Seminar on "The Human Dimension of Security, Promoting Democracy and the Rule of Law" with the participation of the Chairman-in-Office representatives and the OSCE Secretary General, as well as UNHCR, NATO, WEU, European Commission, Council of Europe, and the Mediterranean Forum.

19 October (New York): Meeting on the implementation of the prohibitions contained in Security Council resolutions 1160 (1998) and 1199 (1998), of the participating regional organizations, organized by the Department for Peacekeeping operations, and the United Nations Secretariat with the participation of the European Union, NATO, OSCE, WEU, and the Danube Commission.

18-20 October (Locarno): "International Conference on Governance and Participation - Integrating Diversity" organized by the HCNM and ODIHR with the participation of UNDP, UNESCO, UNHCR, European Commission, Council of Europe, and the Council of Baltic Sea States.

15 October (Vienna): Address by Mrs. Sadako Ogata, United Nations High Commissioner for Refugees, to the Permanent Council. On the same day, a Memorandum of Understanding was signed between the OSCE Secretariat and the UNHCR.

13-14 October (Stockholm): International Conference on OSCE and Sub-regional Groups: Co-operation between Mutually reinforcing Institutions organized by the Chairman-in-Office, and the Swedish Ministry for Foreign Affairs in co-operation with East-West Institute, attended by representatives of the European Commission, WEU, Black Sea Economic Co-operation and Central European Initiative.

13 October (Rome): Participation of the OSCE Secretariat representatives in the meeting of the Parliamentary Assembly of the Western European Union.

7 October (Vienna): Informal meeting of the Permanent Council on the Implementation of the Programme of Action of the CIS Migration Conference, with the participation of representatives of IOM, Department for Migration and Humanitarian Affairs, UNHCR, and ICRC.

5-6 October (Athens): NATO organized "Seminar on Peacekeeping" with the participation of the OSCE Secretariat.

30 September (Brussels): Inaugural meeting of the "Friends of Albania", chaired by the OSCE in co-operation with the EU Council Secretariat.

22-24 September (Tashkent): OSCE Economic Dimension Seminar "Regional Environmental Problems and Co-operative Approaches to Solving Them" with the participation of the Chairman-in-Office representatives and the OSCE Secretary General, and the United Nations Economic Commission for Europe, International Atomic Energy Agency, International Committee of the Red Cross, United Nations Development Programme, United Nations High Commissioner for Refugees, OECD, Interstate Council of the Republic of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, International Fund for Saving the Aral Sea, Asian Development Bank and the World Bank.

23 September: Joint OSCE, EU, Council of Europe, and WEU Declaration, regarding the dramatic events in Tirana which involved widespread violence.

19 September (Tirana): OSCE/Council of Europe Ministerial Mission to Albania (with the participation of the Chairman-in-Office, the Chairman of the Committee of Ministers of the Council of Europe, Secretaries General of the OSCE and the Council of Europe, and the Special Envoy of the European Union Presidency to Albania).

17-18 September (Brussels): NATO organized "Roundtable on Caspian Oil/Gas and International Security", with the participation of representatives of the OSCE Secretariat.

15 September (Vienna): Briefing by the Director of Crisis Management and Operations of NATO to the OSCE Troika and the OSCE Secretariat on NATO planning for military operations in connection with the crisis in Kosovo.

15 September (Tbilisi): Workshop on recommendations of international organizations concerning the return of persons displaced as a result of the Georgian - South Ossetian conflict, organized by the ODIHR in co-operation with the Directorate of Political Affairs of the Council of Europe.

7-10 September (The Hague): Informal meeting on the issues relating to the Meskhetian Turks, organized by the HCNM, in co-operation with UNHCR and the Open Society Institute (Forced Migration Project).

28-29 July (New York): "Third Meeting between the United Nations and Regional Organizations", with the participation of the Secretary General of the OSCE.

16 July (Vienna): "2+2" meeting between the OSCE and the Council of Europe at the level of Political Directors (with the participation of representatives of the "Troikas", Parliamentary Assemblies and the OSCE Institutions).

15-16 July (Paris): Joint OSCE/OECD conference on "National and International Approaches to Improving Integrity and Transparency in Government".

13 July (Skopje): Meeting of the Chairmanship, CPC and senior staff of OSCE Missions to BiH, Croatia, Skopje and Albania, with UNHCR, on regional refugee issues relevant to the activities of the OSCE.

7 July (Vienna): Pilot meeting between the OSCE and NATO on early warning and conflict prevention.

3 July (Vienna): Special informal meeting of the OSCE Security Model Committee with other international organizations (WEU, NATO, CIS, CoE).

1-2 July (Chisinau): OSCE Seminar on the Interrelationship between Central and Regional governments, with the participation of UNDP, UNHCR, European Commission, EBRD, World Bank, CoE, Assembly of the European Regions and ICRC.

26 June (Kiev): Donor Conference on the international assistance to the formerly deported peoples of Crimea, chaired by the HCNM.

25 June (Vienna): Statements by Ms. Mary Robinson, High Commissioner on Human Rights, and Mr. Søren Jessen-Petersen, Assistant United Nations High Commissioner for Refugees, at the meeting of the PC.

23 June (Vienna): Meeting of OSCE HoMs with representatives of UNHCR, UNDP, International Organization for Migration and CoE to discuss the relationship between the OSCE Missions and IOs.

23 June (Vienna): Meeting of the Secretary General with Mr. Anne-Willem Bijleveld, Director for Europe, UNHCR.

8-9 June (Vienna): Visit of a delegation from the EU Commission, headed by Director Angel Viñas, to the OSCE Secretariat in Vienna in order to discuss pragmatic co-operation in various geographic areas, and the possibility of the EC support for specific project proposals submitted by OSCE Missions.

5 June (The Hague): Seminar on the relationship between the OSCE and the Council of Europe.

4 June (Vienna): Address to the Permanent Council by Mr. Cornelio Sommaruga, President of the ICRC.

2-5 June 1998 (Prague): Economic Forum meeting with the participation of international economic organizations and financial institutions.

25-28 May (Warsaw): Human Dimension Seminar on "The Ombudsman and National Human Rights Institutions" with participation of IOs specializing in the relevant field.

7 May (Vienna): Address to the Permanent Council by Ambassador Liviu Bota, Special Representative of the United Nations Secretary-General in Georgia.

5 May (Vienna): Meeting of the Secretary General with Mr. Jayantha Dhanapala, UNUSG for Disarmament Affairs, to discuss complementarity of regional and OSCE-wide measures, regional approaches to arms control and working group progress.

29 April (Vienna): Informal Permanent Council meeting on follow-up to the HD Seminar on the "Promotion of Women's Participation in Society" with the participation of, *inter alia*, UNDP, UNDCP and CoE.

17-18 April (Sarajevo): Participation of Chairman-in-Office representatives in the UniDem Seminar on "New trends in Electoral Law in a Pan-European Context" organized by Venice Commission (Council of Europe).

3 April (Strasbourg): Tripartite (OSCE, CoE and United Nations with additional participation of WEU) target oriented meeting on pragmatic ways of

co-ordinating action in Albania.

30 March (Vienna): Visit of the Chairman of the CoE's Rapporteur Group on relations between the CoE and the OSCE, Ambassador Evgenyi Prokhorov to discuss ways to enhance co-ordination of activities and avoid unnecessary duplication.

24 March (Geneva): Secretary General's visit to Geneva-based organizations and meetings with Executive Secretary of the UN ECE, Mr. Yves Berthelot, the President of the ICRC, Mr. Cornelio Sommaruga, the United Nations High Commissioner for Refugees, Ms. Sadako Ogata, and the United Nations High Commissioner for Human Rights, Ms. Mary Robinson.

12-14 March (Noordwijk, the Netherlands): Participation of the OSCE representatives in a brainstorming session on the relationship between the OSCE and the Council of Europe.

12 March (London): "2+2" Meeting between the OSCE and the CoE with participation of Chairmen-in-Office and Secretaries General.

3 February (Strasbourg): Address by the Secretary General of the OSCE to the Council of Europe Committee of Ministers at the level of Deputies.

23 January (Geneva): Seventh High level Tripartite Meeting (OSCE, CoE, Geneva-based United Nations organizations) with additional participation of ICRC.

(...)

Report by the Personal Representative of the Chairman-in-Office on the Implementation of Articles II and IV of Annex I-B of the General Framework Agreement for Peace in Bosnia and Herzegovina

1. Article II, Annex 1-B, General Framework Agreement for Peace in Bosnia and Herzegovina: Confidence- and Security-Building Measures in Bosnia and Herzegovina

(a) Status of Implementation

- Success of the Review Conference held last February
- No major discrepancies during inspections
- Trial inspections of "specified areas" (challenge inspections)
- Remarkable improvement in the quality of data exchanges and notifications
- Voluntary limitation of training exercises in 1999 under levels permitted by the Agreement
- Beginning of visits to weapons manufacturing facilities and approval of a related Protocol for these visits
- Activation of Military Liaison Missions between the defence staffs of the two entities and agreement on a Memorandum of Understanding between the Chiefs of Defence Staff

- Improved co-ordination with the Office of the High Representative and SFOR
- Increase of the number of visits and military contacts between the two Entities
- Organization of a Seminar on Aerial Observation with a practical demonstration and of a Seminar on Civil-Military Co-operation in case of natural disasters with a view to developing a common doctrine for Bosnia and Herzegovina and field manuals for the Entity Armed Forces. They could be tested during a field exercise involving SFOR, OHR and the OSCE at the end of next May
- Creation, within the universities of Bosnia and Herzegovina, of a network of independent security experts who are linked to similar institutions in OSCE countries

(b) Long-Term Objectives

- Contribution of the Personal Representative and of the OSCE Head of Mission to the strategic concepts of the OHR, with the definition of long-term objectives and division of labour between the different institutions concurring in the stabilization of Bosnia and Herzegovina
- Focus of the action of the Personal Representative and of the OSCE Mission/Department for Regional Stabilization on co-operation, integration, support of the joint institutions of Bosnia and Herzegovina and on reduction of military, financial and social burdens

(c) 1999 Programme

- Consolidation of the results achieved in implementing the notification and inspection regimes, in particular with training of inspectors at weapons manufacturing facilities
- Seminar on Democratic Control of Security Policy and Armed Forces with three goals
 - Establishment or consolidation of joint institutions, in particular the Standing Committee on Military Matters, and of a law on parliamentary control
 - Beginning of a debate on the concepts to be followed for the common security of Bosnia and Herzegovina and for its preparation for integration into international security systems
 - Establishment of a financial planning and budgeting system that would permit transparency

- Seminar on peacekeeping with the goal to establish a common doctrine and field manuals for the Armed Forces of the two Entities to allow them to participate in international community efforts
 - Constitution of a Verification Centre at the State level of Bosnia and Herzegovina (to include providing equipment and training); and preparation of a team of inspectors that will allow Bosnia and Herzegovina to exercise its rights and obligations with regard to arms control agreements
 - Consolidation of a network of security institutions and independent experts in the Universities of Bosnia and Herzegovina
2. Article IV, Annex 1-B, General Framework Agreement for Peace in Bosnia and Herzegovina: Sub-Regional Arms Control
- (a) Status of Implementation
- Consolidation of notification and inspection regimes
 - Assistance to the Parties for inspections
 - Destruction of excess weapons (250 after the completion of the reduction period)
 - Success of the Review Conference (June 1998)
- (b) Long-Term Objectives
- Reduction of the exemptions from the Dayton Ceilings with a view to reducing weapons and readiness
 - Assistance to the Parties in assuming the chairmanship of the Subregional Consultative Commission
- (c) 1999 Programme
- Monitoring of holdings of armaments
 - Standing Operating Procedures for the Chairmanship of the Subregional Consultative Commission
 - Homogenization of the software of the Verification Centres
 - Training in and conduct of inspections at undeclared sites (challenge inspections)
 - Workshop to homogenize notifications of relevant data and of conduct of inspections

Report by the Special Representative of the Chairman-in-Office for Negotiations under Article V of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina

The Special Representative appointed during the Meeting of the Ministerial Council in December 1997 in Copenhagen started consultations on a mandate with a view to presenting initial results by summer 1998

(MC(6).DEC/2).

Albania, Germany, the United States of America, Austria, Bulgaria, Spain, France, the United Kingdom, Greece, Hungary, Italy, the former Yugoslav Republic of Macedonia, the Netherlands, Romania, the Russian Federation, Slovenia and Turkey have expressed their wish to participate in these negotiations together with the original signatories of the Dayton/Paris peace accords.

Consultations were held during the spring, with visits to capitals. A keen interest in the Article V process was evident, together with a wish to promote security and greater stability, where it is lacking, in south-eastern Europe.

Several versions of the mandate for negotiations were proposed, incorporating amendments from the prospective participating States. Despite some remaining difficulties, a consensus has been reached on important issues: the aim and objectives of the negotiations; the participation of 20 countries despite having very different perspectives derived from, for example, their geographical positions relative to the region or their existing arms control obligations; equal rights and obligations for all participating States; and no additional obligations for countries already implementing existing arms control regimes, such as Article IV or the CFE Treaty. With the final differences resolved and a consensus reached in November 1998, the negotiations will start in January 1999.

Despite the challenge and distraction of the Kosovo problem, strong interest in the Article V process has been sustained. Article V is the first attempt at a regional arms control or confidence-building regime within the OSCE. If successful, it will make a significant contribution to peace and stability in Europe and will produce a manifest endorsement of the concept of the indivisibility of security.

Stability Pact for South Eastern Europe

Cologne, 10 June 1999

I. Participants, Description of Situation

1. We, the Foreign Ministers of the Member States of the European Union, the European Commission, the Foreign Ministers of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Romania, the Russian Federation, Slovenia, the former Yugoslav Republic of Macedonia, Turkey, the United States of America, the OSCE Chairman in Office and the Representative of the Council of Europe representing the participants in today's Conference on South Eastern Europe; and the Foreign Ministers of Canada and Japan, Representatives of the United Nations, UNHCR, NATO, OECD, WEU, International Monetary Fund, the World Bank, the European Investment Bank and the European Bank for Reconstruction and Development, acting within their competencies, representing the facilitating States, Organisations and Institutions of today's Conference, as well as the Representatives of the Royaumont process, BSEC, CEI, SECI and SEECP, have met in Cologne on 10 June 1999, in response to the European Union's call to adopt a Stability Pact for South Eastern Europe.

2. The countries of South Eastern Europe recognise their responsibility to work within the international community to develop a shared strategy for stability and growth of the region and to cooperate with each other and major donors to implement that strategy. Seizing the opportunity to address structural shortfalls and unresolved issues will accelerate democratic and economic development in the region.

3. We will strive to achieve the objective of lasting peace, prosperity and stability for South Eastern Europe. We will reach this objective through a comprehensive and coherent approach to the region involving the EU, the OSCE, the Council of Europe, the UN, NATO, the OECD, the WEU, the IFIs and the regional initiatives. We welcome the fact that the European Union and the United States have made support for the Stability Pact a priority in their New Transatlantic Agenda, as well as the fact that the European Union and the Russian Federation have made the Stability Pact a priority in their political dialogue.

4. A settlement of the Kosovo conflict is critical to our ability to reach fully the objectives of the Stability Pact and to work towards permanent, long term measures for a future of peace and inter-ethnic harmony without fear of the resurgence of war.

II. Principles and Norms

5. We solemnly reaffirm our commitment to all the principles and norms enshrined in the UN Charter, the Helsinki Final Act, the Charter of Paris, the 1990 Copenhagen Document and other OSCE documents, and, as applicable, to the full implementation of relevant UN Security Council Resolutions, the relevant conventions of the Council of Europe and the General Framework Agreement for Peace in Bosnia and Herzegovina, with a view to promoting good neighbourly relations.

6. In our endeavours, we will build upon bilateral and multilateral agreements on good neighbourly relations concluded by States in the region participating in the Pact, and will seek the conclusion of such agreements where they do not exist. They will form an essential element of the Stability Pact.

7. We reaffirm that we are accountable to our citizens and responsible to one another for respect for OSCE norms and principles and for the implementation of our commitments. We also reaffirm that commitments with respect to the human dimension undertaken through our membership in the OSCE are matters of direct and legitimate concern to all States participating in the Stability Pact, and do not belong exclusively to the internal affairs of the State concerned. Respect for these commitments constitutes one of the foundations of international order, to which we intend to make a substantial contribution.

8. We take note that countries in the region participating in the Stability Pact commit themselves to continued democratic and economic reforms, as elaborated in paragraph 10, as well as bilateral and regional cooperation amongst themselves to advance their integration, on an individual basis, into Euro-Atlantic structures. The EU Member States and other participating countries and international organisations and institutions commit themselves to making every effort to assist them to make speedy and measurable progress along this road. We 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.

III. Objectives

9. The Stability Pact aims at strengthening countries in South Eastern Europe in their efforts to foster peace, democracy, respect for human rights and economic prosperity, in order to achieve stability in the whole region. Those countries in the region who seek integration into Euro-Atlantic structures, alongside a number of other participants in the Pact, strongly believe that the

implementation of this process will facilitate their objective.

10. To that end we pledge to cooperate towards:

- preventing and putting an end to tensions and crises as a prerequisite for lasting stability. This includes concluding and implementing among ourselves multilateral and bilateral agreements and taking domestic measures to overcome the existing potential for conflict;
- bringing about mature democratic political processes, based on free and fair elections, grounded in the rule of law and full respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, the right to free and independent media, legislative branches accountable to their constituents, independent judiciaries, combating corruption, deepening and strengthening of civil society;
- creating peaceful and good-neighbourly relations in the region through strict observance of the principles of the Helsinki Final Act, confidence building and reconciliation, encouraging work in the OSCE and other fora on regional confidence building measures and mechanisms for security cooperation;
- preserving the multinational and multiethnic diversity of countries in the region, and protecting minorities;
- creating vibrant market economies based on sound macro policies, markets open to greatly expanded foreign trade and private sector investment, effective and transparent customs and commercial/regulatory regimes, developing strong capital markets and diversified ownership, including privatisation, leading to a widening circle of prosperity for all our citizens;
- fostering economic cooperation in the region and between the region and the rest of Europe and the world, including free trade areas; promoting unimpeded contacts among citizens;
- combatting organised crime, corruption and terrorism and all criminal and illegal activities;
- preventing forced population displacement caused by war, persecution and civil strife as well as migration generated by poverty;
- ensuring the safe and free return of all refugees and displaced persons to their homes, while assisting the countries in the region by sharing the burden imposed upon them;

- creating the conditions, for countries of South Eastern Europe, for full integration into political, economic and security structures of their choice.

11. Lasting peace and stability in South Eastern Europe will only become possible when democratic principles and values, which are already actively promoted by many countries in the region, have taken root throughout, including in the Federal Republic of Yugoslavia. International efforts must focus on consolidating and linking areas of stability in the region to lay a firm foundation for the transition of the region as a whole to a peaceful and democratic future.

We declare that the Federal Republic of Yugoslavia will be welcome as a full and equal participant in the Stability Pact, following the political settlement of the Kosovo crisis on the basis of the principles agreed by G8 Foreign Ministers and taking into account the need for respect by all participants for the principles and objectives of this Pact.

In order to draw the Federal Republic of Yugoslavia closer to this goal, respecting its sovereignty and territorial integrity, we will consider ways of making the Republic of Montenegro an early beneficiary of the Pact. In this context, we welcome involvement in our meetings of representatives of Montenegro, as a constituent Republic of the Federal Republic of Yugoslavia. We also note the intention of the European Union and other interested participants to continue to work closely with its democratically elected government.

IV. Mechanisms of the Stability Pact

12. To reach the objectives we have set for ourselves, we have agreed to set up a South Eastern Europe Regional Table. The South Eastern Europe Regional Table will review progress under the Stability Pact, carry it forward and provide guidance for advancing its objectives.

13. The Stability Pact will have a Special Coordinator, who will be appointed by the European Union, after consultation with the OSCE Chairman in Office and other participants, and endorsed by the OSCE Chairman in Office. The Special Coordinator will chair the South Eastern Europe Regional Table and will be responsible for promoting achievement of the Pact's objectives within and between the individual countries, supported by appropriate structures tailored to need, in close cooperation with the governments and relevant institutions of the countries, in particular other interested associated countries of the European Union, as well as relevant international organisations and institutions concerned. The Special Coordinator will provide periodic progress reports to the OSCE, according to its procedures,

on behalf of the South Eastern Europe Regional Table.

14. The South Eastern Europe Regional Table will ensure coordination of activities of and among the following Working Tables, which will build upon existing expertise, institutions and initiatives and could be divided into sub-tables:

- Working Table on democratisation and human rights;
- Working Table on economic reconstruction, development and cooperation;
- Working Table on security issues.

15. Responsibilities for these Working Tables are referred to in the Annex to this document. The Working Tables will address and facilitate the resolution of the issues entrusted to them by arrangements to be agreed at each table.

16. The South Eastern Europe Regional Table and the Working Tables will consist of the participants of the Stability Pact. The facilitator States, Organisations and Institutions as well as the regional initiatives referred to in paragraph 1 of this document are entitled to participate in the Working Tables and in the South Eastern Europe Regional Table if they so wish. Neighbouring and other countries, in particular other interested associated countries of the EU, as well as relevant international organisations and institutions may be invited as participants or observers, as appropriate, and without any ensuing commitment to the future, to the South Eastern Europe Regional Table and/or the Working Tables, in order to contribute to the objectives of the Stability Pact.

V. Roles of and Cooperation between Participants

17. Work in the Stability Pact should take into account the diversity of the situation of participants. To achieve the objectives of this Pact, we will provide for effective coordination between the participating and facilitating States, international and regional Organisations and Institutions, which have unique knowledge and expertise to contribute to the common endeavour. We look to the active and creative participation by all concerned to bring about the conditions which will enable the countries in the region to seize the opportunity represented by this Pact. Each of the participants will endeavour to ensure that the objectives of the Stability Pact are furthered in their own participation in all relevant international Organisations and Institutions.

Role of the EU

18. We welcome the European Union's initiative in launching the Stability Pact and the leading role the EU is playing, in cooperation with other participating and facilitating States, international Organisations and Institutions. The launching of the Pact will give a firm European anchorage to the region. The ultimate success of the Pact will depend largely on the efforts of the States concerned to fulfil the objectives of the Pact and to develop regional cooperation through multilateral and bilateral agreements.

19. We warmly welcome the European Union's readiness to actively support the countries in the region and to enable them to achieve the objectives of the Stability Pact. We welcome the EU's activity to strengthen democratic and economic institutions in the region through a number of relevant programmes. We note progress towards the establishment and development of contractual relations, on an individual basis and within the framework of its Regional Approach, between the EU and countries of the region. We take note that, on the basis of the Vienna European Council Conclusions, the EU will prepare a "Common Strategy towards the Western Balkans", as a fundamental initiative.

20. The EU will draw the region closer to the perspective of full integration of these countries into its structures. In case of countries which have not yet concluded association agreements with the EU, this will be done through a new kind of contractual relationship taking fully into account the individual situations of each country with the perspective of EU membership, on the basis of the Amsterdam Treaty and once the Copenhagen criteria have been met. We note the European Union's willingness that, while deciding autonomously, it will consider the achievement of the objectives of the Stability Pact, in particular progress in developing regional cooperation, among the important elements in evaluating the merits of such a perspective.

Role of the countries in the region

21. We highly appreciate the contribution and the solidarity of the countries in the region with the efforts of the international community for reaching a peaceful solution on Kosovo. We welcome the efforts so far deployed and results achieved by countries in South Eastern Europe towards democratisation, economic reform and regional cooperation and stability. These countries will be the main beneficiaries of the Pact and recognise that its successful implementation, and the advance towards Euro-Atlantic structures for those seeking it depend decisively on their commitment to implement the objectives of the Pact, in particular on their willingness to cooperate on a bilateral and multilateral level and to promote the objectives of the Pact within their own respective national structures.

Role of the OSCE

22. We welcome the OSCE's intention, as the only pan-European security organisation and as a regional arrangement under Chapter VIII of the UN Charter and a primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation, to make a significant contribution to the efforts undertaken through the Stability Pact. We reaffirm that the OSCE has a key role to play in fostering all dimensions of security and stability. Accordingly, we request that the Stability Pact be placed under the auspices of the OSCE, and will rely fully on the OSCE to work for compliance with the provisions of the Stability Pact by the participating States, in accordance with its procedures and established principles.

23. We will rely on the OSCE institutions and instruments and their expertise to contribute to the proceedings of the South Eastern Europe Regional Table and of the Working Tables, in particular the Working Table on Democratisation and Human Rights. Their unique competencies will be much needed in furthering the aims and objectives of the Stability Pact. We express our intention, in cases requiring OSCE involvement with regard to the observance of OSCE principles in the implementation of the Stability Pact, to resort, where appropriate, to the instruments and procedures of the OSCE, including those concerning conflict prevention, the peaceful settlement of disputes and the human dimension. States parties to the Convention establishing the Court of Conciliation and Arbitration may also refer to the Court possible disputes and ask for the non-binding opinion of the Court.

Role of the Council of Europe

24. We welcome the Council of Europe's readiness to integrate all countries in the region into full membership on the basis of the principles of pluralist democracy, human rights and the rule of law. The Council of Europe can make an important contribution to the objectives of the Pact through its parliamentary and intergovernmental organs and institutions, its European norms embodied in relevant legally-binding Conventions, primarily the European Convention of Human Rights (and the Court), its instruments and assistance programmes in the fields of democratic institutions, human rights, law, justice and education, as well as its strong links with civil society. In this context, we take note with great interest of the Council of Europe's Stability Programme for South East Europe to be implemented, together and in close

coordination with the countries concerned and other international and regional organisations active in the field.

Role of the UN, including UNHCR

25. We underline the UN's central role in the region for peace and security and for lasting political normalisation, as well as for humanitarian efforts and economic rehabilitation. We strongly support UNHCR's lead agency function in all refugee-related questions, in particular the protection and return of refugees and displaced persons and the crucial role undertaken by WFP, UNICEF, WHO, UNDP, UNHCHR and other members of the UN system. We look forward to the active involvement of relevant UN agencies in the South Eastern Europe Regional Table. We note that the UN Economic Commission for Europe has expertise which can usefully contribute to the proceedings of the Working Tables of the Stability Pact.

Role of NATO

26. We note NATO's decision to increase cooperation with the countries of South Eastern Europe and its commitment to openness, as well as the intention of NATO, the Euro-Atlantic Partnership Council and the Partnership for Peace to work in cooperation with other Euro-Atlantic structures, to contribute to stability and security and to maintain and increase consultations with the countries of the region. We call for their engagement, in conformity with the objectives of the Pact, in regional security cooperation and conflict prevention and management. We welcome these stabilization activities aimed at promoting the objectives of this Pact. The enhanced use of NATO's consultative fora and mechanisms, the development of an EAPC cooperative mechanism and the increased use of Partnership for Peace programmes will serve the objectives of overall stability, cooperation and good-neighbourliness envisaged in the Pact.

The members of NATO and a substantial number of other participants underscore that the Alliance has an important role to play in achieving the objectives of the Pact, noting in particular NATO's recent decisions to reach out to countries of the region.

Role of the United States of America

28. Having worked closely with the European Union to launch this Pact, the United States of America will continue to play a leading role in the development and implementation of the Pact, in cooperation with other participants and facilitators. We believe that the active role of the United States underscores the vital importance attached by countries of the region to their inte-

gration into Euro-Atlantic structures.

We note the United States' readiness to support this objective, as these countries work to become as strong candidates as possible for eventual membership in Euro-Atlantic institutions. We welcome the ongoing contribution of the United States, including through economic and technical assistance programmes, and through its shared leadership in International financial Institutions, to the States of South Eastern Europe. The United States will coordinate and cooperate with the other donors to ensure the maximum effectiveness of assistance to the region.

Role of the Russian Federation

29. Russia has played and continues to play a key role in the region. Russian efforts and contribution to achieving a peaceful solution of conflicts there, in particular of the Kosovo crisis, are appreciated. Having been involved at an early stage in the launching of this Pact, the Russian Federation will continue to play a leading and constructive role in development and implementation of the Pact, in cooperation with the EU, the UN, the OSCE, the Council of Europe, international economic and financial organisations and institutions, as well as regional initiatives and individual states. The Russian Federation can make a valuable contribution to activities aimed at promoting peace, security and post-conflict cooperation.

Role of the IFIs

30. The IMF, the World Bank, the EBRD and the EIB, as the European Union financing institution, have a most important role to play, in accordance with their specific mandates, in supporting the countries in the region in achieving economic stabilisation, reform, and development of the region. We rely on them to develop a coherent international assistance strategy for the region and to promote sound macro-economic and structural policies by the countries concerned. We call on these International Financial Institutions to take an active part in the South Eastern Europe Regional Table and the relevant Working Tables.

Role of the OECD

31. We note the OECD's unique strength as a forum for dialogue on medium-term structural policy and best practices. We rely on the OECD in consideration of its well-known competence in dealing with economies in transition and its open dialogue with the countries of South Eastern Europe, to take an active part in the South Eastern Europe Regional Table and to assist in the process of economic reconstruction, the strengthening of good governance

and administrative capacities and the further integration of affected States into the European and global economy.

Role of the WEU

32. We welcome the role which the WEU plays in promoting stability in the region. We note in this respect the contribution to security the WEU makes, at the request of the European Union, through its missions in countries in the region.

VI. Regional Initiatives and Organisations

33. We stress our interest in viable regional initiatives and organisations which foster friendly cooperation between neighbouring States. We welcome sub-regional cooperation schemes between participating countries. We will endeavour to ensure cooperation and coordination between these initiatives and the Stability Pact, which will be mutually reinforcing. We will build on their relevant achievements.

34. We note that the Royaumont process has already established a dynamic framework for cooperation in the area of democracy and civil society. Therefore, Royaumont has a key role to play in this area, particularly within the framework of the first Working Table of the Stability Pact.

35. We note the role of the Organisation of the Black Sea Economic Cooperation in promoting mutual understanding, improving the overall political climate and fostering economic development in the Black Sea region. Welcoming its engagement to peace, security and stability through economic cooperation, we invite the BSEC to contribute to the implementation of the Stability Pact for South Eastern Europe.

36. We note that the Central European Initiative has established, with countries in the region, a stable and integrated framework of dialogue, coordination and cooperation in the political, economic, cultural and parliamentary fields. On the basis of its experience, it has an important role to play in the framework of the South Eastern Europe Regional Table.

37. We note that the South East Europe Cooperation Initiative (SECI) has developed an innovative approach to economic and infrastructure related cooperation in the region by facilitating joint decision-making by the South Eastern European countries in its areas of activity. As such, it has a key role to play concerning regional economic issues, in particular the removal of disincentives to private investment in the region, in the framework of the Stability Pact.

38. We commend the South Eastern Europe Cooperation Process as a further successful regional cooperation scheme. We encourage its further development and institutionalisation, including the finalisation of its charter on good-neighbourly relations and cooperation.

39. We note the contribution in the security dimension of the South Eastern European Defence Ministers (SEDM) group, which has brought the countries of the region and other nations into a variety of cooperative activities which enhance transparency and mutual confidence, such as the new Multinational Peace-Keeping Force for South East Europe.

40. We expect the proposed Conference on the Adriatic and Ionian Sea region to provide a positive contribution to the region.

VII. International Donor Mobilisation and Coordination Process

41. We reaffirm our strong commitment to support reconstruction, stabilisation and integration for the region, and call upon the international donor community to participate generously. We welcome the progress made by the World Bank and the European Union, through the European Commission, towards establishing a donor coordination process. This process will closely interact with the relevant Working Table, and will identify appropriate modalities to administer and channel international assistance. The World Bank and the European Commission will also be responsible for coordinating a comprehensive approach for regional development and the necessary donors conferences.

VIII. Implementation and Review Mechanisms

42. Effective implementation of this Pact will depend on the development and the strengthening of administrative and institutional capacity as well as civil society in the countries concerned - both at national and local level - in order to reinforce the consolidation of democratic structures and have longer-term benefits for effective administration and absorption of international assistance for the region.

43. The South Eastern Europe Regional Table and the Working Tables will be convened for their inaugural meetings at the earliest possible opportunity at the invitation of the Presidency of the European Union. They will work to achieve concrete results according to agreed timelines, in conformity with the objectives of the Stability Pact. The South Eastern Europe Regional Table will meet periodically, at a level to be determined, to review progress made by the Working Tables. The South Eastern Europe Regional Table will pro-

vide guidance to the Working Tables.

ANNEX

Organisation of the South Eastern Europe Regional Table and the Working Tables of the Stability Pact for South Eastern Europe

- A. The South Eastern Europe Regional Table will carry forward the Stability Pact by acting as a clearing house for all questions of principle relating to the substance and implementation of the Stability Pact as well as a steering body in the Stability Pact process. The South Eastern Europe Regional Table will provide guidance to the Working Tables.
- B. The Working Tables are instruments for maintaining and improving good-neighbourly relations in the region by constructively addressing and facilitating the resolution of the issues entrusted to them. The objectives of the Working Tables will be in particular:
 - the discussion of issues in a multilateral framework conducive to the definition of ways to address shortfalls and to the settlement of differences by arrangements and agreements, drawing on the expertise and support of participants as well as facilitator States, Organisations, Institutions and regional initiatives, in particular from the OSCE and the Council of Europe;
 - the identification of projects aimed at facilitating the achievement of arrangements, agreements and measures in conformity with the objectives of the Pact. Special attention is to be given to projects which involve two and more countries in the region.
 - where necessary, the injection of momentum in areas where further progress should be achieved.
- C. Each Working Table will address the following range of issues and will decide, as appropriate, whether the establishment of sub-tables, comprising the participants and facilitators, will be necessary;
 - Working Table on democratisation and human rights, which will address:
 - i. democratisation and human rights, including the rights of persons belonging to national minorities; free and independent media; civil society building; rule of law and law enforcement; institution building; efficient administration and good governance; development of common rules of conduct on border related questions; other related questions of interest to the participants;
 - ii. refugee issues, including protection and return of refugees and displaced persons;

- Working Table on economic reconstruction, development and cooperation, including economic cooperation in the region and between the region and the rest of Europe and the world; promotion of free trade areas; border-crossing transport; energy supply and savings; deregulation and transparency; infrastructure; promotion of private sector business; environmental issues; sustainable reintegration of refugees; other related questions of interest to the participants, while maintaining the integrity of the donor coordination process;
 - Working Table on security issues, which will:
 - i. address justice and home affairs, as well as migratory issues; focus on measures to combat organised crime, corruption, terrorism and all criminal and illegal activities, transboundary environmental hazards; other related questions of interest to the participants;
 - ii. receive regular information from the competent bodies addressing transparency and confidence-building measures in the region. This Table will also encourage continued implementation of the Dayton/Paris Article IV Arms Control Agreement and progress of the negotiations of Article V, and should consider whether, at an appropriate time, further arms control, security and confidence building measures might be addressed, by the competent bodies, taking into account existing obligations and commitments under the CFE Treaty.
 - iii. receive regular information from the competent bodies addressing cooperation on defence/military issues aimed at enhancing stability in the region and among countries in the region, and facilitate the sustained engagement of all concerned to ensure regional security, conflict prevention and management. The work of this Table will complement and be coherent with efforts for the security of this region undertaken by various European and Euro-Atlantic initiatives and structures.
- D. The Working Tables will establish work plans in conformity with the objectives of the Stability Pact. Within the range of their competence, they can establish side tables or call meetings and conferences on matters of a specific or sub-regional nature. In this context, special attention is to be given to fostering the exchange between private citizens (in particular youth), societal groups, entrepreneurs and companies as well as non-governmental organisations and their respective counterparts in the various countries of the region. They will, in particular, pay attention to the coherence and consistency of their work with existing activities and seek to promote complementarity and synergy, as well as avoid duplication, with existing activities.
- E. The Chairmanship of the Working Tables will be established by the

South Eastern Europe Regional Table. The Working Tables will report to the South Eastern Europe Regional Table. The respective chairs of the South Eastern Europe Regional Table and the Working Tables will meet periodically and as necessary to discuss and coordinate the activities of the Working Tables and to monitor progress.

- F. The location and timing of the individual Working Tables should be arranged to facilitate, to the extent possible, the attendance of participants who may take part in more than one Working Table, without excluding different Tables developing their own calendars according to their respective dynamics. Tables could take place either in rotation in the countries of the region or at the invitation of individual countries or of the European Union or in Vienna, at the venue of the Permanent Council of the OSCE.
- G. The host country, or host organisation, should provide at its expense meeting facilities, such as conference rooms, secretarial assistance and interpretation. The European Union has expressed its readiness to bear such expenses when meetings are held at the seat of its institutions.

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1. Introduction

The Sixth Meeting of the Ministerial Council held on 18 and 19 December 1997 in Copenhagen took stock of the discussion on a Common and Comprehensive Security Model for Europe for the twenty first century. The participating States decided, among other things, on guidelines for an OSCE Document-Charter on European Security. The Ministerial Council emphasized in its decision that a politically binding Document-Charter should "take a further step with regard to standards and practices of OSCE participating States" and "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". One of the essential elements of the future Document-Charter will be a Platform for Co-operative Security. The Organization's activities in 1998 were significantly influenced by the decision, 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, to work actively to increase the OSCE's co-operation with other international institutions and organizations. The discussion on a Platform for Co-operative Security as a proposed element of the Document-Charter on European Security reflects the participating States' goal of further strengthening the interlocking and mutually reinforcing nature of co-operation between international institutions and organizations concerned with the promotion of comprehensive security in Europe.

Under the Chairmanship of Polish Foreign Minister Bronislaw Geremek, the OSCE has evolved further as a "primary instrument for conflict prevention, crisis management, and post-conflict rehabilitation". During the reporting period (1 December 1997 to 30 November 1998) the international community was confronted with new challenges to European security and stability. In responding to these crises, the OSCE focused on the need to strengthen pragmatic co-operation among the various international organizations contributing to European security - not as a goal in itself, but rather as a means. The Organization continued its involvement in Albania, where its Presence was given the role of providing a co-ordinating framework for international organizations present in the country. This role was enhanced in connection with the situation in the neighbouring Federal Republic of Yugoslavia province of Kosovo and the renewed unrest in Albania.

The OSCE has repeatedly condemned the excessive and indiscriminate use of force during police and military actions in Kosovo (FRY). The Organization has expressed deep concern about the continued flow of refugees driven by violence across the borders to neighbouring countries. It has also called on all concerned to oppose violence as a means of achieving political ends and called for unconditional and meaningful dialogue, based on full observance of OSCE principles and commitments. On 11 March, the Permanent Council called on the Federal Republic of Yugoslavia to accept without preconditions

an immediate return of the OSCE missions of long duration to Kosovo, Sandjak and Vojvodina and allow the Chairman-in-Office's Personal Representative for FRY, Mr. Felipe González to carry out his mandate, i.e. to assist the Federal Republic of Yugoslavia in promoting internal dialogue and democratic reforms as well as to pay special attention to the FRY's adherence to the International Community's demands regarding a solution of the problem in Kosovo.

In July, exploratory talks between the OSCE and the FRY were initiated on the basis of a joint statement by Presidents Yeltsin and Milosevic, issued on 16 June 1998. As a result of the first round, an OSCE Technical Assessment Mission was sent to the FRY, in mid-July. The Mission concluded that high-level international involvement in the negotiation process was essential given the total lack of trust between the two communities in Kosovo. It further expressed concern about the humanitarian situation.

Pursuant to UN Security Council Resolution 1160, the Chairman-in-Office has reported regularly to the UN Secretary General on the situation in Kosovo and on measures taken by the OSCE in that respect.

Owing to the continuing deterioration of the situation in Kosovo (FRY), and pursuant to the resolution of the United Nations Security Council calling upon the OSCE to establish a Mission in Kosovo (FRY) to verify the FRY's implementation of Resolutions 1160 and 1199 of the UN Security Council, the Permanent Council decided on 25 October to establish the Kosovo Verification Mission (KVM) for one year, with the possibility of extensions. The KVM is expected to deploy its permanent presence, consisting of two thousand persons, at as many locations throughout Kosovo as it deems necessary to fulfil its responsibilities. The OSCE will establish co-operation with other organizations to allow the KVM to accomplish all its objectives most effectively. The KVM will, to the extent possible, assist UNHCR, ICRC and other international organizations in facilitating the return of displaced persons to their homes, and the provision of humanitarian assistance to them by the FRY, Serbian and Kosovo authorities as well as humanitarian organizations and NGO's.

The OSCE strengthened border monitoring in Albania and in the former Yugoslav Republic of Macedonia by enhancing the capabilities of the OSCE Presence in Albania and the OSCE Spillover Monitor Mission in Skopje in order to allow for adequate observation of the borders with the FRY and to prevent possible spillover effects. Working closely with monitors from the European Community Monitoring Mission (ECMM), the border monitoring operation in Albania also helps facilitate the work of UNHCR, the ICRC and other international and humanitarian organizations in the area.

Attempting to deal with the widespread violence and the breakdown of public order in Albania, European organizations spoke with one voice as the first step in concerted international efforts. A joint visit of the OSCE and the Council of Europe to Tirana was followed by a declaration issued by the

OSCE Chairman-in-Office, the President of the European Union Council, the Chairman of the Committee of Ministers of the Council of Europe, and the Chairman-in-Office of the WEU Council on 23 September 1998 which called upon the government and the opposition to show moderation.

In the past year, the OSCE was called upon by its participating States to apply a flexible range of tools in innovative ways. In Croatia, the OSCE took on the unprecedented task of deploying civilian police monitors in the Croatian Danube region following the expiration of the mandate of the United Nations Police Support Group (UNPSG). This task includes monitoring of the operational aspects of traditional police work, providing assistance and expertise to Croatian police and other law enforcement authorities in dealing with issues that include community-oriented policing and protection of human rights of displaced persons, refugees and persons belonging to national minorities.

Together with the Croatian government, the OSCE Mission is already playing an important role in reconciliation, the two-way return of refugees and the protection of human rights and the rights of persons belonging to national minorities - tasks it assumed following the expiration of the mandate of the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium on 15 January 1998.

The handover from the UN to the OSCE in both cases was seamless, and based on close co-operation. The Croatia example underscores the need for close co-operation among international organizations, and points to the OSCE's ability to respond to new challenges.

The OSCE has continued to play a leading role in the international community's civilian stabilization efforts in Bosnia and Herzegovina. The past year saw the OSCE supervising elections to the National Assembly in Republika Srpska on 22 and 23 November 1997, Mr. Javier Ruperez of the OSCE Parliamentary Assembly being appointed by the OSCE's Chairman-in-Office as his Special Representative for the assessment of those elections. While the election was well administered, it had been grafted onto a political environment which falls short of democratic standards. The OSCE also supervised the parliamentary and presidential elections, and the fourth OSCE-supervised elections in Bosnia and Herzegovina, which took place on 12 and 13 September 1998. During the weeks leading up to the elections, the OSCE Mission to Bosnia and Herzegovina was engaged in activities designed to promote a fair and democratic election process. The election supervision role in Bosnia and Herzegovina is quite unprecedented, not only in terms of the range of responsibilities of the Organization, but also in its sheer scale.

The OSCE also played an important role in post-conflict military stabilization in Bosnia and Herzegovina. A vital component of its efforts in Bosnia and Herzegovina was arms control undertaken under Article IV (the Agreement on Subregional Arms Control, aimed at 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) of Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina. Under the auspices of the OSCE, the limits established under the Agreement on Subregional Arms Control, which came into effect in late 1997, resulted in a significant reduction in the level of arms holdings, with some 6,600 armaments destroyed. An effective inspection regime, routine exchange of information on military forces, and a constructive working relationship with the Subregional Consultative Commission were established. The Article IV process, which is considered a success by the Personal Representative of the Chairman-in-Office of the OSCE, General Carlo Jean, and the Parties concerned, has been an important confidence-building measure and an essential part of the peace-building process in the region.

Successful implementation of Article IV has always been an implicit precondition for the negotiation of Article V of Annex 1-B, which aims at establishing "a regional balance in and around the former Yugoslavia". In the last few months, the OSCE has been holding consultations on a precise mandate for the negotiations on this Article.

The democracy-building and stabilizing role of the OSCE in Bosnia and Herzegovina are a key element in the overall strategy of the international community, in which a number of international organizations and institutions play roles in keeping with their comparative advantages.

Turning to other regions, the OSCE's Advisory and Monitoring Group in Belarus began operating in early 1998, under the direction of Ambassador Hans-Georg Wieck, to "assist the Belarusian authorities in promoting democratic institutions and in complying with other OSCE commitments; and monitor and report on this process". The OSCE has confirmed in this way its commitment to continued support in the transformation of the country into a fully developed democracy.

Reflecting the willingness of the Central Asian States to step up OSCE activities in their respective countries, the OSCE increased the international staff of its Liaison Office in Central Asia and decided to open up new centres in Ashgabad (Turkmenistan), Bishkek (Kyrgyz Republic), and Almaty (Kazakhstan). These decisions will allow the OSCE to enhance its role in the whole of Central Asia as well as the scope of its co-operation with those States.

But the past year also saw the fulfilment of one of the OSCE's mandates: in line with the "Agreement between the Republic of Latvia and the Russian Federation on the Legal Status of the Skrunda Radar Station during its Temporary Operation and Dismantling" of April 1994, which the OSCE has assisted in implementing, the Russian Federation on 31 August 1998 fulfilled its obligation to close down the station. The successful implementation of the agreement is an excellent example of how the OSCE can assist participating States in solving difficult bilateral issues.

In the OSCE's work with neighbouring regions, and in the light of the continued interest shown by the Mediterranean partners in becoming better acquainted with OSCE activities, the participating States, wishing to improve the quality of the Organization's interaction with the Mediterranean partners for co-operation, have decided that OSCE missions will, on a case-by-case basis, receive representatives of the partners for co-operation for short-term visits, and that the ODIHR will make arrangements for the inclusion of observers sent by them in election monitoring or supervision operations conducted by the OSCE. Jordan was welcomed as a Mediterranean partner for co-operation in May 1998.

There have also been numerous institutional changes in the OSCE, aimed at making the Organization more effective. In fulfilment of a decision taken at the Lisbon Summit Meeting in December 1996, a new institution was created in the OSCE, namely the Office of the OSCE Representative on Freedom of the Media. Under the guidance of the Representative, Mr. Freimut Duve, the Office has in the past year become a fully functioning institution and has highlighted the OSCE's continuing commitment to freedom of the media. Central to the functioning of this new Office has been the ability of the Representative and his staff to visit countries and assess, at first hand, their governments' commitment to freedom of the media. These visits have been designed to gain exposure to what this new Office has identified as its "Four Constituencies": Governments, Parliaments, non-governmental media organizations (NGOs), and the media practitioners themselves.

As called for by the Lisbon Summit Meeting in December 1996, a Co-ordinator of OSCE Economic and Environmental Activities was appointed to the Secretariat in early 1998. The Co-ordinator is charged with "strengthening the ability of the Permanent Council and the OSCE Institutions to address economic, social and environmental aspects of security". One of his major tasks during the reporting period was the preparation of the Sixth Economic Forum of the OSCE which took place in Prague from 1 to 5 June 1998, and dealt with two issues: the security aspects of energy development in the OSCE area and the economic dimension implementation review conference. The environmental problems that the Central Asian States face today were discussed at a Seminar on Regional Environmental Problems and Solutions in Tashkent, (22-24 September).

With reference to internal matters, the participating States adopted and put in place a new financing mechanism for larger OSCE missions and projects. Following a decision of the Copenhagen Ministerial Council, an open-ended group of experts working in close co-operation with the Chairman-in-Office and the Secretary General submitted to the Permanent Council a proposal on ways of enhancing the Secretariat's operational capabilities which was approved on 1 October 1998. As a result, the Secretary General reorganized the Secretariat on the basis of two main departments: The Conflict Prevention Centre and the Department for Administration and Operations. Work on a

training strategy focusing on the field activities was started. An Information Systems Strategic Plan, a three-year strategic review that examines both critical information system needs and the opportunities provided by information systems technology to enhance the efficiency, effectiveness and quality of the Organization, was presented. The critical information system needs were agreed upon by the participating States.

II. Activities of the OSCE

1. Political Consultations and Negotiations

The Permanent Council (PC), the main body for political consultations and decision-making of the OSCE, adopted 75 decisions during the reporting period. These decisions provided political guidance for OSCE activities.

Four reinforced PC meetings took place during the review period: on 27 March, 17 July, 23 October and 12 November. The participants reviewed the progress made in developing a Document-Charter on European Security and assessed the OSCE's 1998 activities. The October meeting, held with the participation of the Chairman-in-Office, Professor Geremek, focused on regional issues.

No Senior Council meetings took place in 1998.

The Security Model Committee continued to discuss the question of a Document-Charter on European Security, establishing two working groups (WGA and WGB) on specific subjects. A special informal meeting of the Security Model Committee with representatives of the Western European Union, the North Atlantic Treaty Organization, the Commonwealth of Independent States and the Council of Europe took place on 3 July, and one with representatives of United Nations institutions took place on 29 October.

2. *Early Warning, Conflict Prevention and Crisis Management, and Post-Conflict Rehabilitation*

Early warning, conflict prevention and crisis management, and post-conflict rehabilitation remained the OSCE's primary tasks. Through its missions and its field activities, the OSCE continued to serve as an effective instrument at all conflict cycle phases. During the reporting period the OSCE's field presence was augmented considerably.

The most important development in 1998 was the decision to establish an OSCE Verification Mission in Kosovo, Federal Republic of Yugoslavia; this field operation is the largest and most complicated ever undertaken by the OSCE. In 1998 the OSCE increased the international staff of its Liaison Office in Central Asia and decided to open centres in Ashgabad (Turkmenistan), Bishkek (Kyrgyz Republic) and Almaty (Kazakhstan). The OSCE's Advisory and Monitoring Group in Belarus began operating early in 1998. The OSCE strengthened its border monitoring in Albania and the former Yugoslav Republic of Macedonia by enhancing the capabilities of the OSCE Presence in Albania and of the OSCE Spillover Monitor Mission in Skopje in order to ensure adequate observation of the borders with the Federal Republic of Yugoslavia and to prevent spillover effects from the crisis in Kosovo. The OSCE Mission in Croatia was increased, with the deployment of civilian police monitors in the Croatian Danube region. Further implementation of the arms control provisions of the General Framework Agreement for Peace in Bosnia and Herzegovina led to considerable progress as regards post-conflict military stabilization in Bosnia and Herzegovina.

In accordance with their mandates, elaborated by the participating States, the OSCE field missions carried out multifaceted activities, taking advantage of the range of tools available to them. They monitored respect for human rights and assisted in the consolidation of democratic institutions. In addition, some missions carried out specific activities ranging from the integration of non-citizens to police monitoring and civilian stabilization efforts.

2.1 *OSCE Missions*

2.1.1 *Missions of Long Duration in Kosovo, Sandjak and Vojvodina*

During 1998, the missions continued to be unable to implement their mandate as the Federal Republic of Yugoslavia continued to link their reactivation to the country's participation in the OSCE. Following the eruption of the Kosovo crisis in February 1998, the Permanent Council, in its Decision No. 218 of 11 March, called upon the authorities of the Federal Republic of Yugoslavia to accept the immediate return of the missions. The United Nations Security Council and the Contact Group reiterated that demand on several occasions, but no progress was made until the agreement of

13 October between President Milosevic and United States Special Envoy Holbrooke regarding the establishment of an OSCE Kosovo Verification Mission (for information about the Kosovo Verification Mission see chapter 2.2.4).

The ad hoc "watch group" continued to meet regularly, in Vienna, in order to assess analyses of the situation in Kosovo, Sandjak and Vojvodina provided by participating States, transmitting information to the Permanent Council on a weekly basis.

2.1.2 Spillover Monitor Mission to Skopje

The Mission has continued to implement its mandate, which remains unchanged. It began the year with an international staff of four, which was raised by June to eight persons with the addition of temporary border monitors in connection with the crisis emerging in Kosovo (FRY).

The additional focus on border monitoring and the increased risks of 'spillover' from Kosovo (FRY) have characterized the Mission's work. In addition, the Mission has maintained dialogue with the Government and with the minorities in seeking to defuse tensions. It has made particular efforts in the economic dimension - one of its members is focusing on this task - in an attempt to promote the economic growth which is crucial to general stability and security. The Mission has sought to bring business and investment opportunities to the attention of donors, to improve the range and quality of its economic reporting, and to work in tandem with aid and other international organizations and financial institutions to identify sectors for development - thus serving in a certain sense as a catalyst.

The Mission has co-operated closely with the UN, particularly in co-ordinating the efforts of other international and non-governmental organizations to assist the host State with the development of democratic institutions.

Working with the ODIHR and the Government, the Mission contributed to the creation of a new body of electoral law prior to the parliamentary elections in October 1998. The law in question achieved broad support among political parties. The Mission played a key role in support of the ODIHR by arranging for international observation of the elections, recruiting some 50 observers from the local international community and thus significantly reducing the cost of the operation and strengthening it with local expertise. Throughout the electoral period the Mission collaborated closely with the European Media Institute concerning media coverage and it provided the National Broadcasting Council with advisory support and information material. The Mission, in co-operation with the ODIHR, was also active in monitoring the electoral campaigns and the voting in the rounds of elections.

The Mission has continued to support the work of the HCNM. In May 1998 it again organized a national marathon team relay linking the cities of Skopje

and Tetovo, drawing teams from all parts of the community, with over 400 participants from all ethnic groups.

2.1.3 Mission to Georgia

During the period under review the Mission has continued to work on all aspects of its mandate. Although progress has been slower than expected, the visit of the Chairman-in-Office has given fresh impetus to OSCE assistance in the regulation of the conflicts in the country.

As regards the settlement of the Georgian-Ossetian conflict, the security situation in the conflict zone has further improved and co-operation between the two sides in upholding law and order has become routine. Relations between the Mission and the Joint Peacekeeping Force have remained cordial. The efforts of the Mission to bring about more regular meetings between the leaders of the two sides have borne fruit. The meeting of President Shevardnadze with the South Ossetian leader Chibirov in Java in November 1997 was followed by another meeting in Borjomi on 20 June 1998, with the Head of Mission present and intervening in both meetings. These meetings laid the general groundwork for more specific efforts by the negotiators, efforts which, however, have not yet materialized. The Georgian side has shown some hesitation to engage the Ossetian side by putting on the table concrete proposals on how to move towards a political settlement. Russia, mainly as a consequence of the change of government, has allowed a lapse in the work of the Joint Control Commission, which last met in September 1997. For the same reasons, an earlier promise of a Russian-Georgian agreement on economic assistance to South Ossetia remains to be fulfilled. The Mission has constantly urged progress on these matters and will continue to do so.

While the spontaneous return of refugees and internally displaced persons (IDPs) has picked up speed, the process of organized return still leaves much to be desired. The Mission has regularly provided the political back-up needed for the relevant efforts of the UNHCR and the Norwegian Refugee Council. Moreover, the Mission is co-ordinating international efforts to advise the Georgian authorities on how to solve the question of a return of lost property to refugees and IDPs, a matter of particular importance in the context of a return of Georgian citizens of Ossetian nationality to the interior parts of Georgia.

As a consequence of earlier efforts by the Mission, international economic and humanitarian assistance to South Ossetia - as approved by the Georgian authorities - is now well established. A certain number of organizations, including NGOs, have established their presence in Tskhinvali alongside the Mission, which provides political advice and assistance whenever called upon to do so.

The work of the Mission on the Abkhaz question has significantly increased owing to the reactivation of the leading role of the UN in the relevant nego-

tiations (Geneva process). The Head of Mission, representing the CiO, fully participates in the three-layered mechanism created in November 1997 in Geneva and has confirmed the general commitment of the OSCE to assist in the human dimension of any agreement. However, no substantive progress on the traditional issues in this conflict (constitutional settlement, return of the refugees) has been made as yet. The flare-up of hostilities in the Gali district in May confirmed the Mission's views regarding the urgent necessity of reaching at least a temporary agreement on how to preserve, preferably with international assistance, law and order in the Gali District (Georgian-inhabited, but partly controlled by the Abkhaz). The Head of Mission has consistently appealed to the parties to accept a compromise on the following lines: the creation of safe and stable conditions for a definitive return of the refugees to the Gali district, to be accompanied by credible Georgian guarantees to put an end to partisan activities and by the initiation of measures for the economic rehabilitation of Abkhazia.

In the field of human rights and democratization, the Mission has substantially increased its commitment in terms of manpower: both in Tbilisi and in Sukhumi there are now two Mission members working in the respective human rights offices. Co-ordination with the ODIHR and with other international organizations has been significantly improved, a development to which the visit of Ambassador Gérard Stoudmann as head of a strong multilateral delegation in March 1998 substantially contributed. The Mission was also involved in organizing two visits by the High Commissioner on National Minorities, one to Tbilisi and one to Sukhumi. The Mission has paid particular attention to trials with a political connotation, to the functioning of the new Office of the Public Defender (Ombudsman), to human rights education in schools and to the issue of the Meskhetians, deported in 1944. In Sukhumi the Mission has assured the continuing functioning of the Human Rights Office during more than four months of absence of a UN-appointed Head of Office.

2.1.4 Mission to Estonia

Throughout 1998, the Mission has continued to monitor government policy and legislation relevant to the promotion of dialogue and understanding between the communities in Estonia. An amendment to the citizenship law to enable children born in Estonia from stateless parents to acquire Estonian citizenship has been introduced by the Estonian Government and is expected to be adopted by the Parliament.

The Mission has continued to monitor the issuing of aliens' passports, noting that the number of residence permits issued has kept increasing and that a number of residents without documents have obtained either a foreign passport or an alien's passport.

The Mission has been following and supporting the Estonian Government Integration Strategy, under way since the autumn of 1997, which is aimed at establishing a future policy on aliens with the following goals: changing of attitudes related to non-Estonians; significant reduction of the number of persons with undetermined citizenship; development of the Estonian educational system as the central integration factor; improvement in the knowledge of the Estonian language among non-Estonians; adaptation of non-Estonians to the Estonian cultural sphere and their active participation in Estonian society; reduction of regional isolation of non-Estonians (especially in Ida-Virumaa); and political integration of Estonian citizens who are not ethnic Estonians. With a view to promoting wide acceptance of the Integration Strategy among the population as a necessary basis for legislative support, the Mission organized and hosted, in April 1998, a lecture/presentation by the Estonian Minister for Ethnic Affairs, an event which found a very positive echo among Estonian official representatives and the public at large.

The Mission participated in the planning of an international seminar on the issue of establishing an ombudsman institution in Estonia entitled "Ombudsman - Protector of Human Rights" held in Tallinn in September 1998.

The Mission has continued its efforts to contribute to the integration process in Estonia through practical influence, awareness programmes and a number of concrete projects, many of which have been supported by NGOs and national institutions (such as the Estonian Foundation for the Integration of Non-Estonians, established in March 1998) as well as by international organizations and foreign donors (language training programmes for adults; language training for nurses in Ida-Virumaa; language training for teachers in Narva; education of Russian-speaking students in public administration; joint computer and language training for residents of children's homes; youth NGO activities in Narva; the drug users' rehabilitation centre in Narva; and integration of widows and divorcees of ex-Soviet military officers into Estonian society).

The Mission has encouraged the creation of NGOs, supported their work and assisted them in obtaining and exchanging information with a view to creating awareness of the potential for NGOs in civic society.

2.1.5 Mission to Moldova

The signing of the Moscow Memorandum "On the Bases for Normalization of Relations between the Republic of Moldova and Trans-Dniestria" in May 1997 gave rise to hopes that, in the months to follow, Chisinau and Tiraspol would find the necessary political will to agree on a special status for Trans-Dniestria and resolve the Trans-Dniestrian problem definitively. Although progress in dividing and delegating competences was made during the summer of 1997, and at a special negotiating session held near Moscow in October, no accord was reached. In November, the two sides committed themselves to establishing some twenty working groups in the social-economic sphere. Desultory expert talks continued into the winter, but early in February, after the tabling of a "Draft Declaration of Statehood of the 'Trans-Dniestrian Moldovan Republic'", they came to a halt. On the eve of 22 March 1998 parliamentary elections (which were monitored by the ODIHR, assisted by the Mission to Moldova), Presidents Kuchma and Lucinschi, Prime Minister Chernomyrdin and Mr. Smirnov met in Odessa and signed a document spelling out ten confidence-building measures, including the opening of the Dubasari Bridge and the introduction of Ukrainian military monitors into the Security Zone. In addition, they signed a protocol calling for the resumption of talks on an overall political settlement.

In accordance with its mandate, the Mission to Moldova "assisted the parties" at all stages of their negotiations. The "political framework for dialogue and negotiations" called for in the mandate has long existed. The parties should now seek to arrive at an accord.

As regards the military situation in Moldova, the Russian operational group now consists of approximately 2,800 officers and men. Some engineering equipment has been withdrawn from Trans-Dniestria, but the withdrawal of the arms and ammunition stored there cannot be said to have begun in earnest. The Mission's mandate calls on it to "encourage the participating States concerned in pursuing negotiations on an agreement on the status and the early, orderly and complete withdrawal of foreign troops." Such an agreement was concluded in October 1994, but it is not yet considered to be in force. Consequently, the instruction to the Mission from the December 1994 Budapest Review Conference to "follow closely" the implementation of the agreement cannot be complied with at present.

On the basis of principles of co-operation with the Joint Control Commission (JCC) agreed upon in 1996 and endorsed periodically since then, the Mission has attempted to facilitate the peace-keeping operations that the JCC supervises. The Mission's contributions have included behind-the-scenes mediation when the work of the JCC became deadlocked, the development of new rules of procedure for JCC meetings, and consultations with the Joint Military Command and with peace-keeping units in the field.

The Mission has extended its mediatory services in areas of particular sensitivity to both sides, such as education and transport. The fact that a compromise was reached this year on the question of School No. 20 in Tiraspol is primarily to the credit of the officials involved, who showed pragmatism and flexibility, but was in part due to early and effective mediation by the Mission's Human Dimension Officer.

The Mission continued to contribute to post-conflict rehabilitation in Gagauzia, dealt with innumerable human rights complaints and provided assistance in improving prison conditions.

The Mission has increasingly sought to communicate directly with the public by seeking access to the media on both sides of the Dniestr River. A major OSCE contribution to public discussion of the Trans-Dniestrian problem was a Seminar on the Relationship between Central and Regional Governments (Chisinau, 1-2 July 1998) organized by the Department for General Affairs of the OSCE Secretariat with the support of the Mission. The Seminar, opened by President Lucinschi and Secretary General Aragona, was attended by experts from OSCE participating States and representatives of international institutions and organizations. Unfortunately, Trans-Dniestrian representatives did not attend the Seminar, which nevertheless received considerable press coverage.

The Mission has established contacts with all parties to the Trans-Dniestrian conflict, in particular by meeting with legislators and actively supporting the principle that parliamentarians should play a role in the definitive resolution of the Trans-Dniestrian problem.

2.1.6 Mission to Latvia

During 1998, the Mission's main focus continued to be on the process of integrating the substantial non-citizen population into the mainstream of Latvian society. This entailed strengthening co-operation with the relevant governmental and other institutions, including key ministries and parliamentary commissions, with governmental agencies like the Naturalization Board and the Department for Citizenship and Migration Affairs (DCMA), with various NGOs and with various international organizations. The Mission was actively involved in the preparation of a public opinion survey designed to make clearer the reasons for the low number of applications for naturalization and encourage initiatives to promote the integration process. It kept in close touch with the DCMA on matters relating to the issuing of non-citizen passports, a process which - it is hoped - will be completed in 1999.

In its first such initiative, the Mission, with financial support from the Foundation on Inter-Ethnic Relations, organized a seminar which took place in the port city of Liepaja in May 1998. The seminar brought together representatives of various local communities to discuss their interrelations and ways of improving mutual understanding. The Mission continued to monitor the con-

duct of naturalization tests and to discuss with the Naturalization Board ways of further simplifying the procedures involved.

The Mission intensified its contacts with the institutions concerned with legislation relating to language, employment and education, which have a direct bearing on the promotion of peaceful integration in Latvia. It welcomed the outcome of the 3 October referendum, which is in favour of implementation of the amendments to the Citizenship Law adopted by the Saeima on 22 June 1998. This outcome should contribute significantly to the progress of naturalization.

The Head of Mission in his capacity as OSCE Representative to the Latvian-Russian Joint Commission on Military Pensioners continued to work with the Latvian and Russian authorities in the joint commission which handles problems connected with the retired Russian military personnel who stayed on in Latvia after the bulk of Russian forces was withdrawn in 1994.

2.1.7 Mission to Tajikistan

In its capacity as a guarantor of the Tajik Peace Agreement reached in June 1997, the Mission has during the past year concentrated on facilitating the implementation of the Agreement, and particularly of the protocols dealing with political issues, the return of refugees, and military issues. The Mission has been playing an active role in the weekly meetings of the Contact Group that monitors the implementation of the General Agreement. Supporting the Commission for National Reconciliation (CNR), the Mission is continuing to be involved in the issues of constitutional amendment, legislation on political parties, elections and mass media.

Together with the United Nations Mission of Observers in Tajikistan (UNMOT), the Mission is the focal point for election questions on which the two Missions alternately host meetings attended by representatives of all the international organizations concerned with the issue of elections in Tajikistan.

Since February 1998, the Mission has been an adviser to the CNR on the Protocol of Military Issues and also a member of the Technical Support Group on the demobilization and reintegration of Opposition armed personnel and the reform of Tajik power structures.

In April 1998, after almost two years of planning, an OSCE presence was established in the Garm region. The fruitful work being done there had to be suspended when the security situation deteriorated following the murder of four UNMOT members on 20 July. As a result of that incident, the activities of the three field offices in the Khatlon region were suspended for some six weeks until the beginning of September.

The Mission has been authorized by the Permanent Council to open a field office in Leninabad province, in the north of Tajikistan, and is pursuing the matter with the Tajik authorities.

The Mission has stepped up its work on gender issues, with the establishment in the Khatlon region of a number of support groups to help women still suffering from civil war trauma and with the start of efforts to address the issue of the severe curtailing of women's rights in the Karategin valley area. There is now closer co-operation with the governmental "Women in Development" bureau in matters of policy and legislation relating to women, and support is being provided to local women's NGOs concerned with issues such as violence against women, women and elections, and women in politics and public life. The Mission funded a conference on "Women and Peace", and participated, together with a large Tajik delegation, in a regional OSCE conference on "Women in Public Life".

Pursuant to the Mission's strategy for democratization, the field offices are promoting, in the areas where they are located, the establishment of the rule of law and the building of confidence in the judiciary, law enforcement bodies and other local institutions. Within the framework of its media programme, the Mission supported the re-establishment of two local newspapers and is currently pressing for the establishment of a local radio station in south Tajikistan, its hope being that the successes achieved will be repeated in other parts of the country. The Mission has been organizing lectures on human rights at Dushanbe University, human rights training for teachers and weekly meetings on human rights issues.

Interventions by the Mission have resulted in the release of illegally detained persons, and persistent reporting by the Mission on tensions between local authorities and military units in the Khatlon region has led to the taking of conflict prevention measures and to an improvement in relations there. After the last wave of refugees returned home, at the end of 1997, the Mission monitored their reintegration through its field offices, and it is continuing to provide legal assistance to the entire population.

To encourage the development of political processes, the Mission has during the past year organized and funded conferences and seminars on topics such as national unity. With an eye to the future parliamentary elections and in this context to local capacity-building, the Mission facilitated the sending of observers from Tajikistan to the elections in Bosnia and Herzegovina and in the former Yugoslav Republic of Macedonia.

2.1.8 Mission to Ukraine

A general lowering of tensions has continued over the past year in Crimea, the Mission's main area of activity. This has allowed the Mission to concentrate its efforts on the still unresolved economic and social problems of Crimea. Much of the Mission's work relates to issues associated with Crimea's multiethnic population and with the return to Crimea of over 250,000 deported people and their descendants, the overwhelming majority of whom are Crimean Tatars. The Mission is working especially closely with the HCNM and several international organizations, in particular UNDP, the UNHCR and the International Organization for Migration (IOM).

Like other OSCE Missions, the Mission to Ukraine has a human dimension component in its mandate. This empowers the Mission to continue monitoring and reporting on the situation as regards human rights and the rights of persons belonging to national minorities in Crimea.

Ukraine has not been able to carry alone the burden of resettling the deported people and their descendants who have returned to Crimea. For that reason, the international community is offering co-ordinated assistance. A second international donor conference, chaired by HCNM Max van der Stoep and held in Kiev in June 1998 as part of a long-term assistance process, raised several million dollars for use in helping with the reintegration of former deportees.

Ukraine's citizenship regulations have been modified so as to facilitate the acquisition of Ukrainian citizenship by the approximately 95,000 Crimean Tatars now residing in Crimea who are either stateless or still citizens of other former Soviet republics, mainly Uzbekistan. The Governments of Ukraine and Uzbekistan concluded an agreement simplifying the procedures for the relinquishment by more than 65,000 Crimean Tatars of their Uzbek citizenship and abolishing the \$100 fee charged by Uzbekistan. The Mission and the UNHCR are seeking to publicize the modified citizenship regulations among the scattered deportee communities on the peninsula.

The legal framework for an Autonomous Republic of Crimea within the Ukrainian State is not yet complete: the new Constitution adopted by the Crimean Parliament on 21 October 1998 will have to be approved by the Ukrainian Parliament. The Mission, with expert advice from various OSCE sources, has made suggestions regarding this issue to the Ukrainian and Crimean authorities.

The Mission is co-operating with the ODIHR in several matters:

- a pilot project for reforming Ukraine's election complaints and appeals procedures and training judiciary and election officials to resolve election disputes in accordance with international standards. The first stage of this project has been successfully launched;

- the intensification of contacts with the recently established Office of the Ukrainian Ombudsman, the aim being to provide material support and promote information exchange. In order to assist the Ombudsman Office, the Mission arranged for a donors meeting on 29 September 1998 that raised USD 57.000;
- the promotion of further co-operation between the Ukrainian and Spanish Constitutional Courts, including exchanges of visits and information-sharing aimed at improving the management capabilities of the Ukrainian Constitutional Court.

In the economic and environmental fields, the Mission is organizing seminars, conferences and workshops and taking other initiatives as part of an effort to expand Ukraine's participation in OSCE-related activities.

The Mission also follows developments in the area of Freedom of the Media.

2.1.9 Mission to Bosnia and Herzegovina

The OSCE's activities in Bosnia and Herzegovina from December 1997 to November 1998 consisted mainly in implementing the September 1997 municipal election results and conducting and supervising the country's second post-war general elections, held in September 1998. Concomitantly, the Mission focused on establishing a neutral and democratic political environment through the activities of its Human Rights, Democratization and Media Development Departments and on the further implementation of the arms control provisions of the General Framework Agreement for Peace in Bosnia and Herzegovina through its Regional Stabilization Branch.

Elections

After the successful conduct of municipal elections in 136 municipalities, the OSCE was given responsibility for ensuring the installation of effective municipal administrations. This represented a major challenge, as the Provisional Election Commission's rules required that some positions should be held by persons representing minorities and many eligible minority representatives had been displaced during the war in Bosnia and Herzegovina. The exercise, which was co-ordinated by the OSCE-chaired National Election Results Implementation Council (NERIC) and supported by the Office of the High Representative (OHR), was successful: the political parties reached power-sharing agreements in 126 of the 136 municipalities (in the other ten municipalities, power-sharing arrangements were arrived at through OSCE/OHR arbitration). Arbitration awards were implemented in all but one municipality, Srebrenica, so that final certification was granted in 135 of the 136 municipalities. In Srebrenica, an Interim Executive Board under OSCE chairmanship was set up, but its functioning has been hampered by continued

recalcitrance, particularly on the part of the Serbs. Even recently some other municipalities have had their final certification withdrawn as a result of non-compliance with the rules and regulations of the Provisional Election Commission. Efforts are under way, with OHR support, to resolve the outstanding issues.

In September 1998, the Mission faced the challenge of a third round of elections within 12 months - the second post-war presidential, parliamentary and cantonal elections (in addition, elections were conducted in 11 new municipalities). The Mission, which was responsible for the partial registration of voters and for full supervision of the elections at 2,180 polling stations in Bosnia and Herzegovina and at 137 in Croatia and the Federal Republic of Yugoslavia, introduced scannable ballot counting technology in order to accelerate the counting of approximately 2.4 million ballot papers. The Swiss Support Unit distributed about 2,500 tons of election material, including kits for the international supervisors and observers, and - with SFOR protection - collected ballot papers from polling stations throughout Bosnia and Herzegovina.

Despite technical problems which delayed the opening of about 5 per cent of the polling stations, the elections passed off peacefully, with about 70 per cent overall turnout. The results saw Republika Srpska (RS) President Biljana Plavic defeated by Radical Party candidate Nikola Poplasen in the RS presidency race. As in the 1997 RS National Assembly elections, the hard-line nationalist parties lost ground to more moderate forces.

The transfer of responsibilities and technical expertise from international to national election staff intensified in 1998, as evidenced by the appointment of local election officers to all OSCE field offices and of a Bosnian national as Head of Political Party Services. The process will continue in 1999, so as to ensure that a skilled national cadre is in place for future elections. In this connection, the Mission is continuing to work with the OHR and Bosnian experts on the drafting of a Permanent Elections Law.

Human Rights

The Human Rights Department, reporting on a weekly basis, continued to monitor the human rights situation and to investigate and intervene in cases of human rights violations throughout the country. OSCE human rights reports were distributed by the OHR's Human Rights Co-ordination Centre, where they are used by the participating international organizations in formulating and implementing human rights policy. The focus continued to be mainly on property questions and the return of refugees and displaced persons. The Mission contributed greatly to the passage, in April 1998, of property legislation in the Federation which allows hundreds of thousands of persons to reclaim the apartments in which they were living before the war in Bosnia and Herzegovina. Monitoring of implementation of the legislation, however, has revealed significant obstruction by municipal authorities, re-

quiring intervention by the human rights officers in the field. In September 1998, information supplied by OSCE human rights officers led the High Representative to grant a six-month extension of the deadline for filing claims. Ensuring implementation of the Federation property legislation, and of the property legislation expected to be enacted in the Republika Srpska, will be a priority task of the Mission throughout 1999.

The Human Rights Department continued to assign very high priority to strengthening the national human rights institutions: the Bosnia and Herzegovina Ombudsperson, the Human Rights Chamber and the Federation Ombudsmen. The OSCE assisted these institutions in their investigations, channelled cases to each of them, and ensured compliance with their provisional orders or recommendations. It worked with the OHR and the Venice Commission on a draft law to establish a multiethnic ombudsman institution in the Republika Srpska, a priority for 1999, and on draft legislation governing the already established Federation Ombudsmen.

The Department contributed to judicial reform in 1998. The monitoring of trials continued, and there were further interventions to ensure compliance with the "Rules of the Road". In addition, the Department worked on inter-entity judicial co-operation, on reforming the judicial appointment process and on strengthening the role of the Federation Prosecutor and police through legislative and structural reforms.

The introduction of common license plates resulted in a dramatic increase in the freedom of movement across the inter-entity boundary line, but violence in locations where refugees and displaced persons are attempting to return increased - a challenge for the Human Rights Department in 1999. In addition, discrimination in employment and education and obstacles hampering access to documentation, social benefits and utility services are problems that the Human Rights Department will need to deal with in 1999.

Democratization

Confidence-building activities included roundtables of Bosnian intellectuals on wide-ranging themes such as "Democratic Development and the Dayton Peace Agreement and Political Pluralism", as well as meetings of key religious leaders. At the community level, a number of Democracy Centres and Reading Rooms were opened across the country to provide information on democracy and human rights in some of the most closed communities in Bosnia and Herzegovina. The Democratization Department also organized large numbers of community meetings between potential returnees and officials from their home municipalities.

Through its Civil Society Development Programme, the Democratization Department intensified the development of non-governmental organizations in neglected areas such as the eastern part of Republika Srpska. It co-ordinated the training of 3,000 domestic election observers from 159 local NGOs, a tenfold increase over the number available at the time of the 1997

municipal elections. Political party development was a central focus of the OSCE's efforts in the run-up to the September 1998 elections. The OSCE provided additional assistance in the form of campaign-related publicity materials to 20 parties. Political Party Service Centres throughout Bosnia and Herzegovina provided all political parties free access to office equipment, meeting space and information. These Centres hosted almost 300 press conferences and meetings during the campaign. The "Women in Politics" Programme organized two Bosnia and Herzegovina-wide conferences promoting women politicians and issued publications designed to highlight gender issues during the campaign.

Governance Programmes included training on democratic local governance for new councillors in 107 municipalities, thereby bringing many councillors together for the first time since the war. The Municipal Leadership Programme trained 56 Mayors and Senior Municipal Administrators in the principles and functioning of good governance through seminars and visits with counterparts in Germany and Spain. The Department also carried out a Municipal Management and Return project to assist 35 municipal officials and local leaders in coping with their obligations relating to the return of refugees and displaced persons.

The Department's Rule of Law Programmes included the creation of and support for what is to be a self-sustaining Legal Aid Network, which has already received over 2,750 cases since its launching in December 1997. The Department organized 24 training sessions for legal professionals on the European Convention for the Protection of Human Rights and Fundamental Freedoms. Its Youth and Education Programme arranged several seminars aimed at improving democratic structures in schools and liberalizing the school curricula. The Department also initiated a two-year Democratic School Management Programme for school directors from 30 municipalities.

Media Development

As part of the OSCE Mission's role of supervising elections and strengthening democratic structures in Bosnian society, the Media Development Department closely monitored the media in the run-up to the September 1998 general elections. Through the OSCE-related Media Experts Commission (MEC), attempts were made to ensure fair reporting and free and equitable access to the media for all parties that participated in the elections. Daily close monitoring of the media during the political campaigns proved to be a genuine deterrent to the kind of inflammatory language used in the past by media associated with extreme nationalist parties. The monitoring also allowed the MEC to verify compliance with the Provisional Election Commission Rules and Regulations. MEC interventions, which were aimed at guaranteeing even-handed broadcasting in the run-up to the elections, contributed significantly to the most neutral pre-election media environment yet seen in post war Bosnia and Herzegovina. The Media Development Department also

organized presidential debates that took place on the eve of the September 1998 elections. The debates were broadcast live by the national radio and television networks, through a first-time link-up between stations covering all of Bosnia and Herzegovina.

The Media Development Department also initiated various projects to foster independent media throughout the country. A cross-entity project distributed newspapers and magazines throughout Bosnia and Herzegovina, inter-entity journalists' conferences provided training in journalistic standards and encouraged inter-ethnic contacts, and independent media were given small grants to help develop their capacities.

Regional Stabilization

Considerable progress has been made in 1998 in implementing the confidence-building measures and arms control agreements negotiated in accordance with Annex 1-B of the General Framework Agreement for Peace in Bosnia and Herzegovina (Articles II and IV).

In February, the Parties to the "Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina" met in Vienna for the First Conference to Review the Implementation of the Agreement, during which several important decisions were adopted. For example, the Parties agreed on an updated version of the Protocol on Existing Types of Conventional Armaments and Equipment. They also agreed to overcome the difficulties hampering the deployment of Military Liaison Missions (MLM) between the Chiefs of the Armed Forces. This resolution resulted in a permanent exchange of Military Liaison Missions in June.

In 1998, the Parties achieved a breakthrough regarding the subject of Weapons Manufacturing Facilities, by agreeing on a number of visits to such facilities to be conducted during the remainder of 1998 and throughout 1999, and by adopting a Protocol defining the rules and regulations applicable to such visits. In September, the Parties carried out "specified area inspections" in accordance with Section 8 of Article II. These were the first such inspections to be conducted under the Agreement. Finally, the Personal Representative of the OSCE Chairman-in-Office continued to act as Chairman of the Joint Consultative Commission throughout 1998, and meetings were held every second month. The Personal Representative also continued to nominate international inspectors to participate in each inspection carried out by the Parties under the terms of the Agreement.

Increased transparency and co-operation between all five Parties to the Agreement on Sub-Regional Arms Control has been noted throughout 1998. In June, the Parties met in Vienna for the First Conference to Review the Implementation of the Agreement. The Parties to the Agreement on Sub-Regional Arms Control are to meet for a Second Review Conference in June 2000.

After being appointed by the Copenhagen Ministerial Council Meeting as Special Representative of the Chairman in Office to conduct the negotiations on regional stabilization in South Eastern Europe under Article V of the Dayton/Paris agreement, Ambassador Henry Jacolin began his work in February 1998; his team was complete by May.

Consultations were held in the capitals of most of the States involved in this process in April and May. A draft mandate for the Article V negotiations was prepared, circulated and discussed with the 20 States taking part: Albania, Germany, the United States of America, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Spain, France, the United Kingdom, Greece, Hungary, Italy, the former Yugoslav Republic of Macedonia, the Netherlands, Romania, the Russian Federation, Slovenia, Turkey, and the Federal Republic of Yugoslavia. There is clear consensus on the idea that all States will participate on an equal footing, around the same table, in these negotiations.

The participating States are near consensus on a draft mandate for the negotiations, which could start in early 1999, provided the draft mandate is finally approved before the end of 1998.

2.1.10 Mission to Croatia

The Mission to Croatia, established in April 1996 with 14 international staff members, has become - with the expiration of the UNTAES mandate on 15 January 1998 - the main international presence in the country, with 280 international staff members at the Mission's headquarters (in Zagreb), at three co-ordination centres (in Vukovar, Sisak and Knin) and at 16 field offices and seven field sub-offices. The enhanced Mission's mandate is to assist with and monitor the Croatian Government's implementation of domestic legislation, the fulfilment of international commitments pertaining to the rule of law and human rights, the protection of national minorities, and the return of refugees and displaced persons. The Mission's political aim is to consolidate internal peace, assist with political normalization and promote democratization.

The transition from United Nations to OSCE police monitoring in the Danube region - that is, the former UNTAES area in eastern Croatia - took place on 15 and 16 October 1998. In anticipation of an orderly phased hand-over, the deployment of 120 police monitors commenced in late September.

During the past year, the Mission has concentrated on closely monitoring the situation throughout Croatia and on advising and assisting the Croatian Government in matters concerning the return of refugees and displaced persons, the development of democratic institutions, the rule of law, the establishment of trust between nationalities, and compliance with the highest international standards on human rights.

In order to facilitate the return of refugees and displaced persons, the Mission has encouraged the Croatian Government to establish fair and transparent

return procedures, both for refugees living abroad, especially in the Federal Republic of Yugoslavia and Bosnia and Herzegovina, and for displaced persons in Croatia. The process established in April 1997 for the organized return of people to and from the Danube region has functioned poorly, owing to refugee occupancy of housing, war damage, insecurity, bureaucratic obstruction and administrative delays; cross-border returns have been minimal. There were no clear provisions for expeditious property repossession, but in June 1998 the Croatian Government, after consulting with representatives of the Mission and other international bodies, promulgated a comprehensive Return Programme that includes such provisions. The Mission has, together with the United Nations High Commissioner for Refugees and the European Community Monitoring Mission, established Return Facilitation Groups for the co-ordination of international monitoring of and support for the Return Programme.

Following its 1996 and 1997 recommendations concerning electoral legislation, the Mission, together with the Council of Europe and the ODIHR, drew up an internationally supported position paper outlining recommendations for making necessary changes in Croatia's electoral legislation in order to enable future elections in Croatia to be both free and fair. The recommendations cover seven areas: representational rights of Croats living abroad; disenfranchisement of individuals with the right to Croatian citizenship; role of the media in the context of elections; minority representation; election commissions; domestic non-partisan election observers; and campaign resources and financing. The paper was presented to the Croatian Government on 14 August 1998.

The Mission, which has sought to foster freedom of the media, supports the transformation of the State radio-television network into a public service broadcaster. To this end, the Mission organized a visit in March 1998 by a delegation of experts from the Council of Europe. Government officials subsequently stated that the experts' recommendations were drawn upon in the preparation of a bill to amend the present law on broadcasting. If enacted in its present form, however, this bill will not remove concerns about the political domination of broadcasting in Croatia by the governing party. Accordingly, early in October the Mission organized a second visit by Council of Europe experts to discuss the bill with members of the Croatian parliament.

The Mission has been co-ordinating the response of the international representatives in Croatia to the Government's efforts to organize a Conference on Reconstruction and Development. The international representatives have made their support for such a conference dependent upon the Government's promulgating a comprehensive and non-discriminatory reconstruction programme and facilitating the swift implementation of the Return Programme.

On 29 January 1998, the Mission submitted to the Government of Croatia a non-paper outlining 27 points on which the Mission would be focusing its attention; the 27 points relate to the return process, property restitution and

compensation, freedom of the media, electoral reform, amnesty, administration of justice, minority rights, de-mining and reconciliation. Subsequently, the Mission prepared a comprehensive assessment of the progress made by the Government. In the assessment report, which was presented to the Government and made available to OSCE delegations on 20 May 1998, the Mission concluded that since the end of the UNTAES mandate the Government's performance in a number of areas had not met expectations. In a second assessment report, issued on 8 September 1998, the Mission welcomed the momentum created by the adoption of the Return Programme, but pointed to a lack of progress in many key areas, including freedom of the media and electoral reform.

The Mission will continue to issue periodic reports on the Government's progress in meeting international commitments. A third assessment report is to be issued in January 1999.

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

Implementation of the mandate of the Personal Representative depends to a great extent on progress in the negotiations relating to that conflict. In 1998 there has been no significant progress in those negotiations; the plan for ending the conflict presented to the parties by the Co-Chairmen of the Minsk Group was rejected by the Nagorno-Karabakh leaders and, after the Armenian presidential elections of March 1998, also by Armenia (before those elections, the Armenian authorities had accepted it as a basis for further negotiations). The Nagorno-Karabakh conflict was foremost on the agenda during the CiO visits to Armenia and Azerbaijan in November: all parties involved in the conflict agreed that the Minsk process is the suitable framework for the continuation of the peace process. The Governments of Armenia and Azerbaijan as well as the leadership of Nagorno-Karabakh expressed their firm commitments to support efforts to achieve a resumption of peace negotiations. Upon the suggestion of the Chairman-in-Office, all parties involved agreed to an exchange of prisoners of war. The Personal Representative has thus concentrated on:

High-level contacts. The Personal Representative maintained such contacts throughout 1998, an important aspect being assistance with confidence-building measures between the parties to the conflict.

Monitoring. Monitoring has been taking place since May 1998 without incident, contributing to stability along the line of contact (LOC). It provides the Office of the Personal Representative, the CiO and the Minsk Group members with valuable information about the situation on the ground and permits direct contact at the local-commander level through the use of OSCE radio

equipment. The High-Level Planning Group has been assisting with monitoring activities to assess the situation on the LOC for its own purposes.

Humanitarian issues. Owing to incursions along the LOC and the Armenian-Azerbaijani border and to various other incidents, a number of people have been taken prisoner of war (POW) and there is a growing need for a POW exchange. According to the information received by the Personal Representative and the International Committee of the Red Cross (ICRC), several people are being held by each party to the conflict. The Office of the Personal Representative, in close co-operation with the ICRC, will pursue this important humanitarian aspect of the conflict.

2.2.2 OSCE Assistance Group to Chechnya (Russian Federation)

The Assistance Group (AG) maintains permanent contacts with the most influential individuals, groups and structures representing Chechnya's political, religious and cultural life. It monitors the political and economic situation, collects and analyses information, and assesses developments both in Chechnya and in the rest of the North Caucasus region - for which purpose it maintains regular contacts with the leadership of the neighbouring republics. The AG has during the past year focused mainly on the following points in its mandate: human rights, national minorities, and the facilitation of humanitarian assistance rendered by NGOs operating outside Chechnya and by OSCE participating States.

As the only international body operating in Chechnya, the AG is essential for informing the international community about the humanitarian situation there and about local needs. Governments and international organizations are using the AG as a means of channelling money earmarked for humanitarian purposes to various Chechen NGOs and other structures, assigning to the AG responsibility for the financial control and monitoring of programmes and for reporting on them. Through the AG, support is being provided for, *inter alia*, the Grozny Forensic Laboratory, an orphanage with 54 children and a number of local NGOs.

The AG is closely monitoring the situation regarding crime, especially kidnapping. Several citizens of OSCE participating States have been kidnapped in Chechnya and the neighbouring republics (the Russian President's representative in Chechnya, Mr. Vlasov, was kidnapped in May and released in November), and many of them are still in captivity. Chechen law enforcement bodies are making some effort to combat crime, but because of insufficient technical equipment and the non-payment of police officials' salaries, their effectiveness is very low. One of the main reasons for the increase in crime is the large number of unemployed people with weapons. In the rare cases where local law enforcement bodies are able to free hostages, the AG helps the freed persons to leave Chechnya.

The Chechen authorities declared a one-month emergency and curfew in their fight against crime, but to little effect. The hostage situation is still alarming and the security situation volatile.

2.2.3 OSCE Presence in Albania

Since its establishment in March 1997, the OSCE Presence in Albania has moved on from intensive election-related work to longer-term activities aimed at consolidating democracy and the rule of law. The difficult political climate and the highly polarized relations between the Government coalition parties on the one hand and the Opposition on the other have led to constant demands for the Presence's services in helping to reduce tension and maintain at least minimum conditions for dialogue and compromise. As a result, the OSCE's profile in Albania has remained very high, with recognition from all sides for the Presence's proactive, positive stance.

Besides political brokerage, the operations of the Presence include assistance with and the monitoring of elections, assistance in the Constitution drafting process, assistance with the creation of a civil registry, donor co-ordination, NGO development, parliamentary observation, and (through its Legal Counsellor's Office) advancement of the rule of law and respect for human rights. A recent initiative was the formation of a "Friends of Albania" group comprising 23 countries and eight international organizations, co-chaired by OSCE and EU. At the local level the Chairmanship is ensured by the Head of Presence. It is hoped that through its collective efforts the group will act as a stimulus and lend direction and focus to ideas and projects.

On 30 October an International Conference on Albania was held in Tirana in a concerted effort of co-operation among various countries and international bodies to assist Albania and to support policies and concrete measures that promote stability and social and economic progress. The conference which had a major impact on both political parties and the public at large, was addressed by the OSCE Chairman-in-Office, Professor Bronislaw Geremek, also in his capacity as Co-Chairman of the "Friends of Albania" Group.

A core team of international staff is located at the headquarters office, in Tirana, and at the three field offices in Shkodra, Gjirokastra and Vlora. These four offices have established close contacts with political forces, facilitating dialogue, mediating and assisting with confidence-building at the national and the local level. Eight temporary border field offices have been opened pursuant to a Permanent Council decision of 11 March 1998 and are playing a major role in the monitoring of, *inter alia*, the fighting in parts of Kosovo adjacent to the Albanian border and refugee flows and weapons trafficking in connection with the Kosovo crisis.

The Presence is mandated to provide advice and assistance, particularly in relation to democratization, the rule of law, freedom of the media, human rights and the basic elements of civil society. Furthermore, the Permanent

Council decided the Presence should, together with the Albanian Government, provide a flexible co-ordinating framework within which other international organizations can play a part in their respective areas of competence. *Consolidation of democracy.* The Presence, with assistance from its Legal Counsellor's Office, has played a significant role in conflict prevention during the reporting period. Early in 1998 it mediated the resolution of a series of hunger strikes by judges and former political prisoners. Also, the Presence engaged in mediation efforts connected with a new Law on the Organization of Justice, claims brought by creditors of one of Albania's failed pyramid schemes and amendments to Albania's "lustration" laws (laws prohibiting the assumption of public office by individuals who held certain positions under the communist regime).

The political conflicts in which the Presence has mediated have included one that threatened the June 1998 partial local elections and one that arose out of the replacement of opposition party chairpersons on local district councils.

In January and June 1998, the Presence planned and co-ordinated an unprecedented European parliamentary mission following requests for assistance from the co-chairpersons of the Albanian parliamentary commission responsible for drafting a new Constitution. Senior members of the Parliamentary Assemblies of the OSCE and the Council of Europe and of the European Parliament (the Tri-Parliamentary Mission) explored ways of overcoming the impasse in the Constitution drafting process and made declarations that have in many respects shaped Albania's political agenda. The first visit, which was welcomed both by the ruling coalition and by the opposition, induced the latter to end its boycott of Albania's Parliament (but not of the Constitution drafting process) on 12 March 1998, so ending a six-month absence.

Unfortunately, the Democratic Party began a second - indefinite - boycott of Parliament in July. Polarization of the political climate has intensified, resulting in a period of serious turmoil in mid-September after the murder of a prominent Democratic Party functionary. During a serious armed confrontation on 14 September, the Presence's mediation skills were tested to the full in negotiations between the Government and Opposition parties, with activists who had taken over the State television station and with activists who had commandeered two tanks.

In monitoring democratic governance in Albania, the Presence has drawn attention to the discrepancy between policies and implementation, and in particular to the discord in relations between the centre and local authorities due largely to the failure of the Government to put into practice its declared intention to promote local self-government. In addition, the Presence has been monitoring, *inter alia*, developments connected with the land claims of former property owners, the drafting of secured lending laws, and the legal reform efforts of the University of Tirana's Law Faculty.

Following a call by the Tri-Parliamentary Mission for proper parliamentary procedures, including respect for the rights of the Opposition, the Presence has, in close co-operation with the Council of Europe and the embassies of Germany, Austria and the United States of America, been officially observing the procedures in Albania's Parliament.

To date the Presence has issued 13 parliamentary observation reports, containing recommendations the implementation of which has contributed to a marked improvement in parliamentary practices. Several OSCE participating States have provided assistance in response to the Presence's observations concerning technical and organizational shortcomings.

In the wake of the 1997 elections, which brought a Socialist-led coalition to power, the ODIHR, in consultation with the Albanian Government, identified the need for an accurate and verifiable register of voters. The main purpose of the ensuing Voter Registration Project was to establish a computerized database that would generate sound voter lists for elections and referenda. Five pilot municipalities were chosen for the Project, a final report on which was presented to the Albanian Deputy Prime Minister in September. It is hoped that the Government will use the same approach in a nation-wide effort in the future.

Municipal by-elections were held on 21 June 1998 in seven municipalities and nine communes. They were the first elections since the 1997 parliamentary elections. In order that they might take place, it was necessary for the Presence to become involved in lengthy mediation relating to the composition of the Central Electoral Commission and, at the eleventh hour, to the question of the use of electronic media by the ruling Socialist-led coalition - a question over which the Union for Democracy threatened to boycott the elections. In order to ensure that the by-elections went smoothly and that it would be in a position to respond to claims of irregularities, the Government requested that the by-elections be observed. Accordingly, the process was monitored by 23 international teams, comprising OSCE teams (which included representatives of various embassies and international organizations) and teams from the Council of Europe's Congress of Local and Regional Authorities of Europe. The by-elections were considered to represent a major improvement over the 1997 parliamentary elections and a significant step towards democracy in Albania. A joint statement by the OSCE and the Council of Europe providing confirmation to that effect was widely acclaimed and undisputed.

Co-ordination. The Presence plays a co-ordinating role. It has been trying to strengthen the Albanian Government's capacity to assume an ever-increasing role in the co-ordination of international assistance efforts. In areas where there is no obvious lead agency (e.g. judicial and electoral reform and Constitution drafting), the Presence is itself providing a focal point.

The Presence has helped to design a database that gives an overview of all potential and ongoing assistance efforts. Together with the Ministry of Eco-

conomic Co-operation and several other ministries, it has organized and hosted co-ordination meetings on police, military, judicial, agricultural and other matters. Also, it has organized meetings between heads of diplomatic missions on one hand and the Ministry of Economic Co-operation on the other so that the latter might present its view of the current state of affairs as regards Albania's development.

Rule of law. In May 1998, the Presence established a Legal Counsellor's Office (LCO), which - now staffed by one international attorney, two Albanian attorneys and an administrative assistant - provides rapid analyses of legal conflicts as they arise, co-ordinates assistance efforts in the area of legal development, directs the Presence's Human Rights Alert Programme and provides direct legal assistance in various areas.

During the reporting period, the LCO analysed issues relating to, *inter alia*, the Constitutional Court, district councils, and the local and parliamentary election laws. It played a central role in co-ordinating the efforts of the ODIHR, other international bodies, the Albanian Government and various NGOs in the development of an ombudsman institution for Albania and facilitated ODIHR assistance for Albania in the area of legal education. It established separate groups for the co-ordination of assistance relating to criminal justice reform, the ombudsman institution, legal/social aid clinics, human rights NGOs, commercial law reform and local government. Lastly it provided direct assistance in the area of minority rights and analysed the drafts of various laws, including the Law on the State Information Service, the Law on State Secrets and the Law on the Verification of Figures.

The Presence and the LCO hope that the Human Rights Alert Programme, under which the Presence and domestic NGOs will work together in investigating and reporting on alleged human rights abuses, will be fully operational by the end of the year.

The Presence is host to the Administrative Centre for the Co-ordination of Assistance and Public Participation (ACCAPP), which supports nearly all aspects of the Constitution drafting process - an endeavour that has been a focal point of legal and political discussion. To assist in this process, ACCAPP organized a programme of public participation unprecedented in Albania, involving a wide variety of public fora where constitutional issues were discussed and public input gathered. The public input was presented to the Constitutional Commission of the Albanian Parliament for consideration during the drafting process.

The OSCE Presence in Albania furthermore assisted in the preparations of the referendum on the Constitution held on 22 November 1998. The Democratic Party asked its followers not to participate in the vote.

The Presence also co-ordinated the OSCE monitoring of the preparations and voting of the referendum with the ODIHR Observation Mission, the Ministry of Local Government, the Central Election Commission and local non-governmental organizations.

ACCAPP has contributed to educational television programmes and produced a range of educational material which has been distributed to over 100,000 citizens. Also, it has served as an information clearing-house, providing the Constitutional Commission with technical legal material and co-ordinating the assistance offered by distinguished bodies such as the Venice Commission of the Council of Europe, the American Bar Association (through its Central and Eastern European Law Initiative) and Germany's Gesellschaft für Technische Zusammenarbeit (Society for Technical Co-operation).

Human rights and civil society. To the extent allowed by its human resources, the Presence has, through its field offices, investigated - on an ad hoc basis - cases of human rights violations, notably complaints of discriminatory treatment, arbitrary arrest, police brutality and other abuses. It is expected that, under the Human Rights Alert Programme, the Presence will become more systematically active in investigating such complaints throughout Albania. Also, the Presence intends to step up the training of Albanian NGOs in the investigation of complaints.

The Presence has, in endeavouring to strengthen civil society in Albania, organized various activities for and with Albanian NGOs. In March 1998, it organized a meeting in Tirana for the purpose of bringing Albanian NGOs together with international NGOs and donors. In addition, using funds provided by the German Government and in co-operation with the Foundation for Civil Society in Tirana, the OSCE has organized three training seminars for NGOs at field offices in Albania, and, with Norwegian funds, has held a regional conference on minority issues in Permet, southern Albania.

The Presence, which has been monitoring and actively participating in the development of Albanian media, has sponsored several seminars and other meetings on legislative matters such as the draft Law on Electronic Media. Also, it has had discussions with the parties opposed to this law in an effort to find the best way of ensuring that public television is editorially independent of the Government. In addition, it has been co-operating closely with international and Albanian organizations (for example, the Council of Europe and the Albanian Media Institute) in supporting the development of a democratic media environment in Albania, the focus being on human rights and the professional performance of journalists.

The Presence is helping the Albanian Government to formulate a strategy for recovery of the approximately 700,000 small arms looted from military depots during the early 1997 unrest, and it has taken steps to mobilize NGOs in this connection. In September it provided support for a United Nations mission concerned with the illegal ownership of weapons, and it will support a related pilot project that is to be launched in the Gramsh district. It intends to organize a conference for the purpose of reviewing the illegal weapons ownership situation in Albania.

Border monitoring. In March 1998, the Permanent Council widened the mandate of the Presence to include the monitoring of the Albanian border with Kosovo (FRY). As a consequence, eight temporary field offices have been set up in north-west Albania. At present, 26 observers from 15 OSCE participating States are involved in the border monitoring effort, which is proving to be of great value, the observers being very much the eyes and ears of the world during the current Kosovo crisis. Working often under difficult and sometimes under dangerous conditions, the field offices have many times been called upon to provide much needed assistance to international teams and organizations, including NGOs.

In view of the difficult refugee situation, working relations with the UNHCR and the local authorities have been particularly close.

2.2.4 OSCE Kosovo Verification Mission (KVM) (FRY)

On 15 October 1998, in Decision No. 259, the Permanent Council declared "the preparedness of the OSCE to embark upon verification activities related to compliance of all parties in Kosovo with the requirements set forth by the international community with regard to the solution of the crisis in Kosovo" and expressed support for the Chairman-in-Office's efforts "to arrange with the FRY authorities for the OSCE to make such contribution" to the peaceful solution of that crisis. On 16 October, Chairman-in-Office Bronislaw Gerekme and Yugoslav Foreign Minister Jovadin Jovanovic signed, in Belgrade, an agreement between the OSCE and the Federal Republic of Yugoslavia on the creation of an OSCE Kosovo Verification Mission (KVM).

On 24 October, in resolution 1203, the United Nations Security Council, endorsing the creation of the KVM, demanded that the Federal Republic of Yugoslavia abide by its agreements and commitments concerning the KVM and reminded it of its "primary responsibility for the safety and security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia". It said that all parties should comply "fully and swiftly" with Security Council resolutions 1160 and 1199 and "co-operate fully" with the KVM. Also, it insisted that the Kosovo Albanian leadership "condemn all terrorist actions", demanded that such actions cease immediately and emphasized that "all elements in the Kosovo Albanian community should pursue their goals by peaceful means only".

On 25 October, the Permanent Council formally established the KVM for one year, - with possible extensions. Ambassador William G. Walker of the United States was appointed Head of the KVM by the Chairman-in-Office on 17 October.

The aforementioned agreement between the OSCE and the Federal Republic of Yugoslavia provides for 2,000 unarmed verifiers from OSCE participating States "to verify compliance by all parties in Kosovo with UN Security Council Resolution 1199, and report instances of progress and/or non-compliance to the OSCE Permanent Council, the United Nations Security Council and other organizations". To this end, the KVM is to establish a permanent presence throughout Kosovo.

In addition, the OSCE is responsible under that agreement for supervising elections in Kosovo, so as "to ensure their openness and fairness in accordance with regulations and procedures to be agreed", and for assisting in the establishment of democratic institutions and the development of a Kosovo police force. Appropriate augmentation of KVM personnel has been foreseen.

The KVM's headquarters have been established in Pristina, and there is a liaison office in Belgrade. Five regional centres are to be established - in Pec, Prizren, Kosovska Mitrovica, Pristina and Gnjilane. A co-ordination centre will be established in the principal town of each "*Austin*" (administrative dis-

trict), and "sub-stations" will be established where operationally required - particularly during the election phase.

The KVM will co-ordinate its activities closely with the activities of other international organizations and assist other organizations in carrying out their functions - for instance, in the humanitarian field. Of particular importance will be relations with NATO, which has agreed with the Federal Republic of Yugoslavia to carry out an air surveillance mission. NATO has also drawn up plans for supporting the KVM if the urgent extraction of verifiers should become necessary.

Deployment of the verifiers, who have been seconded by the OSCE participating States, will take place in phases, with operational duties preceded by three days of training in Kosovo. The Kosovo Diplomatic Observer Missions already in Kosovo will provide information and assistance to the KVM, and will ultimately be absorbed by the Mission.

Under the agreement between the OSCE and the Federal Republic of Yugoslavia, the role of the verifiers will be as follows:

1. To travel throughout Kosovo to verify the maintenance of the cease-fire by all elements and to investigate reports of cease-fire violations.
2. To receive weekly information from relevant FRY/Serbian military/police headquarters in Kosovo regarding movements of forces during the preceding week into, out of or within Kosovo. Upon request of the Verification Mission Director, Mission personnel may be invited to accompany police within Kosovo.
3. To look for and report on roadblocks and other emplacements which influence lines of communication erected for purposes other than traffic or crime control. The Mission Director may request the removal of any roadblocks.
4. To maintain liaison with FRY authorities about border control activities and movements by units with border control responsibilities through areas of Kosovo away from the border. KVM will visit border control units and accompany them as they perform their normal border control roles.
5. To accompany police units in Kosovo as they perform their normal policing roles.
6. To assist to the extent possible UNHCR, ICRC and other international organizations in: facilitating the return of displaced persons to their homes; and the provision of facilitative and humanitarian assistance to them by FRY, Serbian and Kosovo authorities and humanitarian organizations and NGOs. The KVM will verify the level of co-operation and support provided by the FRY and its entities to the humanitarian organizations and accredited NGOs. The Mission will make such representations as it deems necessary to resolve problems it observes.

7. As the political settlement defining Kosovo's self-government is achieved and implementation begins, the Mission Director will assist, both with his own resources and with augmented OSCE implementation support, in areas such as election supervision, assistance in the establishment of Kosovo institutions and police force development in Kosovo.
8. To receive periodic updates from the relevant authorities concerning eventual allegations of abusive action by military or police personnel and the status of disciplinary or legal actions against individuals implicated in such abuses.
9. The Verification Mission will maintain liaison with FRY, Serbian and, where appropriate, Kosovo authorities, and with ICRC regarding ICRC access to detained persons.
10. The Mission Director will, as required, convene representatives of national communities and authorities to exchange information and provide guidance on implementation of the agreement establishing the Verification Mission.
11. The Mission Director will report instances of progress and/or non-compliance or lack of full co-operation from any side to the OSCE and other organizations.

2.2.5 OSCE Advisory and Monitoring Group in Belarus

The Advisory and Monitoring Group in Belarus (AMG), which was established by the Permanent Council in September 1997, could not take up its activities until early 1998, after the conclusion of an agreement with the Government of Belarus on the practical modalities for its work. Ambassador Hans-Georg Wieck was appointed Head of the AMG, whose task is to "assist the Belarusian authorities in promoting democratic institutions and in complying with other OSCE commitments; and monitor and report on this process".

The Chairman-in-Office, Professor Bronislaw Geremek, visiting the AMG on 27 February 1998, described Belarus as "an integral part of democratic Europe" and committed the OSCE to continuing support for the transformation of the country into a fully developed democracy.

During 1998, the AMG worked to make Belarus institutions more aware of the fundamentals of democratically organized State structures, with particular reference to the rule of law, the separation of powers (especially the independence of the judiciary) and respect for human rights. The Presidential Office, various governmental departments, Belarus' legislative bodies and several State committees were involved in the AMG's activities, which also drew in experts from many OSCE participating States, among them the Russian Federation, the United States of America and European institutions.

The AMG created occasions for open dialogue in the context of seminars and conferences on issues important for the development of democracy and the

rule of law in Belarus; for example, it initiated conferences on "Structures of Pluralistic Democracies" and "Free and Fair Elections" (held in April 1998) and one on "Democracy, Social Security and Market Economy" (held in September 1998).

The Government has established five high-level consultative groups on: legislation; the implementation of laws; democratization; human rights education; and political questions. The AMG has been assisting the Presidential Office with the preparation of a new electoral law and Parliament with the preparation of new legislation relating to the penal code and to penal procedures.

The AMG has advised on possible alternatives to the State- and Government-controlled television and radio monopoly, GOSTELRADIO - in this connection it has received, incidentally, a visit from the OSCE Representative on Freedom of the Media, Mr. Freimut Duve - and on the draft of a law that would establish an ombudsman institution in Belarus (in the latter connection, it arranged for ombudsmen from other countries - including Bosnia and Herzegovina - to visit Belarus and share their experience).

Another focus of the AMG's activities has been the provision of advice to the Government and the Opposition in the light of the risks associated with Belarus's present economic, financial and monetary policies and the suggestion of alternatives to the policy of granting highly subsidized credits to industry and setting production targets irrespective of market conditions.

The AMG intends to maintain close contacts with civil society representatives and to engage NGO representatives, members of the last democratically elected Supreme Soviet and political party representatives in parallel consultative processes focusing on democratization and on the role of opposition politicians, of citizens at large and of NGOs in ensuring the rule of law and respect for human rights. It also intends to involve research, educational and other academic institutions in this process and to encourage the full participation of citizens in decision-making at the local level.

With the assistance of other OSCE institutions (especially the ODIHR) and of various other international organizations, the AMG is devising programmes for the training of election monitoring instructors.

In the light of recurring complaints about administrative harassment and human rights violations in Belarus, the AMG recently proposed the establishment of a tripartite working group - composed of governmental representatives, representatives of NGOs and representatives of the AMG - to consider individual complaints. The Belarus Government seems to like the proposal, which represents a new approach in the AMG's endeavours to assist in the field of human rights.

Although there have been no spectacular achievements so far, the AMG has established itself as a nationally and internationally recognized institution. It has offered advice to the two sides in the constitutional and political conflict

and to all other entities that have expressed an interest in the process of democratization in Belarus.

2.2.6 OSCE Liaison Office in Central Asia, OSCE Centres in Almaty, Ashgabad and Bishkek

During the reporting period the Permanent Council decided to open the OSCE Centres in Almaty, Ashgabad and Bishkek. According to their mandate, the Centres will promote the implementation of OSCE principles and commitments; facilitate contacts between the Chairman-in-Office, other OSCE institutions and OSCE participating States in Central Asia as well as co-operation with international organizations and institutions; establish and maintain contacts with local authorities, research institutions and NGOs; and assist in arranging OSCE regional events. To this effect the Centres will liaise and co-operate closely with the OSCE Liaison Office in Central Asia (CALO) in order to maintain the coherence of the regional approach of the OSCE.

The CALO assisted in the organization of a number of high-level visits to the region, including the April 1998 visit of Chairman-in-Office Professor Bronislaw Geremek to all five of the Central Asian OSCE participating States, the September 1998 visit of Secretary General Aragona to Uzbekistan and the July 1998 visit of High Commissioner on National Minorities van der Stoep to Uzbekistan.

The CALO assisted the Department for General Affairs of the OSCE Secretariat with the preparations for a regional seminar on "The Role of Stable and Transparent Economic Legislation for Economic and Social Transition" held in Almaty in October 1997, a seminar considered to have made a useful contribution - especially in the field of economic legislation - to the process of economic reform in Kazakhstan. Also, the CALO provided organizational and administrative support for a regional seminar on "Regional Security, Stability and Co-operation in Central Asia" held in Ashgabad in February 1998 as part of the Conflict Prevention Centre's programme; this seminar was notable for the active participation of the Central Asian delegations in the discussions, a very positive contrast to previous events of this type.

The CALO made most of the organizational and administrative preparations for a regional seminar on "Regional Environmental Problems and Co-operative Approaches to Solving Them" held in Tashkent in September 1998, a seminar attended by many experts from Central Asian and other OSCE participating States and from a number of international institutions.

During 1998, the CALO devoted considerable effort to the implementation of ODIHR projects in Uzbekistan and Kyrgyzstan, organizing Civil Society Project meetings involving representatives of local NGO and governmental representatives.

In March, the CALO organized a meeting to which all international organizations active in the field of election assistance in Uzbekistan were invited, the objective being to create a co-ordination framework that will prevent duplication of effort and increase the effectiveness of international election assistance.

In May, the CALO provided organizational and administrative support for an ODIHR training course on OSCE commitments in the field of migration and human contacts for Uzbek border and customs officials and organized the second stage of an ODIHR training course in human rights law for legal specialists and representatives of human rights NGOs from all five Central Asian Participating States.

The most ambitious and demanding event organized by the CALO for the ODIHR has been a three-day regional consultation on "Women in Public Life" held in Tashkent in June with support from the Government of Uzbekistan. The CALO's partner in organizing this event was the Regional Project in Support of Gender in Development of UNDP's Regional Bureau for Europe and the Commonwealth of Independent States (UNDP/RBEC). The regional consultation brought together ten participants from each of the five Central Asian participating States (governmental, parliamentary, NGO and other representatives) Other participating States and the UNDP/RBEC provided experts. The participants discussed the practical implementation of international and national commitments with regard to women's rights and the challenges to gender equality in Central Asia.

In March, members of the CALO's international staff attended meetings of the ODIHR Special Representative with governmental officials in Turkmenistan and Kyrgyzstan, which the Special Representative was visiting in order to discuss the possible conclusion of Memoranda of Understanding between the ODIHR and the Governments of those two countries.

In June, CALO staff members were involved in exploratory discussions between representatives of the ODIHR and various governmental agencies in Almaty and Astana regarding a package of ODIHR projects and the possible conclusion of a Memorandum of Understanding between the ODIHR and the Government of Kazakhstan. In July, a CALO staff member accompanied an ODIHR expert on a needs-assessment visit to law enforcement agencies in Tashkent.

The CALO has initiated regular fortnightly meetings where representatives of interested OSCE participating State embassies and international organizations in Tashkent discuss and share information on various human rights issues relevant to Uzbekistan.

The CALO maintains very close contacts with international organizations active in Uzbekistan and has established good relations with international organizations operating in Kazakhstan, Kyrgyzstan and Turkmenistan, the objective being to avoid duplication of effort and to explore possibilities for joint activities like the aforementioned regional consultation on "Women in

Public Life" and human rights training for border and customs officials in May.

Thanks to an increase in its international staff, the CALO was able in 1998 to monitor developments in the region more closely and visit many more areas remote from the capitals of the Central Asian participating States.

CALO staff met regularly with representatives of Central Asian NGOs, in particular those dealing with human rights, thereby obtaining valuable information about, and insights into, the implementation of OSCE commitments by the Central Asian participating States.

2.3 OSCE Assistance in the Implementation of Bilateral Agreements

2.3.1 The OSCE Representative to the Estonian Government Commission on Military Pensioners

The Estonian Government Commission on Military Pensioners has continued reviewing applications for residence permits submitted by Russians who formerly belonged to the Soviet armed forces. Some 19,000 applications have been reviewed, and about 1,000 remain to be reviewed before the end of 1998. All residence permits issued to the applicants in question are temporary (for 1-5 years), but they can be extended. The consideration of extension applications is due to start in 1999.

This year there were problems associated with numbers of the applications reviewed:

- many of the applications in question had been submitted after the submission deadline, but the Commission decided to review them nevertheless to prevent them from becoming illegal and to avoid additional attendant problems;
- many files of former KGB officers turned out to be incomplete and had to be returned to the applicants (together with a notice about the possibility of reapplying);
- some 400 applications had been submitted by persons who were also holders of US vouchers entitling them to housing in the Russian Federation. At the same time, however, these persons had received or applied for residence permits when in fact they were supposed to leave Estonia and occupy their new homes in the Russian Federation.
- Very few out of those have been turned down but most got only short-term residence permits (1-3 years).
- The results of a Government appeal to illegal aliens to register have so far not been very encouraging. The OSCE Representative has been promoting an approach whereby illegal aliens (including former military personnel) would receive assurances of non-prosecution if they registered.

2.3.2 The OSCE Representative to the Joint Committee on the Skrunda Radar Station

The "Agreement between the Republic of Latvia and the Russian Federation on the Legal Status of the Skrunda Radar Station during its Temporary Operation and Dismantling" continued to be implemented without any major problems in 1998. As agreed, the period of temporary operation ended on 31 August 1998. Eight inspections have been carried out by teams from 11 OSCE participating States, the last on 3 September 1998; the inspectors confirmed that the Skrunda Radar Station has been switched off.

Dismantling started on 1 September 1998, and there will be four more inspections during the dismantling period, which is due to end with the expiry of the Agreement on 29 February 2000.

The Joint Committee will continue to meet on a monthly basis. On 31 July 1998, Mr. Joergen V. Andersen from Denmark resigned as OSCE Representative to the Joint Committee. He has been replaced by the former Alternate OSCE Representative, Colonel Jürgen Hübschen from Germany.

3. Report of the High Commissioner on National Minorities (HCNM)

3.1 Introduction

During the reporting period, the activities of the High Commissioner on National Minorities increased both in scope and in intensity.

The reporting period culminated in the organization, together with the ODIHR, of an international conference on "Governance and Participation: Integrating Diversity" held in Locarno from 18 to 20 October 1998. The aim of the conference was to focus attention on the objective of good governance through the effective participation of minorities in public decision-making processes.

The following gives an overview of the main activities of the HCNM during the reporting period.

3.2 Croatia

In close co-operation with the OSCE Mission in Croatia, the HCNM continued to be involved in a wide range of issues relating to the Serbian minority. Also, the HCNM followed issues relating to the other minority groups in Croatia.

Together with the OSCE Mission, the ODIHR and the Council of Europe, the HCNM is analysing Croatia's electoral law, especially the provisions regarding the participation of persons belonging to national minorities in elections.

The HCNM paid special attention to the situation in the Pridunavlje area (the former UN Sector East) and to the Joint Council of Municipalities (JCM), created on the basis of the Erdut Agreement. At the end of 1997, the HCNM recommended that a special capacity-building project be initiated in order to assist the JCM in performing its functions and interacting with the central and local authorities. Such a project was initiated, and it is being implemented by the Foundation on Inter-Ethnic Relations.

The HCNM is closely following the implementation of the Knin Legal Clinic Project, initiated early in 1997 by the Foundation on Inter-Ethnic Relations at the recommendation of the HCNM for the purpose of providing legal aid to the returnees in the former UN Sectors South and North.

3.3 Estonia

During the period from late 1997 to late 1998, the HCNM paid three visits to Tallinn. During these visits, his discussions continued to focus on the naturalization question. He inquired, in particular, about what was being done in parliament as regards the proposed changes in the citizenship law which relate to the conferral of citizenship on stateless children born in Estonia since the country regained independence.

The HCNM noted that in 1998 progress in connection with the naturalization question had continued to be rather slow; some 13-14% of the population is still without citizenship. The purpose of the HCNM's earlier recommendation that citizenship be conferred on children born in Estonia of stateless parents was to help reduce the number of stateless persons in the country and to promote the process of integration. The proposed changes in the citizenship law are (at the time of writing) still only at the second-reading stage, which is due to be resumed later in the autumn.

Other matters to which the HCNM has paid close attention include proposals to create an ombudsman-type institution and plans to improve the teaching of Estonian in the country's minority-language schools.

Encouraging developments in Estonia during 1998 were the adoption of an Integration Strategy by the Government in March (and its endorsement by parliament in June), the approval of a National Language Strategy document in April and the introduction of a National Language Teacher Programme (providing for a further 50 Estonian language teachers as of September 1998).

The HCNM has highlighted the positive aspects of the Integration Strategy. For example, it refers to the importance of Estonians and non-Estonians working together in the consolidation of the country's society; it points out that integration is a two-way process, with responsibilities on both sides; it explicitly rules out assimilation as a goal; and it places emphasis on youth. The HCNM agrees with those observers who consider the main task ahead for Estonia to be that of ensuring that the ideas underlying the Integration

Strategy are translated into reality. Practical implementation issues should now be given priority.

3.4 Georgia

The HCNM paid two visits to Georgia in 1998, in June and August. The main topic of his discussions during both visits was the situation in Abkhazia. The HCNM's interlocutors gave their assessments regarding, in particular, prospects for achieving a settlement of the Abkhaz question. The HCNM was told about the present status of the bilateral negotiations taking place in Moscow. During his August visit the HCNM also travelled to Sukhumi, in order to meet representatives of the Abkhaz leadership and explain the OSCE's views regarding the Abkhaz question.

Another topic of the HCNM's discussions, especially during his June visit, was the problems of the Meskhetians (Meskhetian Turks), a people deported from Georgia by Stalin in 1944.

3.5 Consultations on the Meskhetian Issue

The HCNM initiated and hosted a consultation meeting on the Meskhetian issue which was organized in co-operation with the UNHCR and the Forced Migrations Project of the Open Society Institute. The meeting, held in The Hague on 8 and 9 September, was the first of its kind devoted to the problems of the Meskhetian Turks. The participants included representatives of the Governments of Azerbaijan, Georgia and the Russian Federation and representatives of the Meskhetian Turks living in those countries, including representatives of the Meskhetian organization "Vatan".

The main purposes of the meeting were: to exchange first-hand information on the situation of the Meskhetian Turks; to promote dialogue and understanding among the parties involved in the Meskhetian issue; to discuss the problems currently facing the Meskhetian Turks and the relevant authorities, with a view to identifying ways of overcoming them; to draw the attention of the international community to the Meskhetian issue and to explore possibilities for developing a joint and comprehensive approach to it; and to establish a framework for follow-up activities.

The meeting concluded with an agreed joint statement highlighting the need for an international, co-ordinated effort to ensure humane management of the Meskhetian issue. The participants welcomed what had already been done to develop the necessary legal framework in concerned countries, including Azerbaijan, Georgia, the Russian Federation and Ukraine.

3.6 Kazakhstan

The main focus of the work of the HCNM in Kazakhstan during 1998 has been on the further development and strengthening of mechanisms for dialogue and interaction between the majority and minority ethnic groups on one hand and between the different minority groups on the other.

The HCNM has continued to assist the Assembly of the Peoples of Kazakhstan in developing tools for early warning and the prevention of potential conflicts. In that context, the HCNM is helping the Assembly to establish a Research and Analysis Centre with a monitoring network based on sub-regional structures and local correspondents.

On 4-5 December 1997 the HCNM, assisted by the Foundation on Inter-Ethnic Relations and the Assembly of the Peoples of Kazakhstan, organized a Seminar on the Administration of Inter-Ethnic Relations in Local and Regional Governments. The Deputy Governors of all regions of Kazakhstan attended the Seminar.

3.7 Kosovo

In his special capacity as Personal Representative of the OSCE Chairman-in-Office for Kosovo, the HCNM prepared in October 1997 a confidential report to the OSCE Chairman-in-Office containing an analysis of the situation in and around Kosovo and conclusions about possible steps to be taken by the international community in order to prevent an escalation of tension. The report was the result of consultations held in October 1997 at Dürnstein, Austria, with several political experts from Albania and Pristina.

In January 1998, the HCNM prepared another confidential report for the OSCE Chairman-in-Office on developments in Kosovo and their possible impact on stability in the region, including the former Yugoslav Republic of Macedonia and Albania.

On 17-20 February, the HCNM visited Belgrade and Pristina as a 'private person'. In Belgrade he had talks with senior representatives of the Federal Republic of Yugoslavia's Ministry of Foreign Affairs, with representatives of Serbian political parties and with Serbian experts; in Pristina he had talks with leading Kosovo Albanian politicians and with political representatives of the Kosovo Serbs. The reports to the OSCE Chairman-in-Office and to the OSCE participating States on his visits emphasized the risk of a likely further escalation of the Kosovo conflict.

The HCNM continued his activities relating to the Kosovo issue until March 1998.

3.8 Kyrgyzstan

As in Kazakhstan, strengthening of the capacity of national and local structures to deal with inter-ethnic relations and the further development of

mechanisms for early warning and early prevention were the main areas of activity of the HCNM.

The HCNM continued supporting the Assembly of the People of Kyrgyzstan and its structures, in particular the Information and Research Centre, which organizes seminars and publishes bulletins on issues relating to inter-ethnic relations and harmony.

In the summer of 1998, the HCNM chaired a seminar on the management of inter-ethnic relations at the local level. The seminar was opened by President Akaev of Kyrgyzstan and attended by the Governors of all of Kyrgyzstan's regions.

The HCNM continued to support the Special Monitoring Network, which provides the Kyrgyz Government with regular detailed information and analyses on inter-ethnic relations in the different regions of Kyrgyzstan (the Network was established in 1996 at the initiative of and with direct support from the HCNM).

The HCNM, together with the responsible governmental structures, continued to pay close attention to further strengthening inter-ethnic understanding in the south of the Kyrgyzstan.

3.9 Latvia

The HCNM continued during 1998 to pay close attention to the situation in Latvia in the light of his recommendations that steps be taken: (i) to abolish the "windows" system of naturalization; (ii) to confer citizenship on children born stateless in Latvia since 1991; (iii) to further ease the requirements of the history/constitution tests forming part of the naturalization procedures; and (iv) to ensure that the new language law - when adopted - is in conformity with international norms.

At the time of writing, the HCNM had paid three visits to Riga in 1998. As regards the citizenship issue, the main purpose of the visits was to explore ways in which the naturalization procedures could be simplified and to encourage more people to apply for Latvian citizenship, in the interests of promoting integration in Latvia.

In the HCNM's view (a view shared by many observers in and outside Latvia), there is clear evidence that the "windows" system is impeding the naturalization process, which has shown hardly any signs of advancing in recent years. Late in 1998, the proportion of non-citizens in the population of Latvia is still roughly 28 per cent.

The HCNM's continued efforts to encourage Latvia to amend its citizenship law, in particular with regard to stateless children, were guided by the wish to help reduce the still sizeable number of stateless persons residing in Latvia and to promote the process of integration.

In a welcome development, the Latvian Parliament voted in June 1998 to adopt the Government-proposed amendments abolishing the "windows" sys-

tem and conferring citizenship on children born stateless in Latvia since 1991. The vote was confirmed in a referendum conducted on 3 October, a result warmly greeted by the HCNM. The swift and effective implementation of the amendments to the citizenship law would be an important step in promoting the integration process.

On the issue of the history/constitution tests, the HCNM has continued to call for a further easing of requirements in his discussions with Latvian officials. The new draft of the language law has been a particular focus of the HCNM's attention in 1998. The HCNM had several detailed discussions with the chairman of the Saeima committee responsible for drafting the new law, who asked him to comment on the draft text. On 17 April, the Government of Latvia issued a statement supporting the HCNM's earlier recommendation that the language law be in accordance with international norms. At the invitation of the Saeima committee chairman, the HCNM organized a team of experts (including an expert from the Council of Europe) which held consultations with the committee in Riga with a view to ensuring that the law does comply with international norms. The consultations, held in August, narrowed down the differences, but at the time of writing some points had still to be resolved, particularly points regarding the use of the State language in the private sector.

The HCNM has taken the opportunity, on his various visits to Riga and at meetings with Latvian officials, to express support for the progress so far achieved under the auspices of the National Language Training Programme as an instrument for promoting Latvian language learning and the broader integration process. He has also expressed the hope that this programme can be built upon and expanded in future, perhaps with further outside assistance, to improve knowledge of Latvian among the Russophone part of the population.

3.10 The former Yugoslav Republic of Macedonia

The HCNM continued his activities in the former Yugoslav Republic of Macedonia, focusing on the improvement of inter-ethnic relations in the country, with special emphasis on the position of ethnic Albanians. In view of the conflict in Kosovo (FRY) and of the fragile political situation in Albania, inter-ethnic relations in FYROM assume, in HCNM's opinion, an even greater significance for overall regional stability.

The HCNM carried out his activities in the country through quiet and confidential mediation efforts, and numerous contacts and talks with the country's highest officials, political representatives of the Albanian minority and leaders of different political parties. In November 1997, he held consultations in The Hague with leaders of the Albanian Party for Democratic Prosperity.

In the view of the HCNM, one of the critical aspects of the position of Albanians in the country is Albanian language education, especially higher edu-

cation. At the time when this report was being drafted, more specific recommendations on this question were being prepared. The HCNM is also interested in the Government's efforts to increase the number of Albanians studying at Macedonian universities. To this end he supported a project carried out by the Foundation on Inter-Ethnic Relations to provide educational support to Albanian students preparing for the entrance examinations for the university of Skopje. Better educational possibilities will also improve Albanians' chances of entering the public service, both at national and local levels. During his meetings with the country's officials and with the Albanian minority's representatives, the HCNM took an interest in the developments that had followed the 1997 Gostivar events, particularly the results of the work of the special parliamentary commission investigating the issue and its conclusions and suggestions.

The HCNM also focused on issues related to various forms of dialogue between the authorities and representatives of minorities, particularly of the Albanian minority.

3.11 Romania

In Romania, the HCNM continued his work on improving inter-ethnic relations, in particular as they affect the Hungarian minority. In this respect he focused primarily on the Education Law and the development of multi-cultural educational institutions.

The HCNM visited Romania twice in 1998. The first visit took place on the occasion of a Round-Table on Minorities and Tertiary Education organized by the office of the HCNM in co-operation with the Romanian Government in February 1998. The second visit came at the end of August and the beginning of September 1998 and followed up on issues discussed at the Round-Table.

Through his visits and the Round-Table, the HCNM promoted dialogue on possibilities for changes in the Education Law which would permit improvements in the tertiary education available for the Hungarian minority in their mother tongue. Since this topic proved to be a controversial one, consultations in Romania aimed at finding a compromise solution which would be both sustainable and acceptable to the Romanian Government and the minorities.

During the autumn of 1998, however, tensions arose between the Hungarian-Romanian UDMR party and the other governmental coalition parties. This came as a result of a decision of the Parliamentary Committee on Education to impose new restrictions on the previously proposed amendment of Article 123 of the Education Law, concerning the establishment of multi-cultural educational institutions. This development, which ran contrary to an agreement reached by the coalition, led to a threat on the part of UDMR to leave the coalition. At the time when this report was being drafted, a new compromise formula was being developed by the government.

3.12 Slovak Republic

The activities of the HCNM at the end of 1997 and during 1998 have focused mainly on problems related to the use of minority languages, educational issues and issues connected with the reform of legislation on local elections.

At the invitation of the Slovak Government, the HCNM visited the Slovak Republic on 9 and 10 April 1998, along with delegations from the Council of Europe and the European Commission, in order to discuss the issue of minority language rights in the light of the Slovak Republic's international commitments. The objective of the meeting was to come to an understanding with the Slovak Government on questions regarding the use of minority languages in a situation where immediate steps need to be taken in order to maintain stable inter-ethnic relations and sustain such relations in the future. In the view of the HCNM, although the Slovak Constitution provides for protection for minorities, a situation of legal uncertainty exists regarding the

use of minority languages. This uncertainty was created by the adoption of the Law on the State Language, which establishes the precedence of the Slovak language in a variety of settings without at the same time clearly taking into account the right of persons belonging to national minorities to use their own language. The HCNM urged the Slovak Government to endeavour to find immediate solutions, in particular with regard to the use of minority languages in official communications with administrative authorities and the availability of school certificates in minority languages, as well as in Slovak. During the follow-up consultations at expert level on 18 and 19 May 1998, some elements of a working draft general law governing the use of minority languages were submitted to the representatives of the HCNM's office, the Council of Europe and the European Commission. Despite some progress, various concerns remained. It was thus agreed that discussions on the draft law governing the use of minority languages and on the concerns expressed by the High Commissioner and other international institutions would continue in the autumn.

Other developments to which the HCNM has paid close attention in the Slovak Republic include the new legislation on local elections. The HCNM expressed serious concern about the main thrust and effect of the Law on Local Elections which had been adopted by the Slovak Parliament. The main aim of the Law is to fix electoral representation along ethnic lines, an idea that runs contrary to international principles and specific standards concerning free elections.

On educational issues, a bill submitted to Parliament by members of the Slovak National Party, which aimed at modifications regarding the language of instruction in minority language schools, was a particular focus of the HCNM's attention. The HCNM was pleased to note that the Parliament of the Slovak Republic rejected this proposal and decided in favour of the freedom of parents to choose the school system they prefer; this decision follows the Government's policy statement of April 1994 undertaking to respect the right of parents of children belonging to national minorities to choose the language of instruction.

3.13 Ukraine

The HCNM's attention was concentrated mainly on issues relating to the re-integration of the formerly deported peoples of Crimea, and primarily the Crimean Tatars.

By the end of 1997 a special pilot project on possibilities of creating multicultural home schools in areas with undeveloped infrastructure (mainly Tatar settlements) was finalized and two schools were opened. The project was developed by the HCNM and implemented by UNDP and the Government of Ukraine.

The HCNM, in close co-operation with UNHCR, UNDP, IOM and the OSCE Mission in Ukraine, organized a Donors' Conference in June 1998 in Kiev to raise funds that could be used to meet the humanitarian needs of the formerly deported peoples of Crimea. Several million US dollars were pledged by more than 15 OSCE States at the Conference.

The HCNM has been working actively to persuade all the parties involved to simplify the procedure for obtaining Ukrainian citizenship for the formerly deported peoples of Crimea. In this context the HCNM and the UN High Commissioner for Refugees also interceded with the Government of Uzbekistan, from where the majority of the formerly deported peoples had returned. Recently, the Presidents of Ukraine and Uzbekistan reached a special agreement allowing an automatic change of citizenship for persons in this special category, upon individual request.

3.14 Uzbekistan

On 1 and 2 June 1998 the HCNM paid an orientation visit to Uzbekistan as part of his trip to Central Asia. He had meetings with the Speaker of the Parliament, senior Ministers and leading scientists, but also met leaders of a number of national groups and representatives of several NGOs.

The HCNM noted the concern of most of his interlocutors aroused by the problems of Islamic fundamentalism and its effect on inter-ethnic relations in the country. The HCNM also used the opportunity afforded by these meetings to emphasize the primary importance for States of adhering to generally recognized international standards in human rights.

3.15 Legal Questions

It will be apparent from what has been said above that the HCNM has given his attention to several matters of law in the course of his conflict prevention activities. In keeping with his general approach, which is aimed at arresting tensions at source, the HCNM has relied upon international standards in an effort to promote practical solutions to disputes involving law and policy in various States. He has done this in a co-operative fashion, working with Governments and responsible parliamentary bodies involved in processes of law reform. A range of subjects, including especially legislation on citizenship, education and the use of language, has been covered in this way. In certain cases, the HCNM has sent expert missions, sometimes in co-operation with other competent international organizations, to provide advice on specific aspects of law reform. In addition, the HCNM has contributed his views on the overall compatibility with international standards of various laws relating to minorities, including some laws of constitutional rank which accord minority rights. The office of the HCNM has also increasingly responded to requests from other OSCE institutions and international organizations for

analyses and views regarding relevant international law and practice. To this end, the office of the HCNM has continued to compile its own specialized data-banks and reference materials, and to develop further its own expertise. With a view to clarifying the content of relevant international standards and providing useful guidance for States in the development of policies and laws consistent with their international obligations and commitments, the HCNM has in the past year promoted the Oslo Recommendations Regarding the Linguistic Rights of National Minorities. The HCNM hopes that these Recommendations, compiled by eleven internationally recognized independent experts, may prove to be a useful tool for coping with States' problems in devising appropriate policy and legislation in this field, for these tend to be recurrent problems. The Oslo Recommendations complement The Hague Recommendations Regarding the Education Rights of National Minorities, which the HCNM initiated in the previous year.

With regard to State practice, the HCNM is in the process of completing a compilation and analysis of responses from OSCE participating States to his questionnaire regarding the use of minority languages. This compilation and analysis, which includes responses from virtually all participating States, should constitute a useful comparative reference base that States can draw on in the future. The HCNM intends to complete his analysis and to report to participating States at the beginning of 1999.

4. The Human Dimension: Report of the Office for Democratic Institutions and Human Rights (ODIHR)

4.1 Introduction

1998 was an important year of development for the ODIHR. In accordance with the concept endorsed by the Permanent Council in June 1997, priority was given to the observation and promotion of elections in line with OSCE commitments, practical involvement in the promotion of human rights and democratic institutions, and monitoring the implementation of the OSCE's human dimension commitments.

The ODIHR has continued to adapt during the year and to respond to increasing requests for election and democratization projects and assistance in the OSCE region. At the same time, it has worked to reform the process for reviewing the implementation of OSCE human dimension commitments by participating States, and has provided the necessary groundwork for further Memoranda of Understanding between the ODIHR and several participating States in Central Asia and the Caucasus.

The Office moved in June to large, airy premises placed at its disposal by the Polish Ministry of Foreign Affairs which provide adequate accommodation for the growing ODIHR staff. From 30 staff members in 1997, the ODIHR

has expanded to over 40 employees during 1998, largely thanks to secondments by participating States.

4.2 Co-operation

Co-operation between the ODIHR and other international organizations and institutions was a priority for 1998 and the Office is now working successfully together with the Council of Europe, UNHCR, UNDP and the EU Commission among others, in a number of different fields. For instance, Mary Robinson, UN High Commissioner for Human Rights, and Ambassador Stoudmann, ODIHR Director, signed an agreement on co-operation between the UNHCHR and the ODIHR on 19 June 1998. An exchange of letters on co-operation also took place between the ODIHR and Sadako Ogata, UN High Commissioner for Refugees. In March 1998, the ODIHR's Director conducted a needs assessment mission to Azerbaijan, Georgia and Armenia together with representatives of the Council of Europe, the EU Commission, the UNHCR, the Soros Foundations and the Danish Refugee Council. The purpose of this joint effort was to identify the nature and scope of technical assistance to these countries, and simultaneously to divide tasks among the different international institutions in order to avoid any overlap in providing assistance to democracy building and to ensure a common approach to the different challenges. Those institutions are also consulted in the development of new projects. This has set a precedent for subsequent activities.

4.3 Elections

A number of important elections were held in the OSCE region during 1998 and the ODIHR was on hand to provide technical assistance, legal advice and long and short-term observation missions.

Observation: In accordance with the procedures outlined in the OSCE/ODIHR Election Observation Handbook, and following the practice established in recent years, the ODIHR provided both long-term and short-term observers to ensure that the entire election process was properly carried out. Such missions were deployed in Armenia (16, 30 March), Moldova (22 March), Ukraine (29 March), Hungary (10, 24 May), Montenegro/Federal Republic of Yugoslavia (31 May), the Czech Republic (19, 20 June), Bosnia and Herzegovina (12-13 September), the Slovak Republic (25-26 September), Latvia (3 October), Azerbaijan (11 October), and the former Yugoslav Republic of Macedonia (18 October). Following each observation, a final report was produced, outlining the degree to which the election process had met OSCE standards and detailing any concerns that remained. The reports also offered recommendations to improve the process for future elections.

Technical Assistance: The ODIHR responded to requests from the authorities in Montenegro/Federal Republic of Yugoslavia, Armenia, Albania and Azerbaijan for technical assistance in preparing elections. In Montenegro the technical assistance team supplied by the ODIHR provided expert advice on election systems, media regulations and voter registration which led to revised election legislation being adopted in February 1998. In Albania the ODIHR was engaged in designing a methodology for civic/voter registration, through a number of pilot projects. A consolidated report will be produced with recommendations for a nation-wide registration exercise.

Following a needs assessment mission to Azerbaijan, the ODIHR assisted the authorities of that country in reviewing draft election legislation in preparation for the elections in October.

In February the ODIHR held an Election Assistance Strategy Meeting in Warsaw to share information between organizations involved in offering election assistance to countries in Central Asia. A large number of interested organizations and OSCE bodies attended, all of which stressed the need for increased co-operation and co-ordination of technical assistance among international donors and organizations in the region. It was proposed that the ODIHR serve as a regional focal point for centralizing and circulating information concerning the various election assistance programmes in Central Asia.

The ODIHR also organized an Electoral Process Workshop in March for 16 top-level election administrators from Central Asian countries. The three day workshop in Stockholm, entitled "Key Aspects of the Electoral Process", enabled officials to discuss common approaches to election issues.

The ODIHR is also organizing a joint regional conference with the UN and various international organizations and NGOs. The conference is to review standards for election administration and relevant election-related issues for the five Central Asian States, prior to the elections scheduled in the region for 1999.

4.4 Democratization

Work in the Democratization Section of the ODIHR has focused on the countries of Central Asia and the Caucasus during 1998. Following the Memorandum of Understanding (MOU) with Uzbekistan, signed in October 1997, several technical assistance projects have been implemented in that country. Preparations have also been made for the signing of similar MOUs with Kyrgyzstan, Turkmenistan and Kazakhstan in the autumn of 1998. As part of the follow-up to the needs assessment mission to the Caucasus in March 1998, Memoranda of Understanding with Azerbaijan, Georgia and Armenia will define the nature of technical assistance to be offered to those countries in the course of 1999.

Rule of Law: Technical assistance projects have been carried out in Uzbekistan, Ukraine, Russia, Croatia, Albania, and the former Yugoslav Republic of Macedonia. The latter countries have all been involved in assistance with prison reform, a subject discussed separately below. Projects in Uzbekistan are aimed at promoting democracy and strengthening civil society, and are part of the follow-up to a Memorandum of Understanding entered into with the government of that country. One phase of one of these projects has concentrated on enhancing co-operation between the Constitutional Court, the other branches of the judiciary and the government and has had the benefit of assistance offered by judicial experts from France. Assistance provided to Ukraine's Constitutional Court has included a review of the day-to-day functions and needs of the Court. This review will assist the Court in assigning appropriate priorities to its needs and its reform agenda for the next year. Another very similar assistance project carried out on behalf of Ukraine's Constitutional Court involved co-operation with the Constitutional Court of Spain. In Ukraine emphasis has been placed on the identification of administrative and management reforms.

In March, a workshop on techniques to combat organized crime was held in Azerbaijan. The workshop was attended by more than 70 government representatives from national institutions in Azerbaijan, Georgia, Moldova and Ukraine. At the end of September the third phase of a judicial training project was implemented in Moscow, Russia, in co-operation with the Supreme Court of the Russian Federation, the Russian Legal Academy, the Council of Europe and the Canadian International Development Agency. The substance of the training included economic, social and cultural rights and Articles 5, 6 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. More than 70 judges from the Moscow region participated.

In co-operation with the ODIHR Election Section, efforts are underway to assist Ukraine in reforming its election complaints and appeals procedures. As was apparent after the March Parliamentary elections, there exists some confusion regarding the jurisdiction and the respective roles of the judiciary and the election commission in resolving election disputes. This project will be further developed next year in other participating States.

Ombudsman: In Georgia, technical assistance was provided to the Office of the Public Defender (Ombudsman) following the relevant assessment mission; this took the form of day-to-day assistance from an international consultant in the management of that Office. In Albania the ODIHR provided an international expert to advise and assist the authorities in evaluating and discussing possibilities and mechanisms for the establishment of a genuinely independent national Human Rights/Ombudsman institution. The ODIHR also arranged for an ombudsman expert mission to visit Turkey in February for two round-table discussions with high-level representatives of the gov-

ernment with a view to supporting moves towards the establishment of a genuinely independent ombudsman institution.

The ODIHR also played host to the 1998 Human Dimension Seminar on Ombudsman and National Human Rights Protection Institutions in May. This meeting, organized in close co-operation with UNDP, the Polish Ombudsman's office and the Council of Europe, brought together over 300 experts and practitioners to develop improved operations and more effective institutions. The recommendations emerging from this Seminar included a number of ideas, among them the creation of a regional homepage to provide news and information about and for ombudsmen and human rights institutions, the establishment of a co-ordinated working group to identify the scope of training opportunities at present available and determine whether new programmes are needed, and improvements in exchange mechanisms with the media and NGOs.

Migration: In May 1998 an ODIHR delegation of experts ran a training programme in Uzbekistan, as part of the MOU, for border guards and customs officials. The programme focused on the specific needs and capacities of the country in relation to the establishment of effective border controls. It was conducted by trainers from Poland, whose main purpose was to convey the primacy of human rights and the vital importance of acting within the parameters set by law during all border operations. Interest in a follow-up to this course was very high, and apprenticeship of Uzbek border guards in Poland has been proposed.

In September a Round Table on Housing and Property Rights of Refugees and Internally Displaced Persons (IDPs) took place on the premises of the OSCE Mission to Georgia. It was organized by OSCE/ODIHR, UNHCR, the Council of Europe and the OSCE Mission to Georgia, and participants included representatives of the executive, legislative and judiciary branches of the government. The participants discussed expert recommendations related to housing and property restitution issues in the context of a return of persons displaced as a result of the Georgian-South Ossetian conflict. It was agreed to form a working group that would be assigned the task of drafting relevant legislation, comprising experts from the UNHCR office in Tbilisi, the OSCE Mission to Georgia and experts nominated by UNHCR or the OSCE. The group is to start work at the beginning of October.

Prison Service Training: In Albania an assistance project was carried out with the aim of training correctional officers in international penal standards and ways to strengthen and reform the prison administration. An expert visited Albania once a month to design and implement local training exercises, apprenticeships abroad, development of training materials and follow-up courses for correctional officers. In Moldova a multi-phased correctional officer training initiative was undertaken to assist the Moldovan Ministry of Justice in reforming its prison system and improving the training of prison personnel. The ODIHR also dispatched a technical assessment and

consultation mission to Croatia to follow up the similar training programme that took place in 1997.

Human rights education: Following the first human rights education course held in Uzbekistan in 1997, the ODIHR extended its reach to the other four States of Central Asia. In May 1998 a second human rights education course was held in Uzbekistan pursuant to the MOU. A follow-up advanced course was also organized for November, with careful selection of participants from all five States.

Civil society assistance: Projects were carried out in Kyrgyzstan, Georgia and Uzbekistan. The civil society assistance programme, launched in 1997, continued in Uzbekistan. In Kyrgyzstan, as in Uzbekistan, the ODIHR has been keen to help establish mechanisms for improved communication between the Government structures and representatives of civil society in order to allow the NGO community a more immediate voice in the local political process. The civil society assistance programme in Kyrgyzstan and Uzbekistan consists of informal one-day consultations where participants discuss specific issues of concern in relation to the national human rights situation. The first consultation in Kyrgyzstan was held in February 1998 and resulted in the drafting of a set of recommendations to establish principles for co-operation between government institutions and NGOs. A second meeting in May sought to identify the problems of journalism in the country and discussed ways to improve ethical standards. In Georgia a civic diplomacy project was designed to enhance contacts and foster dialogue between civic groups from across conflict lines.

Gender Equality: The ODIHR organized a regional consultation on the theme "Women in Public Life" for over 50 high-level participants from Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan from 16 to 18 June. The consultation focused on the legal framework and practical implementation of legislation, on challenges to gender equality in Central Asia, on lobbying and monitoring to enhance the status of women and on networking and sharing experience. The ODIHR was also able, thanks to the generosity of the United Kingdom, to appoint a new Adviser on Gender Mainstreaming and the Human Rights of Women who is responsible for developing a consistent approach to gender equality and for integrating gender issues into the various activities of the ODIHR.

Combating torture: Following the recommendations that emerged from the 1997 OSCE Human Dimension Implementation Meeting, the ODIHR established an Expert Panel for the Prevention of Torture, which met for the first time in Warsaw on 11 and 12 June 1998. The Panel's task is to provide advice on how the ODIHR can best develop programmes and activities to combat torture in OSCE participating States. In the first meeting the Panel provided the ODIHR with guidance on developing new projects involving legislative reform, training, and strengthening the work on NGOs. It also provided advice on ways to integrate torture prevention into existing projects.

4.5 Monitoring the Implementation of OSCE Commitments

The ODIHR continued to collect and disseminate facts, figures and analyses about the implementation of OSCE human dimension commitments in the OSCE area. Some information was disseminated in the form of thematic background reports for the OSCE's human dimension implementation meetings.

Following the adoption of new modalities, the ODIHR hosted a human dimension implementation meeting in October/November 1998. In contrast to previous meetings, the 1998 meeting was characterized by substantial NGO participation and the integration of NGOs into the speakers list and by high-level representation of participating States at the closing plenary. The ODIHR also arranged side meetings on freedom of the media, religious freedom, gender issues, combating torture, and national policies regarding Roma and Sinti.

4.6 Budget

The large expansion of ODIHR activities required a substantial increase in resources. The ODIHR was able to expand its activities thanks to voluntary contributions - in particular contributions totalling more than USD 2 million from the Governments of Denmark, Norway, the United Kingdom and the United States of America - and to staff secondments from Switzerland and other States. If the demand for ODIHR activities continues to increase, the ODIHR will need even greater support from participating States in 1999.

4.7 Conclusion

In 1998 the ODIHR has proved itself to be a flexible, well integrated and fully operational instrument of the OSCE. Its rapid response capabilities and adaptability mean that it can provide practical assistance to still fragile emerging democracies throughout the OSCE area in their efforts to build sustainable democratic systems. The challenges remain enormous, however, and the risks to the stability of the countries in question are very real. The ODIHR, supported by the OSCE's participating States and other OSCE institutions, intends to further pursue activities designed to enhance the stability of the countries in transition, thereby - it hopes - contributing to conflict prevention, stability and security throughout the OSCE area.

5. Report of the OSCE Representative on Freedom of the Media

In December 1997, at the OSCE Ministerial Council Meeting in Copenhagen, the participating States, acting in accordance with the Budapest and Helsinki Documents, endorsed the nomination of Freimut Duve as the first OSCE Representative on Freedom of the Media.

In its first full year of operation, the Office of the OSCE Representative on Freedom of the Media has become a fully functioning institution of the OSCE and has highlighted the OSCE's continuing commitment to freedom of the media. Participating States are aware of this new, forward-looking institution and some have raised their level of communication on media issues to new heights as a result of this office.

The Representative on Freedom of the Media has communicated in writing with numerous Foreign Ministers and has initiated correspondence with many countries on media issues of concern.

Central to the functioning of this new office has been the ability of the Representative and his staff to visit countries and assess, first hand, a government's commitments to freedom of the media. These visits have been focused on what this new office has identified as its "Four Constituencies": Governments, Parliaments, non-governmental media organizations (NGOs), and the media practitioners themselves. Every visit has contained carefully programmed exposure to these "four constituencies".

5.1 Country Visits

5.1.1 The former Yugoslav Republic of Macedonia

The Representative visited Skopje from 14 to 17 April 1998. The OSCE Spillover Monitor Mission to Skopje had arranged a productive programme which included meetings with the Prime Minister and members of the Gov-

ernment and extensive discussions with journalists, university professors, students and NGOs.

The main concern of the Representative on Freedom of the Media, relating directly to his "early warning" function, is the ongoing issue of how media in the region could, in the worst of all possible situations, be used to launch media campaigns against other groups. The Representative noted an encouraging sense on the part of many journalists, editors, broadcasters and politicians with whom he met, that they are all aware of the possibility of the media being used to create ethnic tension. This possibility of the media being used to pit group against group in this politically tense area, is a factor which will bear careful watching by all concerned.

5.1.2 Belarus

The Representative, following an invitation of the OSCE Advisory and Monitoring Group, participated in a Seminar entitled "Structures of Pluralistic Democracies" which took place in Minsk on 29 and 30 April, 1998.

He urged that journalistic professionalism be enhanced as a regular media policy in modern pluralistic societies and that steps should be taken to ensure broader representation of the public in the governing bodies of public electronic media.

5.1.3 The Slovak Republic

The Representative paid a first short visit to Bratislava on 20 May. He raised a number of issues related to the then ongoing revision of the electoral law and to current working conditions for journalists.

After discussions in the Ministry for Foreign Affairs, he gave a public lecture on "Democracy and free media" within the framework of the series of conferences on "Modern Foreign Policy" organized by the Friedrich Ebert Foundation and the Slovak Foreign Policy Association in Bratislava. The Representative's lecture referred, *inter alia*, to the historic achievements of the CSCE/OSCE, to the corrective function of free journalism and free media in a modern democratic society and to the professional responsibility of journalists, something they had to define themselves. The debate following the lecture focused on current issues in the Slovak Republic. The Representative gave several interviews while in Bratislava for this lecture.

5.1.4 Croatia

The Representative was a featured participant at a two-day seminar on the media organized jointly with the OSCE Mission in Croatia. He delivered introductory remarks describing the new OSCE office. The seminar sessions featured discussions on the print and electronic media, and on the role of the media in establishing trust and reconciliation.

The Representative continues to co-ordinate his efforts to supplement those of the Mission in Croatia in the media field with a view to engaging the Government of Croatia in a serious dialogue resulting in the Government's meeting its commitments to a free and independent media landscape. One major issue for both the Mission and the Representative will be the debate on changes to the law on broadcasting to confirm that the privatization provisions are non-discriminatory.

5.1.5 Turkey

At the invitation of the Government of Turkey, the Representative visited Ankara and Istanbul for discussions with government officials, members of Parliament, journalists and NGOs.

He encouraged an "open and public debate" on the major issues confronting Turkish society, arguing that restricting public debate on controversial issues by penal and other legal codes could possibly have the unintended consequence of imbuing an issue with more importance than it might have merited, if free discussion had taken place. Turkish Government representatives noted that it was the intention of their Government to "broaden" the existing freedom of expression by a draft bill currently under consideration in Parliament which narrows the definitions of what is prohibited under the penal code and the anti-terror law. Prison sentences would also be shortened. If the draft bill should pass, several prisoners including some journalists, might be released.

5.1.6 The Russian Federation

The Representative paid an initial visit to Russia where he held talks with officials of the Foreign Ministry and representatives of the Duma. He also visited Russian media and discussed issues of concern relating to the ongoing development of free and independent media in Russia.

He met groups of journalists and editors, and representatives of NGOs, including the Glasnost Foundation. He also delivered a lecture at a Moscow university on his new office and on journalistic freedom and responsibility.

5.1.7 Albania

The Office of the OSCE Representative on Freedom of the Media continues to be involved in the development of free media in Albania and is closely following the work being done on the drafting of a new public television law. An Advisor made an assessment mission earlier in the year and attended a Council of Europe-sponsored targeted conference on assistance to Albania. The office has recommended measures to reduce the economic disincentives militating against the development of free media, such as high VAT levels and high capitalization requirements for independent television stations.

5.1.8 The United States

The Representative visited Washington, D.C. soon after taking up his duties and met with officials at the Department of State concerned with OSCE and media issues. He also met the "Helsinki Commission" staff of the U.S. Congress, and officials of the United States Information Agency to discuss ongoing co-operation on media issues. He spoke at a press club breakfast and met representatives of several Washington-based NGOs.

5.1.9 The Federal Republic of Yugoslavia

In a special intervention to the Permanent Council on 27 August, the Representative on Freedom of the Media, consistent with his early warning function, delivered a statement concerning restrictions on journalists operating from the Federal Republic of Yugoslavia. He noted that the ongoing conflict in Kosovo was not only an internal affair of the Federal Republic of Yugoslavia, but rather that international media covering the conflict are an essential source of information.

The Representative noted that he had written letters to the Foreign Minister of the Federal Republic of Yugoslavia urging the Belgrade authorities to allow unimpeded access to the media to cover the events in the country, especially in Kosovo. He offered, as well, to come to Belgrade to discuss this and other media-related issues with Belgrade authorities.

On 4 September, the Representative was informed by the Belgrade Government that he would not be issued a visa to visit the Federal Republic of Yugoslavia to discuss these issues.

Throughout October and November the Government of FRY continued to inflict more and more restrictions on free and independent media in the country as a result of the escalation of the conflict in Kosovo. The Representative therefore issued a number of statements in October concerning the banning of independent radio stations and newspapers and of the re-broadcasting of foreign radio programmes.

The Representative has also criticised the adoption by the Serbian Parliament of the Law on Public Information on 20 October, four days after the signing of the Agreement on the establishment of the Kosovo Verification Mission by the Chairman-in-Office of the OSCE, Minister Geremek, and Yugoslav Foreign Minister Jovanovic. This Law institutionalized the banning of foreign programmes, levies exuberant fees on offending media with a 24-hour deadline in which to pay and gave the authorities numerous powers to curtail free media.

In November the Representative prepared a report on the current situation of the media in FRY.

5.1.10 Ukraine

A number of critical references on the media situation in Ukraine mentioned in the ODIHR report on Parliamentary Elections in March 1998 and highlighted in international media reports as well as the Representative's letters to the Ukrainian Government have led the Office to undertake an assessment in Kiev. Talks there were held with government officials, newspapers and television editors of different political affiliations. This visit has confirmed the existence of widespread complaints about the relevant legal framework and about the implementation of laws considered to be arbitrary.

The Representative had raised these and other concerns in a meeting with the Ukrainian Foreign Minister Tarasyuk on 16 October. Minister Tarasyuk expressed his readiness to co-operate with the Representative on media-related issues, especially before the Presidential Elections scheduled for October 1999. The Representative intends to visit Ukraine early next year.

5.1.11 Bulgaria

An Adviser from the Representative's office visited Bulgaria in September to participate in a seminar on government-media relations sponsored by the Vienna-based NGO International Press Institute and the Bulgarian Government Information Office. From meetings with journalists, he gained the impression that the media environment is generally positive, but he was made aware of concerns about a new Radio and Television Law which could endanger the independence of the media. Noting that some statutes in Bulgaria's criminal code provide for the imprisonment of journalists convicted of libel or personal defamation, he expressed the hope that these provisions - although rarely applied - would be repealed by the Parliament.

5.1.12 Azerbaijan

An Adviser from the office spoke at a Council of Europe seminar in Baku. In follow-up sessions with journalists and government officials, he identified the lack of independent television stations as an issue that needs attention. He noted several positive recent steps - abolition of censorship and repeal of the Value Added Tax for print media - and hopes to work with the Government of Azerbaijan to enable more independent television stations to obtain licenses to broadcast.

5.1.13 Kyrgyzstan

An Advisor visited Bishkek and concluded that the concept of freedom of the media is honoured in Kyrgyzstan. Legal safeguards that assure a free and independent media exist. The President has used his authority to create an environment where a pluralistic media can function freely. He has also expressed his gratitude to the media for assisting him in fighting corruption. The Representative has often referred to the "corrective function" of the media; this is a perfect example.

5.2 Relations with Other Institutions

Central to the functioning of the Office of the Representative on Freedom of the Media have been its relations with other institutions, both within and outside the OSCE. The Office has concluded an agreement with the ODIHR confirming the current media monitoring arrangements and the ODIHR's primary responsibility for monitoring media during election campaigns, and that the new Office will deal with structural issues. The Office has developed a productive working relationship with the Council of Europe which relies heavily on the expertise of the Council's media specialists.

The NGO media community has been particularly useful in providing the Office with information about what is happening in particular countries. Recognizing the value of this unique resource, representatives of the Office have met over a dozen representatives of such NGOs, and the Office communicates almost daily via e-mail and the Internet with NGOs around the world.

5.3 Structural Issues Restricting Media Freedom

On several occasions, the Representative has expressed his concern about what he has called "censorship by killing", taking the life of a person because of what he or she has written or was about to publish. He continues to appeal to Governments to do their utmost to ensure legal prosecution. He will continue to seek ways of addressing this serious issue.

The Representative remains concerned about the restriction of media freedom through what he calls "indirect structural repression" against freedom of the media. He has referred on several occasions to the efforts of some governments to hinder the growth of independent and free media through political use of frequency allocation, for example, or excessive fees for licenses. It includes more subtle forms of leverage such as the ongoing government control of the distribution system, or the control of newsprint. It includes other disincentives, economic or otherwise, that make the development of independent and free media more difficult.

Criminal libel and defamation statutes in a number of OSCE countries have also drawn the focus of the Representative. The core belief is that no person should be imprisoned for what he writes and that there should be civil legislation which covers libel and defamation. The Representative has urged governments to move in the direction of de-criminalizing libel and defamation. This issue - with its serious implications for the freedom of expression - will need the Representative's attention in the coming year.

6. Security Co-operation

6.1 The Annual Implementation Assessment Meeting

The 8th Annual Implementation Assessment Meeting 1998 (AIAM) of the Forum for Security Co-operation (FSC) took place in Vienna from 2 to 4 March 1998. The central role of this meeting in assessing the implementation of Confidence- and Security-Building Measures (CSBMs) was made evident by the participation of numerous experts from capitals. The meeting was marked by the submission of a large number of important proposals, tabled with a view to ongoing revision of the Vienna Document 1994.

6.2 Vienna Document 1994

On 4 February 1998 the FSC decided to establish an ad hoc Working Group for the revision of the Vienna Document 1994, the aim being to complete the review during 1998. The Group started work in February, and the first phase of negotiations came to an end with the co-ordinator's presentation of a "rolling text" of the new document at the 21st meeting on 16 September 1998.

6.3 The Code of Conduct

As a result of the Follow-up Conference on the Code of Conduct in September 1997, the FSC decided to institute a regular information exchange on the implementation of the Code of Conduct. Consequently, participating States will provide each other and the Conflict Prevention Centre, on an annual basis and not later than 15 April, with relevant information on the Code, including steps taken for its implementation.

6.4 Seminar on Defence Policies and Military Doctrines

Under the auspices of the FSC, a high-level Seminar on Defence Policies and Military Doctrines was convened in Vienna from 26 to 28 January 1998. Numerous chiefs of general staff of participating States' armed forces had a fruitful exchange of opinion on force structures, national defence policies and military doctrines of the future. Among the main issues considered during the seminar were challenges posed by peacekeeping operations and the military's response thereto.

6.5 Global Exchange of Military Information

A workshop on automated data exchange, attended by a larger number of participants than on previous occasions, preceded the Global Exchange of Military Information which was successfully carried out on 30 April 1998.

6.6 Other Activities

Since June 1998, participating States have been concentrating, at plenary meetings of the FSC, on discussion of the regional dimension of security and on regional measures in general.

The FSC decided to upgrade the OSCE Communications Network connecting capitals to make it "year-2000 compliant".

A special meeting of Working Group A was held on 18 September 1998 to review the implementation of the information exchange on conventional arms transfers by participating States.

During the reporting period participating States implemented the following confidence- and security-building measures:

- 7 airbase visits;
- 71 evaluation visits;
- 47 inspections;
- 8 demonstrations of new types of major weapon and equipment systems; and

- 13 visits to military facilities, military formations, and observations of certain military activities.

7. Economic and Environmental Activities

In January 1998, following a proposal by the Secretary General, the Chairman-in-Office appointed Mr. Thomas Price as Co-ordinator of OSCE Economic and Environmental Activities (CEEAA).

The Co-ordinator's mandate has five main focal points:

1. enhancing the OSCE's interaction with relevant international organizations;
2. strengthening the economic, environmental, and social components of the work done by 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 additional activities in, and related to, the OSCE's economic dimension.

During the past year, and particularly since the arrival of the Co-ordinator himself, his newly founded office - below called the OCEEAA - has concentrated its work in these five areas. On the first point of the mandate, several rounds of formal and informal consultations have been held with the UN Economic Commission for Europe, the European Commission, the European Bank Reconstruction and Development, the Organization for Economic Co-operation and Development, the International Energy Agency, the Council of Europe, the World Bank, and other key partners both here in Vienna and in the field.

In late August, responding to an invitation from UN Office in Vienna Director General Arlacchi, the Co-ordinator represented the OSCE at a UN meeting on the elaboration of an international convention against transnational crime. In September, the OSCE Liaison Office in Central Asia, the CEEAA and a number of international organizations active in Central Asia organized a seminar in Tashkent on regional environmental issues. And in early November, an important conference on subregional environmental problems in the Black Sea area was co-hosted in Istanbul by the OSCE, the Black Sea Economic Co-operation and the Turkish Government.

On the second point, much work remains to be done. However, the CEEAA took some useful first steps by meeting formally with all OSCE Heads of Mission when they gathered in Vienna in June, and by meeting many of them throughout the year as they passed through Vienna or when members of the OCEEAA visited their Missions. The New Mission Members' Training Seminars also provide an invaluable opportunity for CEEAA to interact directly with the people who are to carry out economic/environmental work in the

field. As the OSCE prepares to open new centres in Central Asia, it has become increasingly conscious of the importance of having qualified personnel assigned to these offices who grasp the importance that governments and NGO's in the region attach to economic and environmental issues, and the selection process has been modified accordingly.

The third point, improving relations with the OSCE Parliamentary Assembly, has been a continuing priority. In March, the Co-ordinator held a meeting with the Parliamentary Assembly's standing committee when it visited Vienna. In July, he attended the annual meeting of the Assembly and contributed actively to the deliberations of the second (economic dimension) committee. The CEEA was able to ensure some cross-fertilization between and among its key partners by inviting Tana de Zulueta, an Italian Senator who had been rapporteur of the Assembly's second committee and then became Vice President of the Assembly, to chair the closing session of the joint OSCE/OECD conference in Paris. Partly because of her work on the bicameral anti-Mafia committee in Italy, and partly thanks to her long familiarity with the OSCE and its work, she was able to make a most useful and highly appreciated contribution to the Paris conference.

The fourth priority identified in the mandate for the CEEA is to increase contacts with NGOs and the private sector. To this end, the Co-ordinator travelled to the Aarhus Ministerial on the environment in late June - a meeting which was attended by, and in large measure planned and conducted by, a wide range of NGOs from many OSCE participating States. Also in June, the Co-ordinator addressed the first annual meeting of the European Business Congress, one of a number of organizations and associations of private sector entities with which the OCEEA maintains regular contacts. Seeking to intensify contacts with NGOs, the Office has compiled an e-mail address list of several hundred organizations in OSCE countries which are active in the environmental field, and now corresponds with them on a regular basis.

The fifth and final point in the mandate, developing a work programme for activities in the economic dimension, continues to absorb a great deal of energy. In this context, the Office worked closely with the Chair to prepare for the Sixth Economic Forum, which took place this year from 1 to 5 June in Prague. The theme was 'Security Aspects of Energy Developments in the OSCE Area'. The Forum was attended by, in addition to representatives of participating States, representatives of the partners for co-operation, the Mediterranean partners for co-operation, NGOs, a number of international organizations as well as business and the academic community. It also included a review of the implementation of OSCE commitments in the economic dimension as set out in the Bonn Document of 1990 and other OSCE documents.

Following the Forum, the OCEEA's main focus in this area has been the preparation and hosting, jointly with the OECD, in Paris on 15 and 16 July, of a major international conference on "National and International Ap-

proaches to Improving Integrity and Transparency in Government", which examined ways of improving governance and fighting corruption. The meeting was attended by a wide range of participating States and by representatives of NGOs, business and trade unions.

The Office has also organized a number of other seminars, principally a series of subregional seminars designed to lead up to the Seventh Economic Forum, and, along with the incoming Norwegian Chair, a follow-up seminar to the Sixth Economic Forum, now scheduled for January 1999 in Oslo.

From 22 to 24 September, the CEEA organized, through the OSCE Liaison Office in Central Asia and with the co-operation of the Government of Uzbekistan, a seminar on "Regional Environmental Problems and Co-operative Approaches to Solving Them", which examined ways of confronting the many environmental problems in Central Asia, including water and energy management, the Aral Sea disaster, and the threat of transboundary nuclear pollution due to unsafe nuclear power stations or tailings dumps. The Seminar was opened on behalf of the OSCE by the Secretary General.

On 5 and 6 November in Istanbul, the OSCE organized, in co-operation with the Government of Turkey and the Black Sea Economic Co-operation, a seminar in the same series entitled "Regional Environmental Problems and Co-operative Approaches to Solving Them", but focusing this time on the Black Sea. Issues dealt with at the Seminar included pollution of the Black Sea and its tributaries, energy matters, the problems of nuclear safety and waste disposal, the use of waterways in the region, and public participation in environmental decision-making.

Other parts of the work programme include special one-time activities (such as the workshop held on 15 September on the Euro, conducted by a visiting expert from the European Commission) and the designing of an economic database in the Secretariat for the use of participating States. Finally, devising strategies for increased activity in the economic dimension by OSCE offices in the field forms an important part of this growing work programme.

8. Relations with International Organizations and Institutions

On the basis of a decision taken at the Copenhagen Ministerial Council, which, *inter alia*, tasked the Chairman-in-Office, in co-operation with the Secretary General, to work actively to increase the OSCE's co-operation with other international institutions and organizations, the OSCE considerably increased interaction with its international partners. The aim was to make maximum use of, and expand as appropriate, consultation mechanisms, at headquarters level in order to achieve concrete results in the field.

In the past year the OSCE's relations with other international organizations were re-evaluated in a number of contexts. Regular consultation mechanisms involving the principal partners of the OSCE- (Tripartite High Level meetings of the OSCE, the Council of Europe and the UN; '2+2' meetings of the

OSCE and the Council of Europe; Target Oriented Meetings on specific crisis areas, involving all concerned international organizations; and finally bilateral meetings and cross-representation), were used to assess the state of relations, and particularly co-operation in the field. In 1998, an additional '2+2' meeting was held at the level of senior officials. Furthermore, visits by the Secretary General of the Council of Europe to OSCE PC meetings in Vienna, and by the OSCE's Secretary General to meetings of the CoE Committee of Ministers at Deputies level in Strasbourg, offered an opportunity to assess possibilities for pragmatic co-operation and became a regular feature of the period on which we are reporting. For the first time, the UN Under-Secretary-General, and Director-General of the United Nations Office at Geneva, Mr. Vladimir Petrovsky, addressed the OSCE Permanent Council in November 1998.

An important event in this context was a meeting with international organizations held during the annual meeting of Heads of Missions and the Secretariat. International organizations and institutions were also drawn into the work undertaken in the context of the Security Model. At a special informal meeting of the OSCE Security Model Committee in July, representatives of the WEU, NATO, the CIS and the CoE participated actively, presenting their views on the Platform for Co-operative Security. A similar special informal meeting of the OSCE Security Model Committee with UN agencies took place in October.

The year 1998 saw both a deepening and a widening of OSCE's relations with other international organizations. An important development which reflected the deepening of relations during 1998 was the conclusion of Memoranda of Understanding with other international organizations aimed at bringing about closer co-operation in the field. The UN High Commissioner for Human Rights and the ODIHR signed an agreement on co-operation on 19 June. An exchange of letters on co-operation also took place between the ODIHR and the UN High Commissioner for Refugees as well as between the HCNM and the UNHCR. A Memorandum of Understanding on the Enhancement of Co-operation between the Office of the United Nations High Commissioner for Refugees and the OSCE Secretariat was concluded on 15 October. This pragmatic agreement was inspired by the excellent interaction in the field between the two organizations and aims at improving concrete mechanisms already in use (improved exchange of information, designation of liaison officers, cross representation at relevant meetings, joint assessment of situations of common concern, coherence of approach in the field, and the possibility of holding target oriented meetings). The increasingly close co-operation between the UNHCR and the OSCE demonstrates recognition of the critical linkage between migration, displacement and security issues.

The reporting period also saw a n in-depth discussion of the Organization's links with the Council of Europe at a Seminar on an Alliance for Human

Rights and Democracy, held in The Hague on 5 June at the initiative of the Dutch government. While it was emphasized that the two organizations are different in many respects, it was also recognized that they share the objective of promoting human rights and democracy in Europe. Overlap was not considered a serious problem, as organizations can reinforce each other efficiently by co-ordinating their actions. Structural innovations which could lead to the creation of new bureaucracies should not be pursued. Rather, the organizations should build upon what they have achieved so far in a pragmatic manner, not through a strict division of labour but by ensuring practical complementarity.

Improvement of the relations between the two organizations was also the subject of a September Recommendation of the Council of Europe Parliamentary Assembly (1381/1998) on "General Policy: Council of Europe and OSCE". This document noted also that the two organizations share principles and objectives but have different responsibilities, structures, working tools and methods. It calls for a clearer division of tasks to avoid duplication, and supports the proposals on future relations put forward at the seminar in The Hague. The Final Report to the CoE Committee of Ministers by the Committee of Wise Persons submitted in November 1998, called for pooling of relevant information, consultation in times of crisis and a role for each other's chairpersons at ministerial meetings.

Co-operation with other international organizations is most important in connection with OSCE work undertaken in the field. In 1998 the OSCE Mission to Croatia took over important tasks from the UN following expiry of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium on 15 January. The OSCE also took on the unprecedented role of deploying civilian police monitors in the Croatian Danube region following expiry of the mandate of the United Nations Police Support Group (UNPSG). The handover from the UN was marked by close co-operation.

The OSCE and UNHCR missions to Croatia co-operate closely on the two-way return of refugees and displaced persons. In an effort to further strengthen co-operation, the UNHCR and OSCE missions, together with the European Commission Monitoring Mission (ECMM), are developing a Co-ordination Centre for collation and analysis of the results of joint monitoring activities and improved co-ordination of joint action. The Mission to Croatia has established common structures, called Return Facilitation Groups, with UNHCR and ECMM (including a secretariat) to co-ordinate international monitoring of and support for the Return Programme.

Co-operation between the OSCE Kosovo Verification Mission (KVM) and humanitarian and other international organizations is a key ingredient of the Mission's concept of operations. The first aim is to work closely together to achieve the purposes of the KVM itself, and the second is to collaborate in resolving the humanitarian difficulties facing the population of Kosovo. The

agreement between the OSCE and the Federal Republic of Yugoslavia of 16 October 1998 states that the "OSCE will establish co-ordination with other organizations ... to allow the Verification Mission ...to accomplish all its objectives" and that "the Verification Mission will ... assist UNHCR, ICRC and other international organizations in facilitating the return of displaced people to their homes, the provision of facilitative and humanitarian assistance to them by the FRY, Serbian and Kosovo authorities as well as the humanitarian organizations and NGOs". Both categories of co-operation were subjects of discussion at a target-oriented meeting held in Warsaw on 5 November 1998 attended by representatives of humanitarian and other international organizations, of NGOs and of OSCE institutions. This meeting also focused on the work of the KVM in the field of human rights and elections. The OSCE Presence in Albania continues to be an excellent example of the OSCE's ability to co-operate with international organizations. In Albania, the OSCE serves for the second year now as a flexible framework for co-ordination.

With the European Union the OSCE went a step further by initiating (and co-chairing) the *Friends of Albania* group, which held its inaugural meeting in Brussels on 30 September 1998. The OSCE in Tirana will provide the overall framework for the Group. The Group is open to countries and international institutions which wish to give Albania active support in its development efforts. The Group should, *inter alia*, provide a forum for mutual information, consultation, and co-ordination on political, financial, economic and security-related matters concerning Albania.

Another example of co-ordinated action is to be seen in the joint statements on the situation in Albania issued by the OSCE with other international organizations.

In Bosnia and Herzegovina, the OSCE and the CoE worked closely together in an International Election Observation Mission enlisting the joint efforts of the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly, the European Parliament and the OSCE Office for Democratic Institutions and Human Rights. The elections held in Bosnia and Herzegovina on 12 and 13 September were assessed in collaboration with the Mission.

The close co-operation between the OSCE and the UN in the field was - highlighted at a meeting of regional organizations in New York in July. The Secretary General of the OSCE submitted concrete proposals on enhancing co-operation between the two organizations. A follow-up meeting to be held in December will concentrate on practical modalities for co-operation in relation to early warning and conflict prevention.

9. Relations with Partners for Co-operation

The OSCE continued to work with its partners for co-operation; Japan and Korea, and the Mediterranean partners for co-operation, Algeria, Egypt, Is-

rael, Jordan, Morocco and Tunisia. This year Jordan was welcomed as a Mediterranean partner for co-operation.

The dialogue between the OSCE participating States and the Mediterranean partners continued mainly through the Contact Group meetings. A number of high-level OSCE officials gave briefings on the OSCE's various areas of endeavour, notably the elaboration of a Document-Charter on European Security and present mission activities, and also on OSCE experience gained with regard to arms control and confidence and security building measures. In addition, briefings were presented by both the OSCE Representative on Freedom of the Media and the Co-ordinator for OSCE Economic and Environmental Activities.

In their contributions to the Contact Group, the Mediterranean partners presented a number of ideas and proposals, in particular on co-operation in relation to cultural confidence-building measures and peaceful settlement of conflicts, as well as suggestions for seminars. The proposals are under consideration by the participating States.

In the light of the continued interest shown by the Mediterranean partners for co-operation in becoming acquainted with OSCE activities, and the desire of participating States to improve the quality of interaction with them in the day-to-day work the Permanent Council adopted a decision opening new opportunities for co-operation. As a result, representatives of the Mediterranean partners can make short-term visits to OSCE missions and participate in OSCE/ODIHR election monitoring or supervision operations. Detailed modalities for such participation have been prepared by the Secretariat and by ODIHR.

On 19 and 20 October 1998, the annual OSCE Mediterranean Seminar took place in Malta. The topic was "The Human Dimension of Security, Promoting Democracy and the Rule of Law". In addition to representatives from twenty-eight OSCE participating States, the seminar was attended by representatives from Algeria, Egypt, Israel, Jordan and Tunisia. Korea was also represented. Representatives of five international organizations, namely the Council of Europe, the United Nations High Commissioner for Refugees, NATO, WEU and the Mediterranean Forum, also attended the event.

The partners for co-operation were invited to a number of OSCE activities, including the Follow-up Conference on the Code of Conduct on Politico-Military Aspects of Security, the Seminar on Defence Policies and Military Doctrines, and the opening and closing sessions of the Annual Implementation Assessment Meeting.

The appointment of an Adviser in the Department for General Affairs tasked to serve as contact person with the partners for co-operation helped to increase contacts and the flow of information between the Secretariat and the partners for co-operation.

Japan continued to attend the weekly plenary sessions of the Forum for Security Co-operation and the Permanent Council. At the Permanent Council

meetings this year, Japan provided information on some key elements of Japanese policy towards Bosnia and Herzegovina, and announced a significant financial contribution for the elections organized by the OSCE in September 1998. Japan also seconded short-term observers to the elections held in Bosnia and Herzegovina. Furthermore, Japan made a voluntary contribution to support the work of the Organization.

10. Contacts with Non-Governmental Organizations (NGOs)

The focal point of OSCE contacts with Non-Governmental Organizations is the Office for Democratic Institutions and Human Rights with its NGO Unit. During 1998 the activities included special civil society assistance programmes in Georgia, Kyrgyzstan and Uzbekistan which were carried out in co-operation with local and international NGOs. Furthermore, the ODIHR organized a Human Dimension Implementation Meeting in late October and early November 1998 which benefited from more intensive and incisive involvement of NGOs; instead of being confined to addressing the meeting only after all attending participating States and international organizations had done so, they were allowed to address the meeting on an equal footing with the other participants at any time.

Apart from the ODIHR, new institutions were established during 1998 which have close relationships with the NGO community. The Representative on Freedom of the Media, who took up his duties in 1998, identified NGOs as one of his "Four Constituencies" (the others being Governments, Parliaments, and the media practitioners themselves). Contacts with NGOs have thus become part of the programme of the visits of the Representative and his staff to OSCE countries during which the commitment of governments to freedom of the media was assessed.

The mandate of the newly appointed Co-ordinator of Economic and Environmental Activities also includes contacts with NGOs and the private sector. The Co-ordinator of Economic and Environmental Activities has widened the scope of his co-operation with NGOs to include those that work in the areas of economics and the environment as well. Close links to a number of them have been established during the past year. NGOs participated in the Economic Forum and other OSCE meetings focusing on economics and the environment. The Co-ordinator travelled to Denmark for the Aarhus Ministerial on the environment, which was attended - and, in part, conducted and planned - by a large number of NGOs from many OSCE countries. Seeking to broaden interaction with NGOs, his Office has compiled an e-mail list/address list of more than 200 organizations active in the environmental field and corresponds with them on a regular basis. This interaction has already proven to be mutually educational; it has certainly helped to raise the OSCE's profile in this area and to promote a greater awareness of its comprehensive concept of security.

Gender issues are another new field of co-operation between the OSCE and NGOs. The appointment of the focal point on gender issues in mid-May 1998 was followed by a meeting of the Secretariat with OSCE Heads of Mission and a number of invited NGOs in June, which focused on opportunities for co-operation between NGOs and the OSCE in gender mainstreaming efforts. The focal point has established links with international gender-related NGOs in order to take advantage of their expertise.

The Department for General Affairs continued to maintain regular contacts with NGOs active in the field of research on security issues. The DGA kept them informed about OSCE activities, attended and contributed to seminars and conferences organized by them, and also pursued the practice of inviting the NGOs to the OSCE seminars.

Finally the "Researcher in Residence" Programme is another new area of co-operation with Non-Governmental Organizations, i.e. academic institutions. It has been designed to give researchers working on OSCE or OSCE-related topics the opportunity to carry out research in the OSCE archives in Prague and thereby to promote knowledge of the Organization.

Apart from these innovations, the OSCE missions have continued to maintain close contacts and co-operation with NGOs in areas relevant to their mandate. Human rights and minority issues, the strengthening of civil society, gender issues, election observation and humanitarian assistance are all areas of endeavour that have benefited from such collaboration.

NGOs also continue to function as an important source of information for the High Commissioner on National Minorities. Contacts with NGOs have accordingly been on the agenda for his visits to OSCE participating States.

During 1998 NGOs participated actively in a number of OSCE Seminars.

11. Other Activities

11.1 Integration of Recently Admitted Participating States

OSCE activities to facilitate the integration of recently admitted participating States (RAPS) begun five years ago, and by now the RAPS are well on their way to becoming fully integrated into the OSCE family. This year, efforts to assist these States were conducted in three ways: through seminars and meetings organized in the States, an internship programme at the OSCE Secretariat, and financial support provided from the Voluntary Fund for Fostering the Integration of Recently Admitted Participating States.

In 1998 resources from the Voluntary Fund for Fostering the Integration of Recently Admitted Participating States were used to provide financial support for delegates from the RAPS to OSCE seminars, conferences and meetings. The Fund covered part of the travel and accommodation expenses of RAPS nationals for the following OSCE events:

- (i) Joint OSCE/OECD Conference on "National and International Approaches to Improving Integrity and Transparency in Government", Paris, 15 and 16 July 1998,
- (ii) OSCE Seminar on 'Regional Environmental Problems and Co-operative Approaches to Solving Them', Tashkent, 22-24 September 1998,
- (iii) Seminar on subregional co-operation held on 13 and 14 October 1998 in Stockholm under the auspices of the CiO and hosted by the Swedish Minister for Foreign Affairs with support from the Institute for East West Studies,
- (iv) Implementation Meeting on Human Dimension Issues, Warsaw, 26 October to 6 November 1998,
- (v) OSCE Seminar on 'Regional Environmental Problems and Co-operative Approaches to Solving Them - The Case of the Black Sea', Istanbul, 5 and 6 November 1998.

In addition to the activities of the Fund, the Department for General Affairs, the Conflict Prevention Centre and ODIHR organized seminars and meetings on issues of relevance to the recently admitted participating States:

- (i) "Regional Security, Stability and Co-operation in Central Asia", held in February in Ashgabad, as part of the CPC programme,
- (ii) ODIHR's Civil Society Project meetings and "Women in Public Life" Regional Consultation (refer to sections on ODIHR and the OSCE Liaison Office in Central Asia),
- (iii) OSCE Seminar on "Interrelationship between Central and Regional Governments", Chisinau, Moldova, 1 and 2 July 1998, organized by the Department for General Affairs jointly with the OSCE Mission to Moldova.

Finally, the OSCE set up an internship programme for nationals of the Central Asian States. Thanks to voluntary contributions from a number of OSCE participating States, the Secretariat was able to offer each of the five participating States from Central Asia the possibility of selecting and sending an intern to the OSCE Secretariat for a term of approximately two months.

11.2 Press and Public Information

11.2.1 Press

Press interest in the OSCE rose in 1998. High-profile events in Bosnia and Herzegovina, Albania, Croatia and Kosovo (FRY) kept the OSCE in the news. On the whole, the portrayal of the OSCE in the press was both positive and informed. There seems to be a growing awareness of the Organization, reflected in the quantity and quality of coverage. This is evident in the rising number of articles compiled by the press office in the daily press clippings.

In order to cope with the increased demand on the Spokesperson, a Press Officer was hired.

The Spokesperson and Press Officer worked closely with the Polish Chairmanship in helping to keep the press and general public aware of the Organization's activities. This work included a steady stream of press releases, frequent press briefings and press conferences, background briefings for selected journalists and organized trips for media representatives interested in travelling with the Chairman-in-Office and other high-level OSCE officials (e.g. to Central Asia and the Caucasus).

Distribution of press releases was speeded up by using the Internet.

Increased efforts were made to co-ordinate press work with OSCE field activities and Institutions.

11.2.2 Public Information

The heightened profile of the OSCE in the press was complemented by an increased effort to spread the Organization's message through public information. From the beginning of the calendar year, the OSCE Newsletter introduced a new format and is now available in all six official OSCE languages. In order to increase efficiency and cut down on postage costs, the Newsletter is also distributed via e-mail. The Prague Office has improved its distribution of the Newsletter and remains, in this as in a number of other public information activities, an important asset for the Secretariat.

The third edition of the OSCE Handbook was completed and will be released at the beginning of 1999. It is a completely revised and updated version of the 1996 edition and will be available in all six official languages of the OSCE. A new-style Factsheet was also issued.

A CD-ROM was issued containing all major conference documents from 1973 to 1997. The information is in all six official OSCE languages. The process of creating the disc consolidated the digital archives in Prague and provides the basis for improvements in access to information in digital form, particularly the documentation section of the OSCE website. The creation of the disc was a joint effort between the Department for General Affairs, the Prague Office and the Department for Conference Services.

The OSCE website continues to add new features. A significant overhaul was launched in October 1998, two years after its introduction into the public domain. The goal is to improve the content (particularly in languages other than English) and the graphic elements to provide an even higher quality and quantity of information to the more than 40,000 users (3.5 million hits) who access the site every year.

The heightened level of interest in the OSCE can be noted in a marked increase in public information inquiries to the Secretariat and Prague Office, the number of visiting groups to OSCE institutions and the number of researchers asking for access to the Secretariat library and Prague archives.

Efforts were made to generate even wider interest in the OSCE by implementing a targeting project that sent public information about the Organization to research institutes, universities, schools, international organizations and NGOs that are not already on the OSCE mailing list/data base but which carry out projects in OSCE-related subjects.

A "Researcher in Residence" Programme was created to give researchers working on OSCE and OSCE-related topics the opportunity to carry out research in the OSCE archives in Prague. Proposals were introduced for improving the Secretariat library in Vienna.

The depository library project has been implemented in 53 libraries in 37 OSCE participating States (as well as Japan and Tunisia). The goal is to have at least one OSCE depository library in every participating State by the end of 1999.

The Briefing Paper series was continued with new material on OSCE missions and field activities.

11.2.3 OSCE On-Line

The OSCE On-Line project moved closer to implementation with the decision to establish a part-time post of OSCE On-Line Manager and the launching of the Information Systems Strategic Plan.

Pending a decision -by the participating States to provide additional resources, the Secretariat carried out an assessment of the technical capabilities of the prospective major users, the participating States. The results showed no incompatibilities between needs and requirements.

The Department for General Affairs continued to explore ways of improving information exchange in digital form with international organizations.

11.3 Focal Point for Gender Issues

In 1998 gender issues began to figure prominently on the agenda of the OSCE. The need for efforts to incorporate gender issues and concerns in all OSCE activities was recognized at the informal ad hoc Permanent Council meeting on follow-up to the Human Dimension Seminar on the Promotion of Women's Participation in Society, which took place in Vienna at the initiative of the Chairman-in-Office on 29 April 1998. The meeting included representatives from a number of international organizations and NGOs. The participants concluded that the time was ripe for concrete action to promote the OSCE's goals relating to women's participation in society.

The consequent appointment of the Senior Diplomatic Adviser as a focal point for gender issues in the OSCE Secretariat (May 1998), and the appointment, thanks to the generosity of the United Kingdom, of a new Adviser on Gender Mainstreaming and the Human Rights of Women at ODIHR in Warsaw (August 1998) have resulted in 1998 in a number of practical steps towards integrating gender issues in the work of the Organization.

The activities of the focal point on gender issues are intended to ensure that the meaning and purpose of gender mainstreaming are understood by OSCE personnel. A further task of the focal point is to monitor the opportunities of and for women in the OSCE institutions and Missions.

The Adviser on Gender Mainstreaming and the Human Rights of Women is responsible for developing a consistent approach to gender equality and for integrating gender issues into the various activities of the ODIHR. ODIHR is the primary OSCE institution working on projects related to gender issues.

Gender issues have been addressed in a variety of formats:

- A meeting of the Secretariat with OSCE Heads of Mission and a number of invited NGOs which the focal point addressed, and which focused on opportunities for co-operation between NGOs and the OSCE in gender mainstreaming efforts, took place in Vienna from 22 to 24 June 1998.

- ODIHR organized, in co-operation with the OSCE Liaison Office in Central Asia, a regional consultation on 'Women in Public Life' for over 50 high-level participants from Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan between 16 and 18 June. The consultation focused on the legal framework and practical implementation of legislation, on challenges to gender equality in Central Asia, on lobbying and monitoring to enhance the status of women and on networking and sharing experience.
- For the human dimension implementation review meeting which took place from 26 October to 6 November 1998 in Warsaw, ODIHR prepared a thematic report on women's human rights which concentrated on Women in the Democratization Process/Women in Politics. Gender issues were addressed during a special roundtable on women and also in plenary debate.
- Gender issues have also been addressed in the framework of the OSCE Parliamentary Assembly. At the annual session of the OSCE Parliamentary Assembly in Copenhagen on 7 July 1998, a meeting of women parliamentarians on "The Role of Women in Connection with the OSCE's Conflict Prevention Activities" adopted a declaration on gender mainstreaming.
- OSCE missions have also contributed considerably to gender mainstreaming efforts. The Women in Politics Program of the Mission to Bosnia and Herzegovina organized two Bosnia-- and Herzegovina-wide conferences promoting women politicians, and contributed, with NGO partners, to the promotion of gender issues in campaigning. It has also published a statistical study on Women's Representation in Elections in Bosnia and Herzegovina and printed a handbook for women in politics. The OSCE Mission to Tajikistan stepped up its activities regarding gender issues in 1998 with the establishment of a number of women support groups throughout the Khatlon region and has initiated work on women's rights in the Karategin valley.

III. Report of the OSCE Parliamentary Assembly

The Parliamentary Assembly of the Organization for Security and Co-operation in Europe, created as part of the "institutionalization" of the CSCE at the 1990 Paris Summit, occupies a unique place in the structure of the OSCE. The Assembly's primary task is to support the strengthening and consolidation of democratic institutions in the OSCE's participating States, to develop and promote mechanisms for the prevention and resolution of conflicts, and to contribute to the development of the institutional structures of the OSCE and of relations and co-operation between the existing OSCE institutions. A dialogue aimed at further strengthening ties and co-operation between the

governmental and parliamentary OSCE branches has been very positive and productive. The President of the OSCE Parliamentary Assembly has participated regularly in the Troika meetings and has addressed the OSCE Summits and Ministerial meetings. The International Secretariat of the OSCE PA, located in Copenhagen, has been working closely with the OSCE Secretariat and other OSCE institutions.

1. Annual Session

At its Annual Session in Copenhagen last July the Assembly considered "Development of the Structures, Institutions and Perspectives of the OSCE" as its contribution to the further strengthening of this important European and Trans-Atlantic Institution. Over three hundred parliamentarians met together to discuss this subject and to adopt a Declaration reflecting their assessment of developments relating to security and co-operation in Europe. They reiterated earlier recommendations of the Parliamentary Assembly that the OSCE should adopt an "approximate consensus" rule enabling it to act if participating States are in agreement to the extent of 90 percent of both membership and financial contributions. A Resolution on Kosovo and a Resolution on an Economic Charter for the OSCE were also included in the Final Declaration. Following an established tradition, the OSCE Chairman-in-Office, along with the OSCE Secretary General and the leaders of various OSCE Institutions, addressed the Annual Session in Copenhagen and answered questions from the floor.

A Declaration of the meeting of women parliamentarians was also adopted during the Annual session.

The Chairperson of the Foreign Affairs Committee of the Danish Folketing (Parliament), Ms. Helle Degn, was elected as new President of the OSCE Parliamentary Assembly.

2. Annual Briefing in Vienna

It has become a good tradition that the Standing Committee, which comprises the heads of the delegations to the OSCE Parliamentary Assembly, meets at the beginning of every year in Vienna at OSCE Headquarters in the Hofburg Congress Centre.

The OSCE Chairman-in-Office, the OSCE Secretary General and heads of other OSCE Institutions met with members of the Standing Committee of the OSCE PA last February during their meeting in Vienna and briefed them on the latest developments in the Organization's work. This briefing provides parliamentarians with the latest information about OSCE activities, while answers to questions from the floor ensure a vital direct link between Members of Parliament and the OSCE leadership. This unique dialogue has become increasingly popular with the leadership of the Parliamentary Assembly.

3. Election Observation

As before, the OSCE Parliamentary Assembly has continued to make an important contribution to OSCE election observation efforts. A co-operation agreement between the Assembly and the ODIHR, signed in Copenhagen in September 1997 by the Chairman-in-Office and the President of the Assembly, was aimed at further increasing co-operation and enhancing the working relationship between these two important OSCE Institutions. In accordance with this agreement, the Chairman-in-Office has regularly appointed the President of the OSCE PA or a senior Member of Parliament as his Special Representative to lead each election monitoring operation and to present the conclusions of the observer teams. During the past eighteen months the Assembly sent delegations of parliamentarians to monitor elections in Armenia, Moldova, Ukraine, Hungary, Montenegro, the Czech Republic, Bosnia and Herzegovina, the Slovak Republic and Macedonia. The OSCE Secretary General and the Secretary General of the OSCE PA met in Copenhagen in August in order to consider the best possible ways of further improving co-operation in election monitoring.

4. Presidential Visits and Missions

The President and other senior representatives of the Assembly have undertaken a number of official visits and missions during the past year in order to promote OSCE principles, to establish closer ties with Assembly members and to contribute to the development of democratic institutions in the OSCE area. One of the most important developments was the establishment of a Tri-Parliamentary Delegation to Albania - organized at the request of the OSCE Presence in Albania - to assist with the drafting of the new constitution and the development of democratic practices in the new Albanian Parliament. A Delegation of the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe and the European Parliament, headed by the OSCE PA's President Emeritus, carried out this mission and agreed to implement the programme in a continuous manner. The Assembly's President visited Pristina, Belgrade and Skopje to discuss the dangerous situation in the area and possible ways of resolving it, and he also made official visits to Bulgaria, the Slovak Republic and Italy, while the newly elected President paid a visit to the Chairman-in-Office in Warsaw and used this occasion to visit the ODIHR Headquarters and to acquaint herself with its work. She also led the OSCE PA Delegation to the Interparliamentary Union (IPU) Conference in Moscow and met with the Speakers of the State Duma (Lower House) and the Council of Federation (Upper House), the Foreign Minister and other high parliamentary and governmental officials of the Russian Federation.

5. Seminars, Conferences and Meetings

Representatives of the Assembly participated in meetings organized by other OSCE Institutions. A highly representative delegation led by the Chairman of The Assembly's Economic Committee took part in the Economic Forum in Prague. Senior OSCE PA officials also participated in a seminar on OSCE and Council of Europe Relations in the Netherlands and in a meeting of Heads of OSCE Missions in Vienna. An Assembly delegation visited Belarus under the auspices of the OSCE Mission in Minsk and discussed the situation with representatives of the present administration and the opposition. In addition, the Assembly organized a Parliamentary Seminar on Conflict Resolution and Democratic Development in the Caucasus which was held in October in Tbilisi and was attended by senior OSCE Officials.

6. Other Activities

The Bureau of the OSCE Parliamentary Assembly and the Council of the Commonwealth of Independent States Interparliamentary Assembly held a joint meeting in St. Petersburg in June 1998 at which they considered further steps towards the development of democratic institutions in the countries of the former Soviet Union and upgrading the OSCE work in the area.

The Parliamentary Assembly awarded its Third Annual Prize for Journalism and Democracy to Mr. Timothy Garton Ash, a British journalist who has made a considerable contribution to developing democracies, particularly in Eastern and Central Europe.

The Assembly also continued to expand its international intern programme on the premises of the International Secretariat in Copenhagen. The internships last six months and may be extended for up to one year. Over 50 interns from 18 OSCE countries have already benefited from this programme.

IV. Resources Management

Following Decision No. 3 (MC(6).DEC/3) of the Ministerial Council Meeting in Copenhagen concerning the enhancement of the operational capacities of the Secretariat, the Permanent Council adopted Decision No. 257 (PC.DEC/257) in response to the report of the Chairman of the Group of Experts that had been established for the purpose of making relevant proposals. As a result the Secretary General reorganized the Secretariat on the basis of two main departments: the Conflict Prevention Centre and the Department for Administration and Operations. The former focuses on the support of the Chairman-in-Office in the implementation of OSCE policies, in particular the monitoring of the OSCE field activities and co-operation with other international organizations and institutions. The latter is responsible for technical, administrative and operations support functions, thus combining the functions of the present departments for Conference Services and for Administration and Budget, as well as most of the functions of the former Mission Support Section.

1. Conference Services

1.1 Meetings Services

The Department for Conference Services (DCS) handled some 1,570 meetings during the reporting period from 1 December 1997 to 30 November 1998 in Vienna - a large number reflecting the continuous growth of OSCE activities on a broad range of different subject matters deriving from the OSCE's increased involvement in various geographical areas. Prominent is the need for informal consultations, and hence a substantial increase in the number of informal meetings, each with its own documentation requirements.

- The total number of Permanent Council meetings and related "PC" consultations was 370.
- The total number of Forum for Security Co-operation meetings and related "FSC" meetings was 220.

The DCS serviced over 135 meetings of the Joint Consultative Group and the Open Skies Consultative Commission.

310 informal meetings of regional groups or groups of OSCE participating States with an interest in specific topics also took place during this period. Meetings related to the work of the European Union took place on approximately 300 occasions.

The number of briefings for student groups, academics, research institutions and other organizations is increasing; 95 briefings had been held during the reporting period, as compared to 67 during 1997.

1.2 Documents Distribution

The tasks include registration, reproduction, distribution and archiving of documents, co-ordination of meeting room bookings, servicing accreditation and cultural co-ordination. The Documents Distribution Unit receives about 90 requests per day. During the reporting period, approximately 3,500 documents were distributed to OSCE delegations and the Secretariat, containing information relevant to the Permanent Council, the Forum for Security Co-operation, the Joint Consultative Group and the Open Skies Consultative Commission, information bearing on budgetary and financial questions as well as more general information.

The workload of the Documents Distribution Section is steadily increasing from year to year. If we compare the number of documents distributed in 1994, namely 3,856, with the number distributed in 1997, 6,016, we see that there has been a 56% increase over three years.

Owing to the rapid growth in the number of meetings held and documents distributed, it was decided, in August this year, to undertake a revision of the existing system with the aim of facilitating the eventual switch-over to a digital archive system in the OSCE. This should make it possible to cope more effectively with the requirements of delegations, institutions and the Secretariat in a manner consistent with the demand for greater transparency, openness and flexibility in the operation of the OSCE.

1.3 Interpretation

Interpretation was provided as usual for the bodies involved in implementing the regular OSCE programme (e.g. the Permanent Council, the Forum for Security Co-operation and the Security Model Committee) and also for the Joint Consultative Group and the Open Skies Consultative Commission meetings. Interpretation was also provided for the following meetings away from Vienna:

- Ministerial Council Meeting, Copenhagen, 19 and 20 December 1997
- Human Dimension Seminar on Ombudsman and National Human Rights Protection Institutions, Warsaw, 25 - 28 May 1998
- Economic Forum, Prague, 1 - 5 June 1998
- "Governance and Participation: Integrating Diversity", a meeting held under the auspices of the HCNM and the ODIHR, Locarno, 18 - 20 October 1998

- OSCE Mediterranean Seminar, Valetta, Malta, 19 and 20 October 1998
- Implementation Meeting on Human Dimension Issues, Warsaw, 26 October to 6 November 1998

Additional recruitment of interpreters and translators was required for other "special meetings" held in Vienna, such as those of the Sub-Regional Consultative Commission, Article II/Article IV consultations, the Standing Committee of the Parliamentary Assembly, the HCNM Seminar on the Linguistic Rights of National Minorities, the Annual Implementation Assessment Meeting and the Seminar on Defence Policies and Military Doctrines.

1.4 Translation, Documents Control and Editing

During the reporting period the Translation unit of Language Services translated and edited over 8,000 standard pages and word processed over 16,500 standard pages of OSCE texts and documents in one or more of the six official OSCE languages. Using translation staff based in Vienna, Language Services provided translation and editing support for several major OSCE meetings and conferences (including the Ministerial Council in Copenhagen, the Economic Forum meeting in Prague and the ODIHR Implementation Meeting on Human Dimension Issues in Warsaw), texts being received from and returned to the meeting electronically in some cases. Starting with the February 1998 issue, Language Services has translated the monthly OSCE Newsletter into all OSCE languages. It also compiled *OSCE Decisions 1997* during the period under review. In collaboration with staff from the Department for General Affairs and the Prague Office, computer files of CSCE and OSCE documents were prepared for inclusion in the OSCE CD-ROM. In addition, Language Services staff edited and translated the supporting texts for the CD-ROM and helped test the beta versions of the product.

2. Finance

2.1 Budgeting

The Budget for 1998, initially established at the level of ATS 616.4 million, was approved by the Permanent Council on 16 December 1997 (PC.DEC/207). On 29 January 1998 the Permanent Council also approved a budget for OSCE tasks in Bosnia and Herzegovina at the level of ATS 322.8 million. An additional budget to cover the elections in Bosnia and Herzegovina, amounting to ATS 489 million, was approved on 7 April 1998.

The 1998 Budget was further increased through separate decisions of the Permanent Council to include budgets for the OSCE Advisory and Monitoring Group in Belarus, for the enhancement of the OSCE Presence in Albania

and the OSCE Spillover Monitoring Mission to Skopje, and for the OSCE Centres in Bishkek, Ashgabad and Almaty, as well as additional budgets for the OSCE Representative on Freedom of the Media, for ODIHR, for the 1998 Human Dimension Implementation meeting, and for the 1998 Ministerial Council Meeting in Oslo.

On 11 November 1998, the Permanent Council approved the 1998 Budget for the Kosovo Verification Mission in an amount of ATS 756.5 million. Thus the total budget for 1998 was established at the level of ATS 2,251.1 million.

The Secretary General submitted his budget proposals for 1999 on 1 October. With this submission an effort was made to present a document of a new type, in accordance with the principles of Programme Budgeting. The new budget proposals are based on two earlier documents issued in 1998, a background paper on the OSCE and Programme Budgeting (PC.IFC/21/98) and a Budget Outline (PC.IFC/25/98), the latter being an innovation.

2.2 Accounting

The report of the External Auditors included an unqualified audit opinion certifying that

- the financial statements present fairly the financial position of the OSCE as at 31 December 1997, 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 1997 were submitted to the Delegations of participating States on 27 May 1998, and were accepted by the Permanent Council on 23 July 1998 (PC DEC/249).

A training seminar for local finance and administration staff members at the OSCE missions and institutions was held during the period from 15 to 19 June 1998.

2.3 Cash Management

A new second scale of assessment for the large OSCE missions and projects was adopted on 19 December 1997 (MC(6).DEC/8) along with a system of voluntary funding in order to accept financial contributions for such larger missions and projects. Pledges have been received in respect of this voluntary fund amounting to ATS 72 million. The residual balance was billed in the Fourth Bill dated 29 July.

Arrears procedures in accordance with the Financial Regulations were implemented in order to reduce the outstanding contributions. In order to monitor the impact of the outstanding balances on the operational capability of the OSCE, a regular cash flow report was introduced.

On-line Electronic banking was fully installed in accordance with the recommendations of the External Auditors.

During the deployment of over 2,500 Polling supervisors for the Elections in Bosnia and Herzegovina, subsistence allowance cash payments were made over three days amounting to DEM 4.5 million. Such projects highlight the OSCE's ability to respond effectively and efficiently to such challenges.

New bank accounts were established in Bosnia and Herzegovina, in Sarajevo for the Benefits Commission and in Brcko for the Regional Centre.

3. Personnel

3.1 Policies and Procedures

By Decision No. 257 (see above) the Permanent Council amended Regulation 4.07 of the Staff Regulations and Staff Rules for Fixed-Term Staff. This amendment sets the maximum period of service for appointments of staff members holding posts in the professional category, when factors related to institutional memory and continuity are of central importance, at seven years. Pending the design of an integrated human resources management system in the OSCE's Information System Strategy Plan, initial efforts have been undertaken to improve the links between personnel and finance with regard to information exchange on various personnel actions.

3.2 Social Security

Improved health coverage for fixed term staff in Institutions were negotiated with the Insurer and are expected to take effect in 1999. Health coverage for local staff in the OSCE Mission to Bosnia and Herzegovina was also negotiated with the Insurer and came into effect on 1 April 1998.

3.3 Recruitment

At the request of the participating States, a report on the implementation of the recruitment policy was submitted to the Permanent Council in March. The report pointed out the root causes of problems affecting recruitment.

Recruitment activity in 1998 continued at the same pace as in 1997. During the reporting period, 46 vacancy notices had been issued for fixed term posts. Recruitment of short-term staff to meet short-term needs continued throughout the year.

A special section in the OSCE website has been designated for job openings. Information on vacancies in Institutions can be accessed in the web pages. (<http://www.osce.org>)

3.4 Internship Programme

The OSCE accepted offers of service from nine interns in 1998 under the normal internship programme. These interns have assisted the Conflict Prevention Centre, the Department for General Affairs, and the Office of the Coordinator of Economic and Environmental Activities. In addition, a special internship programme funded through voluntary contributions was implemented specifically for the benefit of Central Asian States. In this special programme five interns assisted the Conflict Prevention Centre at various times during the year.

3.5 Post Classification

Following the submission of two reports on this subject to the Permanent Council, a Job Classifier will be conducting a global review of post classification in the OSCE using the ICSC job classification standards in the context of OSCE specificities. The review is to be carried out in two stages. The initial stage, covering posts in Institutions that need to be dealt with fairly urgently, has commenced in November 1998.

4. Information Technology

4.1 The Secretariat

In addition to support for all software and computer equipment (about 500 major items), procurement of such items and assistance with evaluations and trials of new technologies, critical upgrades were made to the information-systems infrastructure within the Secretariat in 1998.

The upgrading included:

- Expansion of the network cabling at Kärntnerring to include a significant portion of the 5th floor (Finance and Personnel) and the 9th floor (Freedom of the Media). A LAN was installed for Article V;
- Upgrading of the computer network at the Hofburg offices to a structured system, improvement of the connectivity to the Kärntnerring;
- Installation of a computer working area for delegates at the Department for Conference Services;
- Development and implementation of applications to support:
 - the 1999 budget preparation process;
 - human resources management and payroll for the Secretariat (November 98);
 - human resources management of seconded staff for the Mission Staffing Section;
 - the Archive of the Secretariat and HCNM;
 - the processing of job applications for the Secretariat;
- Organization of data entry for different database applications (addresses, inventory checks, e-mail users, etc.);
- Consolidation of the Kärntnerring ITS offices into a new single location on the 4th floor;
- Provision of on-site technical support for the 1997 Ministerial Council meeting in Copenhagen;
- Co-ordination of installations and training for new/replacement staff at the Secretariat;
- Issue of the first set of Administrative Instructions related to IT (3/1998);
- Assistance to CSBM in the selection and evaluation of the upgraded network;
- Ongoing improvements to the technical IT infrastructure of the Secretariat (e.g. NT rollout, Internet upgrades, software installations, LAN management tools);
- Improvement of Help Desk services at all sites in the Secretariat.

4.2 The Missions

In 1998 the IT Section continued to provide basic general support and assistance for a number of specific projects. This included:

- Assistance to the Mission Support Section (MSS) with the completion of their BPR (Business Process Re-engineering) project;
- General computer advice and assistance as requested (e.g. approaches to control of computer viruses, reference material), including help with the procurement process for computer-related services, equipment and software, and IT reviews as part of the 1999 budget submission for the missions;

- Assistance with/advice about support relating to all major computer components and associated services;
- Specific and general IT training for mission staff (as part of the Secretariat's new mission member training programme);
- On-site consulting support for the Mission to Croatia with regard to developing an IT infrastructure and implementing a network;
- Support for MSS and the International Organization for Migration in the procurement of additional equipment required for the 1998 Bosnia and Herzegovina elections, reconditioning and upgrading of "Out of Country Voting" computers for redeployment;
- Software enhancement and on-site support for the Mission to Bosnia and Herzegovina in connection with the Election Supervisors registration process.

Starting mid-October the Secretariat's IT Section made significant contributions to assist in the start-up of the Kosovo Verification Mission;

- Assisted the KVM Support Unit in planning, budgeting and in the initial implementation of all IT related services for the mission. This was accomplished by the full-time reassignment of one of the IT Officers to the Support Unit for the duration of the mission.
- Provided initial assistance in gathering IT related logistical information and IT Support in Kosovo by the temporary assignment of the IT Help Desk staff member.
- Redesigned critical components of the Secretariat's IT infrastructure and service mechanisms in order to accommodate the very significant increases in staff and volumes of activities resulting from the KVM.

4.3 Information Systems Strategic Plan

The OSCE-wide Information Systems Strategic Plan (ISSP) has been developed and widely circulated in the OSCE. The critical components of the plan (financial management system, material management system and enhancement of the IT Section) were approved by the Permanent Council.

A consultant has been engaged to develop the functional requirements and issue the tender document. The recruitment process for the staff identified in the ISSP is underway.

An Invitation to Tender has been formulated and issued for the Financial Management and Material Management Systems (November 1998).

5. Legal Matters

Legal assistance was provided to the Secretariat, other OSCE Institutions and Missions, as well as to delegations. The main areas of interest were privileges and immunities; drafting of and advice on international legal instruments, such as Memoranda of Understanding governing the activities of missions and other operations; contracting, claims and insurance matters; taxation, social security, personnel questions; and drafting and interpretation of documents, such as the Financial Regulations and the Staff Regulations and Rules.

6. Training

In 1998 the Secretariat launched an OSCE Training Strategy. It concentrates on the training needed for field missions. The implementation of this strategy has been entrusted to a Co-ordinator, Ambassador Sune Danielsson, seconded to the Secretariat by the Government of Sweden. The implementation of the strategy would constitute a considerable step forward in the use of human resources available to the OSCE, in particular its field missions, and result in a more cost-effective management approach.

7. Other Administrative Tasks

The General Services Unit continued to provide services to the OSCE Secretariat and the Missions, including a travel office (flight planning and booking, hotel accommodation), liaison with the Austrian Ministry of Foreign Affairs regarding registration of staff with the Austrian authorities and tax exemption privileges. It also continued to service the OSCE missions and institutions by pouch. The archive and registry unit is endeavouring to cope with ever growing amounts of communication traffic (for example, the Mission Report processing workload increased by 40 per cent over 1997). Owing to the constantly increasing number of missions and other field activities, over 20,000 original documents were registered and processed for internal and/or external distribution during the reporting period.

The efforts of the General Services Unit were vital in the planning, design and procurement activities required for the establishment of the seat of the Representative on Freedom of the Media, Article V Negotiations, and the expansion of the Secretariat premises to the fifth floor of the Kärntnerring where the Accounts, Budget, Personnel and Treasury offices are accommodated.

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)¹

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)²

EU Association Agreement

Western European Union (WEU)

Associate Members of the WEU³

Associate Partners of the WEU

WEU Observers⁴

Eurocorps

Commonwealth of Independent States (CIS)

Baltic Defence Council

Barents Euro-Arctic Council

Nordic Council

Council of the Baltic Sea States

Central European Free Trade Agreement/Area (CEFTA)

Central European Initiative (CEI)

1 On 12 March 1999 Poland, The Czech Republic and Hungary became members of NATO.

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.

Southeast European Cooperative Initiative (SECI)
Black Sea Economic Cooperation

North American Free Trade Area (NAFTA)

The 55 OSCE Participating States - Facts and Figures¹

1. Albania

Date of Accession: June 1991

Scale of Distribution: 0.19 per cent

Area: 28,748 km² (OSCE Ranking: 45)

Population: 3,689,000² (OSCE Ranking: 41)

*GDP per Capita in US-\$ according to PPP*³: 2.170 (OSCE Ranking: 41)⁴

GDP growth: -8.2 per cent⁵ (OSCE Ranking: 40)⁶

Armed Forces (Active): (approximately 6,000 - 12,000, no reliable data*)

Memberships and Forms of Co-operation: Council of Europe, EAPC, PfP, CEI, SECI, Black Sea Economic Cooperation

* There are plans to reorganize the armed forces and to reduce personnel strength to 20,000. Before the unrest in 1997 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 km² (50)

Population: 64,000 (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 km² (44)

Population: 3,925,000 (39)

GDP per Capita in US-\$ according to PPP: 2,540 (38)

1 Drawn up by Mark Manger.

2 Data from: The International Institute for Strategic Studies (Ed.), *The Military Balance 1998-1999*, London 1998; and Internet homepage of the United Nations: <http://www.un.org/Depts/unsd/social/poptn.htm>. The figures refer to 1998 (Military Balance) and 1999 (UN) if not mentioned otherwise.

3 PPP: Purchasing Power Parity (figures as of 1997 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. See The World Bank, *World Development Indicators 1999*, Washington, D.C. 1999, pp. 58ff.

4 Out of 46 registered countries.

5 Changes as regards to 1996.

6 Out of 48 registered countries.

GDP growth: 8.6 per cent (4)
Armed Forces (Active): approximately 60,000 (19)⁷
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 km² (29)
Population: 8,075,000 (25)
GDP per Capita in US-\$ according to PPP: 22,100 (8)
GDP growth: 0.8 per cent (34)
Armed Forces (Active): 45,500 (27)
Memberships and Forms of Co-operation: OECD, Council of Europe, EAPC, PfP, EU, WEU Observer, CEI

5. Azerbaijan

Date of Accession: January 1992
Scale of Distribution: 0.185 per cent
Area: 86,600 km² (28)
Population: 7,625,000 (26)
GDP per Capita in US-\$ according to PPP: 1,520 (43)
GDP growth: 3.1 per cent (20)
Armed Forces (Active): 72,150 (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 km² (19)
Population: 10,196,00 (19)
GDP per Capita in US-\$ according to PPP: 4,820 (30)
GDP growth: 11.1 per cent (3)
Armed Forces (Active): 83,000 (15)
Memberships and Forms of Co-operation: EAPC, PfP, CIS, CEI

⁷ Out of 48 registered countries.

7. Belgium

Date of Accession: November 1972

Scale of Distribution: 3.55 per cent

Area: 30,528 km² (43)

Population: 10,104,000 (20)

GDP per Capita in US-\$ according to PPP: 23,090 (6)

GDP growth: 2.4 per cent (24)

Armed Forces (Active): 43,700 (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 km² (36)

Population: approximately 4,000,000 (38)

GDP per Capita in US-\$ according to PPP: no data given

GDP growth: 20-30 per cent⁸ (1)

Armed Forces (Active): approximately 55,000 (planned) (24)⁹

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 km² (23)

Population: 8,349,000 (24)

GDP per Capita in US-\$ according to PPP: 3,870 (35)

GDP growth: -6.5 per cent (39)

Armed Forces (Active): 101,500 (14)

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

10. Canada

Date of Accession: November 1972

Scale of Distribution: 5.45 per cent

Area: 9,958,319 km² (2)

Population: 28,959,000 (11)

GDP per Capita in US-\$ according to PPP: 21,750 (9)

8 Estimation of the World Bank, see The World Bank, World Development Indicators 1999, p. 59.

9 The OSCE ranking refers to the Muslim-Croat Federation and the Republika Srpska as a whole.

GDP growth: 4.0 per cent (15)
Armed Forces (Active): 60,600 (18)
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 km² (35)
Population: 4,792,000 (33)
GDP per Capita in US-\$ according to PPP: 4,930 (29)
GDP growth: 3.7 per cent (17)
Armed Forces (Active): 56,180 (22)
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 km² (48)
Population: 860,000 (47)
GDP per Capita in US-\$ according to PPP: no data given
GDP growth: 2.3 per cent (25)
Armed Forces (Active): 10,000 (4119)
Memberships and Forms of Co-operation: Council of Europe, negotiations on accession to the EU, EU Association Agreement

13. Czech Republic

Date of Accession: January 1993
Scale of Distribution: 0.67 per cent
Area: 78,864 km² (30)
Population: 10,311,000 (18)
GDP per Capita in US-\$ according to PPP: 10,380 (23)
GDP growth: 1.0 per cent (33)
Armed Forces (Active): 59,100 (20)
Memberships and Forms of Co-operation: OECD, Council of Europe, NATO, EAPC, negotiations on accession to the EU, EU Association Agreement, Associate Partner of the WEU, CEFTA, CEI

14. Denmark

Date of Accession: November 1972
Scale of Distribution: 2.05 per cent
Area: 43,094 km² (39)
Population: 5,246,000 (as of January 1997) (31)

GDP per Capita in US-\$ according to PPP: 23,450 (5)
GDP growth: 4.1 per cent (14)
Armed Forces (Active): 32,100 (32)
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 km² (38)
Population: 1,454,000 (46)
GDP per Capita in US-\$ according to PPP: 5,090 (28)
GDP growth: 8.0 per cent (6)
Armed Forces (Active): 4,340 (45)
Memberships and Forms of Co-operation: Council of Europe, EAPC, PfP, negotiations on accession to the EU, EU Association Agreement, Associate Partner of the WEU, Baltic Defence Council, Council of the Baltic Sea States

16. Finland

Date of Accession: November 1972
Scale of Distribution: 2.05 per cent
Area: 338,139 km² (13)
Population: 5,152,000 (32)
GDP per Capita in US-\$ according to PPP: 19,660 (15)
GDP growth: 6.2 per cent (8)
Armed Forces (Active): 31,700 (32)
Memberships and Forms of Co-operation: OECD, Council of Europe, EAPC, 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 km² (7)
Population: 58,905,000 (5)
GDP per Capita in US-\$ according to PPP: 22,210 (7)
GDP growth: 3.6 per cent (18)
Armed Forces (Active): 358,800 (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 km² (32)
Population: 5,423,000 (29)
GDP per Capita in US-\$ according to PPP: 1,980 (42)
GDP growth: 13.2 per cent (2)
Armed Forces (Active): 33,200 (31)
Memberships and Forms of Co-operation: EAPC, Council of Europe¹⁰, PfP, CIS, Black Sea Economic Cooperation

19. Germany

Date of Accession: November 1972
Scale of Distribution: 9.0 per cent
Area: 356,854 km² (12)
Population: 81,102,000 (3)
GDP per Capita in US-\$ according to PPP: 21,170 (11)
GDP growth: 1.9 per cent (27)
Armed Forces (Active): 333,500 (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 km² (22)
Population: 10,597,000 (17)
GDP per Capita in US-\$ according to PPP: 12,540 (21)
GDP growth: 1.1 per cent (32)
Armed Forces (Active): 168,500 (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 km² (55)
Population: 802 (55)
GDP per Capita in US-\$ according to PPP: no data given
GDP growth: no data given
Armed Forces (Active): none (94 members of the Swiss Guard) (49)

¹⁰ Since 27 April 1999.

Memberships and Forms of Co-operation: none

22. Hungary

Date of Accession: November 1972

Scale of Distribution: 0.7 per cent

Area: 93,030 km² (26)

Population: 10,050,000 (21)

GDP per Capita in US-\$ according to PPP: 6,970 (25)

GDP growth: 4.7 per cent (12)

Armed Forces (Active): 43,300 (30)

Memberships and Forms of Co-operation: OECD, Council of Europe, NATO, EAPC, negotiations on accession to the EU, EU Association Agreement, 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 km² (24)

Population: 278,000 (50)

GDP per Capita in US-\$ according to PPP: 20,460¹¹ (13)

GDP growth: 5.0 per cent (11)

Armed Forces (Active): none

Memberships and Forms of Co-operation: OECD, Council of Europe, NATO, EAPC, Associate Partner 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 km² (31)

Population: 3,673,000 (42)

GDP per Capita in US-\$ according to PPP: 17,420 (17)

GDP growth: 8.2 per cent (5)

Armed Forces (Active): 11,500 (38)

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 km² (16)

¹¹ Estimation for 1997.

Population: 57,900,000 (7)
GDP per Capita in US-\$ according to PPP: 20,100 (14)
GDP growth: 1.6 per cent (29)
Armed Forces (Active): 298,400 (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 km² (4)
Population: 15,900,000 (14)
GDP per Capita in US-\$ according to PPP: 3,530 (36)
GDP growth: 1.7 per cent (28)
Armed Forces (Active): 55,100 (23)
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 km² (20)
Population: 4,550,000 (35)
GDP per Capita in US-\$ according to PPP: 2,180 (40)
GDP growth: 8.6 per cent (4)
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 km² (34)
Population: 2,458,900 (43)
GDP per Capita in US-\$ according to PPP: 3,970 (34)
GDP growth: 4.0 per cent (15)
Armed Forces (Active): 4,960 (44)
Memberships and Forms of Co-operation: Council of Europe, EAPC, PfP, EU Association Agreement, Associate Partner of the WEU, Baltic Defence Council, Council of the Baltic Sea States

29. Liechtenstein

Date of Accession: November 1972
Scale of Distribution: 0.125 per cent
Area: 160 km² (52)

Population: 28,000 (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, 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 km² (33)
Population: 3,700,000 (as of July 1997) (40)
GDP per Capita in US-\$ according to PPP: 4,140 (33)
GDP growth: 4.0 per cent (15)
Armed Forces (Active): 11,130 (39)
Memberships and Forms of Co-operation: Council of Europe, EAPC, PfP,
EU Association Agreement, Associate Partner of the WEU, Baltic Defence
Council, Council of the Baltic Sea States

31. Luxembourg

Date of Accession: November 1972
Scale of Distribution: 0.55 per cent
Area: 2,586 km² (49)
Population: 414,000 (48)
GDP per Capita in US-\$ according to PPP: 37,930¹² (1)
GDP growth: 3.7 per cent (17)
Armed Forces (Active): 811 (48)
Memberships and Forms of Co-operation: OECD, Council of Europe,
NATO, EAPC, EU, WEU, Eurocorps

12 Estimation for 1997.

32. Former Yugoslav Republic of Macedonia

Date of Accession: October 1995

Scale of Distribution: 0.19 per cent

Area: 25,713 km² (46)

Population: 2,284,000 (44)

GDP per Capita in US-\$ according to PPP: 3,180 (37)

GDP growth: 1.2 per cent (31)

Armed Forces (Active): 20,000 (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 km² (51)

Population: 375,000 (49)

GDP per Capita in US-\$ according to PPP: 13,380 (20)

GDP growth: 2.8 per cent (22)

Armed Forces (Active): 1,900 (47)

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 km² (42)

Population: 4,315,000 (37)

GDP per Capita in US-\$ according to PPP: 1,450 (44)

GDP growth: -0.3 per cent¹³ (36)

Armed Forces (Active): 11,050 (40)

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 km² (54)

Population: 30,000 (52)

GDP per Capita in US-\$ according to PPP: no data given

GDP growth: no data given

Armed Forces (Active): none

13 Without Trans-Dniestria.

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 km² (40)

Population: 15,655,000 (15)

GDP per Capita in US-\$ according to PPP: 21,300 (10)

GDP growth: 3.4 per cent (19)

Armed Forces (Active): 57,180 (21)

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 km² (14)

Population: 4,407,000 (36)

GDP per Capita in US-\$ according to PPP: 24,260 (4)

GDP growth: 3.4 per cent (19)

Armed Forces (Active): 28,900 (34)

Memberships and Forms of Co-operation: OECD, Council of Europe, NATO, EAPC, 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 km² (15)

Population: 38,659,000 (10)

GDP per Capita in US-\$ according to PPP: 6,510 (26)

GDP growth: 6.8 per cent (7)

Armed Forces (Active): 240,650 (8)

Memberships and Forms of Co-operation: OECD, Council of Europe, NATO, EAPC, negotiations on accession to the EU, EU Association Agreement, 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 km² (27)

Population: 9,873,000 (22)

GDP per Capita in US-\$ according to PPP: 14,180 (19)

GDP growth: 4.5 per cent (13)

Armed Forces (Active): 53,600 (25)

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 km² (18)

Population: 22,520,000 (13)

GDP per Capita in US-\$ according to PPP: 4,270 (32)

GDP growth: -4.7 per cent (38)

Armed Forces (Active): 219,650 (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 km² (1)

Population: 146,600,000 (2)

GDP per Capita in US-\$ according to PPP: 4,280 (31)

GDP growth: 0.3 per cent (35)

Armed Forces (Active): 1,159,000 (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

* The Russian Federation 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 km² (53)

Population: 25,000 (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 km² (36)

Population: 5,391,000 (30)

GDP per Capita in US-\$ according to PPP: 7,860 (24)

GDP growth: 6.1 per cent (9)

Armed Forces (Active): 45,450 (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 km² (47)

Population: 2,015,000 (45)

GDP per Capita in US-\$ according to PPP: 11,880 (22)

GDP growth: 3.6 per cent (18)

Armed Forces (Active): 9,550 (42)

Memberships and Forms of Co-operation: Council of Europe, EAPC, PfP, negotiations on accession to the EU, EU Association Agreement, 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 km² (8)

Population: 39,200,000 (9)

GDP per Capita in US-\$ according to PPP: 15,690 (18)

GDP growth: 3.0 per cent (21)

Armed Forces (Active): 193,950 (11)

Memberships and Forms of Co-operation: OECD, Council of Europe, NATO, EAPC, EU, WEU, Eurocorps

46. Sweden

Date of Accession: November 1972

Scale of Distribution: 3.55 per cent

Area: 449,964 km² (10)

Population: 8,882,000 (23)

GDP per Capita in US-\$ according to PPP: 19,010 (16)

GDP growth: 1.4 per cent (30)
Armed Forces (Active): 53,100 (26)
Memberships and Forms of Co-operation: OECD, Council of Europe, EAPC, 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 km² (41)
Population: 7,070,000 (27)
GDP per Capita in US-\$ according to PPP: 26,580 (3)
GDP growth: 2.7 per cent (23)
Armed Forces (Active): 3,300 (46)
Memberships and Forms of Co-operation: OECD, Council of Europe, PfP, EAPC

48. Tajikistan

Date of Accession: January 1992
Scale of Distribution: 0.185 per cent
Area: 143,100 km² (21)
Population: 6,150,000 (28)
GDP per Capita in US-\$ according to PPP: 1100 (46)
GDP growth: 2.2 per cent (26)
Armed Forces (Active): approximately 7,000 - 9,000 (43)
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 km² (5)
Population: 62,600,000 (as of November 1997) (4)
GDP per Capita in US-\$ according to PPP: 6,470 (27)
GDP growth: 8.6 per cent (4)
Armed Forces (Active): 639,000 (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 km² (9)

Population: 4,600,000 (34)

GDP per Capita in US-\$ according to PPP: 1,410 (45)

GDP growth: -24.0 per cent (41)

Armed Forces (Active): 17,000 - 19,000 (36)

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 km² (6)

Population: 50,480,000 (8)

GDP per Capita in US-\$ according to PPP: 2,170 (41)

GDP growth: -3.2 per cent (37)

Armed Forces (Active): 346,000 (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 km² (17)

Population: 58,644,000 (6)

GDP per Capita in US-\$ according to PPP: 20,710 (12)

GDP growth: 4.0 per cent (15)

Armed Forces (Active): 210,940 (10)

Memberships and Forms of Co-operation: G-7/G-8, OECD, Council of Europe, NATO, EAPC, EU, WEU

53. USA

Date of Accession: November 1972

Scale of Distribution: 9.0 per cent

Area: 9,372,614 km² (3)

Population: 270,629,000 (1)

GDP per Capita in US-\$ according to PPP: 29,080 (2)

GDP growth: 3.8 per cent (16)

Armed Forces (Active): 1,401,600 (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 km² (11)

Population: 23,300,000 (12)

GDP per Capita in US-\$ according to PPP: 2,370 (33)

GDP growth: 5.2 per cent (10)

Armed Forces (Active): 80,000 (16)

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 km² (25)

Population: 10,600,000 (16)

GDP per Capita in US-\$ according to PPP: no data given

GDP growth: no data given

Armed Forces (Active): 114,200 (13)

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: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE Yearbook 1998, Baden-Baden 1999, Annex 2, pp. 406-407; The International Institute for Strategic Studies (Ed.), The Military Balance 1998-1999, London 1998; Mojmir Krizan, Der widerspenstige "Friedensprozeß". Bosnien und Herzegowina zwei Jahre nach der Unterzeichnung des Friedensabkommens von Dayton, in: Osteuropa 1/1998, pp. 57-78, here: p. 66; Internet homepage of the United Nations: <http://www.un.org/Depts/unsd/social/poptn.htm>; The World Bank, The World Development Indicators 1999, Washington, D.C. 1999; Wolfgang Zellner/Pál Dunay, Ungarns Außenpolitik 1990-1997. Zwischen Westintegration, Nachbarschafts- und Minderheitenpolitik, Baden-Baden 1998, Chapter III.6.

OSCE Conferences, Meetings and Events 1998/1999

1998

14-22 July	A delegation of the OSCE Troika at the level of ambassadors visits the Federal Republic of Yugoslavia (FRY) to carry out a technical assessment mission.
15-16 July	Joint OSCE/OECD conference on "National and International Approaches to Improve Integrity and Transparency", Paris.
15 July	Ambassador Ján Kubiš is awarded the OSCE medal.
23 July	The Permanent Council decides to establish three new OSCE Centres in Almaty, Ashgabat and Bishkek.
28-29 July	An OSCE delegation led by Secretary General Giancarlo Aragona takes part in the third meeting between the United Nations and regional organizations in New York.
	Conference on the "Free Inter-Ethnic Radio Network", FERN in Bosnien and Herzegovina, Vienna.
10-13 August	The High Commissioner on National Minorities (HCNM), Max van der Stoep, visits Georgia.
24-25 August	Visit of the HCNM to Latvia.
2-5 September	Visit of the HCNM to the former Yugoslav Republic of Macedonia.
10-13 September	OHDIR Director Gérard Stoudmann, visits Azerbaijan.
19 September	A delegation of the OSCE and the Council of Europe led by OSCE Chairman-in-Office, Polish Foreign Minister Bronisław Geremek, visits Albania.
21 September	Meeting of the OSCE Troika in New York.
23 September	The OSCE Chairman-in-Office, according to Resolution No. 1160 of the UN Security Council, conveys a report to UN Secretary General Kofi Annan on "The situation in Kosovo and measures taken by the OSCE".
22-24 September	Seminar on "Regional Environmental Problems and Co-operative Approaches to Solving Them", Tashkent.
5-6 October	Seminar on "Conflict Resolution and Democratic Development in the Caucasus", Tbilisi.
7-8 October	The OSCE Representative on Freedom of the Media, Freimut Duve, visits Canada.
8 October	The OSCE Chairman-in-Office meets with the Co-Chairmen of the Minsk Group.
11-14 October	Visit of the HCNM to Croatia.

13 October	Holbrooke-Milošević Agreement, <i>inter alia</i> , on the establishment of an OSCE Verification Mission in Kosovo.
13-14 October	Conference on "OSCE and Subregional Groups: Co-operation between Mutually Reinforcing Institutions", Stockholm.
15 October	The UNHCR, Sadako Ogata, visits the OSCE; signing of an " <i>Memorandum of Understanding</i> " by the UNHCR and the OSCE Secretary General Giancarlo Aragona.
15-16 October	ODIHR Workshop on new election legislation in Uzbekistan, Tashkent.
16 October	Agreement on the creation of an OSCE Kosovo Verification Mission (KVM) between the OSCE and the FRY. OSCE begins monitoring the work of the police force in Eastern Slavonia.
17 October	The Chairman-in-Office appoints William G. Walker Head of the KVM.
18-20 October	Conference on "Governance and Participation: Integrating Diversity", Locarno.
19-20 October	Mediterranean Seminar on "The Human Dimension of Security, Promoting Democracy and the Rule of Law", Valletta.
21 October	The OSCE Troika meets in Oslo. Endorsement for the OSCE KVM through UN Security Council resolution 1203.
25 October	The Permanent Council formally establishes the KVM.
26 Oct.- 6 Nov.	IVth OSCE Implementation Meeting on Human Dimension Issues, Warsaw.
5-6 November	Seminar on "Sub-regional Environmental Problems and Co-operative Approaches to Solving Them", Istanbul.
9-11 November	Visit of the Co-Chairmen of the OSCE Minsk Group to Armenia, Azerbaijan and Nagorno-Karabakh.
9-11 November	Workshop "Small Arms and Light Weapons: An Issue for the OSCE?", Vienna.
17-20 November	Joint Conference of ODIHR, UNEAD, UNDP and IFES on "Election Administration: Regional Experience and Comparative Perspectives", Almaty.
23-26 November	The Chairman-in-Office visits Georgia, Armenia and Azerbaijan; signing of "Memoranda of Understanding" between the OSCE and all three Governments.
25-26 November	Training Seminar for Journalists, Sharituz, Tajikistan.

2-3 December	7th OSCE Ministerial Council Meeting, Oslo; signing of "Memoranda of Understanding" with the Governments of Kazakhstan and Kyrgyzstan.
3 December	5th NGO/Government Consultation in Bishkek under the auspices of the OSCE.
4-5 December	Seminar on "Human Rights and Police Work", Minsk.
13-16 December	The HCNM visits Slovakia.
13 December	Establishment of an ODIHR assessment mission to assess and report on the Presidential elections in Kazakhstan.

1999

1 January	Norwegian Foreign Minister Knut Vollebæk succeeds Polish Foreign Minister Bronisław Geremek as Chairman-in-Office.
9-13 January	The Chairman-in-Office visits Albania, Montenegro, Macedonia and FRY.
10-13 January	Visit of the HCNM to Latvia.
18-28 January	Needs assessment mission of the ODIHR to Armenia, Azerbaijan and Georgia.
20 January	Meeting of the OSCE Troika, Vienna.
29-30 January	Seminar on "Democratic Control of Armed Forces and Security Policy", Sarajevo.
7-10 February	Visit of the HCNM to Croatia.
8-9 February	Joint visit to Croatia by senior officials of the OSCE, the Council of Europe and the UN led by Are Jostein Norheim representing the Chairman-in-Office.
22-23 February	Mediterranean Seminar on "Regional Environmental Problems and Co-operative Approaches to Solving Them - The Case of the Mediterranean Region", Valletta.
22-25 February	The OSCE Representative on Freedom of the Media visits Baku.
24-25 February	OSCE/ODIHR meeting on electoral assistance strategy for the countries in Central Asia, Warsaw. Meeting of the Sub-Regional Consultative Commission on Arms Control, Vienna.
1-2 March	The Chairman-in-Office travels to the FRY to meet with President Milošević.
2-4 March	Visit of the HCNM to Macedonia.

15-16 March	Visit of the HCNM to Slovakia. The OSCE Representative on Freedom of the Media visits Minsk.
15-19 March	Second Review Conference on the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina, Vienna.
19 March	The Chairman-in-Office decides to withdraw the KVM.
22 March	First Supplementary Human Dimension Implementation Meeting, Vienna.
25-29 March	Visits of the HCNM to Kyrgyzstan and Kazakhstan.
26 March	The Chairman-in-Office calls an extraordinary meeting of the OSCE Troika in Vienna.
April	The OSCE Representative on Freedom of the Media visits Uzbekistan, Kazakhstan and Kyrgyzstan.
6-7 April	The Chairman-in-Office visits Albania and Macedonia.
7-9 April	Meeting of the HCNM with representatives of the UNDP and the World Bank, New York and Washington, D.C.
13-14 April	Visit of the HCNM to the Czech Republic.
15-16 April	Visit of the HCNM to Macedonia.
18-21 April	Visit of the HCNM to Ukraine.
26-27 April	Seminar on "Regional Environmental Problems and Co-operative Approaches to Solving Them - The Case of the Baltic Region", Warnemünde.
27-30 April	Seminar on "Human Rights: the Role of the Field Missions", Warsaw.
28 April	Meeting of the OSCE Troika, Vienna.
30 April	Visit of the HCNM to Slovakia.
30 April	The Mandate of the OSCE Mission to Ukraine expires.
5 May	Journalists seminar, Sarajevo.
6-7 May	Visit of the HCNM to Estonia.
6-17 May	An OSCE delegation led by ODIHR Director Ambassador Stoudmann visits Kyrgyzstan, Kazakhstan and Uzbekistan.
9-11 May	Visit of the HCNM to Macedonia.
10-11 May	Workshop on the activities of the Mission to Bosnia and Herzegovina, Sarajevo.
17-19 May	Seminar on "Co-operation among International Organizations and Institutions: Experiences and Prospects in South-Eastern Europe", Sofia.
21-28 May	Joint OSCE/UN election assessment mission to Tajikistan.
23-29 May	Training course for Uzbek Border Guards, Ketrzyn, Poland.

24-25 May	Visit of the HCNM to Latvia.
25-28 May	Seventh Economic Forum, Prague.
26-28 May	Workshop on the "Development of Election Legislation", Dushanbe.
14 June	Supplementary Human Dimension Implementation Meeting on Gender Issues, Vienna. Ambassador Ján Kubiš succeeds Ambassador Giancarlo Aragona in the office of OSCE Secretary General.
23-24 June	Joint workshop of the ODIHR and The Supreme Court of Ukraine on "Resolving Election Disputes", Kyiv.
4-5 July	Workshop on the registration of permanent residents, Tbilisi.
6-10 July 1999	Eighth Annual Session of the OSCE Parliamentary Assembly, St. Petersburg.
7-9 July	The Chairman-in-Office visits Skopje and Kosovo.
8-9 July	The HCNM visits London. Second workshop on the registration of permanent residents, Yerevan.
11-16 July	Joint pilotworkshop on human rights training for field missions organized by UNCHR, Council of Europe, European Commission and OSCE, Venice.

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Acronyms

AAN	Action Alert Network (IFEX)
ACCAPP	Administrative Centre for the Co-ordination of Assistance and Public Participation (of the OSCE Presence in Albania)
AMARC	World Association of Community Radio Broadcasters
ANEM	Association of Independent Electronic Media
ASEAN	Association of Southeast Asian Nations
CALO	Central Asia Liaison Office (of the OSCE)
CASIN	Centre for Applied Studies in International Negotiations
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)
CIS	Commonwealth of Independent States
CJFE	Canadian Journalists for Free Expression
CJTF	Combined Joint Task Force
CNR	Commission for National Reconciliation (Tajikistan)
COLPI	Constitutional and Legal Policy Institute
CPC	Conflict Prevention Centre
CPN	Conflict Prevention Network
CSBMs	Confidence- and Security-Building Measures
CSCE	Conference on Security and Co-operation in Europe (since 1 January 1995: OSCE)
CSO	Committee of Senior Officials (since 1 January 1995: Senior Council)
DSACEUR	Deputy Supreme Allied Commander Europe
EAPC	Euro-Atlantic Partnership Council
EASC	Election Appeals Sub-Commission (of the OSCE Mission to Bosnia and Herzegovina)
ECE/UN	Economic Commission for Europe (of the UN)
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECMM	European Community Monitor Mission
ECU	European Currency Unit
EEA	European Economic Area
EEC	European Economic Community
EU	European Union
FES	Friedrich-Ebert-Stiftung/Friedrich Ebert Foundation

FRY	Federal Republic of Yugoslavia
FSC	Forum for Security Co-operation
GUUAM	Georgia, Ukraine, Uzbekistan, Azerbaijan and Moldova
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)
HDZ	Croatian Democratic Union
HRAP	Human Rights Alert Programme (of the OSCE Presence in Albania)
IAPA	Inter American Press Association
ICG	International Crisis Group (for Bosnia and Herzegovina)
ICKKTU	Interstate Council of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan
ICRC	International Committee of the Red Cross
IFES	International Foundation for Electoral Systems
IFEX	International Freedom of Expression eXchange
IFOR	Implementation Force
IMF	International Monetary Fund
IOM	International Organization for Migration
IPTF	International Police Task Force
ITU	Telecommunications Union
KCD	Coalition for a Whole and Democratic Bosnia and Herzegovina
KDOM	Kosovo Diplomatic Observer Mission
KFOR	Kosovo Force
KLA	Kosovo Liberation Army (also known as UCK)
KVM	Kosovo Verification Mission
LCO	Legal Counsellor's Office (of the OSCE Presence in Albania)
MISA	Media Institute of Southern Africa
MPC	Mediterranean partners for co-operation
MSF	Médecins Sans Frontières
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organization
NDI	National Democratic Institute (USA)
NGOs	Non-Governmental Organizations
NHI	New Croatian Initiative
NPMS	Non-participating Mediterranean States
OAS	Organization of American States
OCHA	Office for the Coordinator for Humanitarian Affairs
ODCCP	Office for Drug Control and Crime Prevention
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
OSFA	Open Society Foundation for Albania (Soros)
PA	Parliamentary Assembly (of the OSCE)
PC	Permanent Council (of the OSCE)
PEC	Provisional Election Commission (of the OSCE Mission to Bosnia and Herzegovina)
PEL	Permanent Election Law (Bosnia and Herzegovina)
PfP	Partnership for Peace
PHARE	Poland and Hungary Assistance for the Reconstruction of the Economy
PIC	Peace Implementation Conference/Peace Implementation Council
PINA	Pacific Islands News Association
PIR	Party of Islamic Rebirth (Tajikistan)
PPSC	Political Party Service Centre (Bosnia and Herzegovina)
PRC	Political Resource Centre (Bosnia and Herzegovina)
RSFSR	Russian Soviet Federative Socialist Republic
SACEUR	Supreme Allied Commander Europe
SDA	Party of Democratic Action (Bosniac)
SDBiH	Social Democrats of Bosnia and Herzegovina
SDP	Social Democratic Party (Bosnia and Herzegovina)
SDS	Serbian Democratic Party
SECI	Southeast European Cooperative Initiative
SFOR	Stabilization Force
SIDA	Swedish International Development Co-operation Agency
SLOGA	Political Coalition "Unity" (SNS, SNSD, SPRS; Republika Srpska/Bosnia and Herzegovina)
SNS	Serb National Alliance (SLOGA Coalition Partner)
SNSD	Party of Independent Social Democrats (SLOGA Coalition Partner)
SPECA	Special Programme for Central Asia (of UNECE)
SPRS	Socialist Party of the Republika Srpska (SLOGA Coalition Partner)
SRCC	Sub-Regional Consultative Commission (Article IV of Dayton)
SRS	Serbian Radical Party
TACIS	Technical Assistance for the CIS
TLE	Treaty Limited Equipment (CFE I Treaty)
TRACECA	Transport Corridor between Europe and Central Asia
UCK	Kosovo Liberation Army (KLA)
UN/UNO	United Nations/United Nations Organization
UNDCP	United Nations Drug Control Programme
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe

UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNITAR	United Nations Institute for Training and Research
UNMAC	United Nations Mine Action Center
UNMIC	United Nations Interim Administration Mission in Kosovo
UNMOT	United Nations Mission of Observers in Tajikistan
UNPROFOR	United Nations Protection Force
USAID	United States Agency for International Development
USIS	United States Information Service
UTO	United Tajik Opposition
VD 90, 92, 94	Vienna Document on Confidence- and Security-Building Measures (1990, 1992, 1994)
WAJA	West African Journalists' Association
WEU	Western European Union
WPU	World Postal Union
WTO	World Trade Organization

Contributors

- Elizabeth Abela*, Adviser, Conflict Prevention Centre, Vienna
- Robert L. Barry*, Ambassador, Head of the OSCE Mission to Bosnia and Herzegovina since January 1998, Sarajevo
- Undine Bollow*, Deputy Head of the OSCE Mission to Latvia, Riga
- Dr Heiko Borchert*, Partner, Keil & Borchert, Political Consulting, Freiburg/Lucerne
- Klemens Büscher, M.A.*, Research Fellow at the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH), Hamburg
- Dr Günter Burghardt*, Director General, DGIA, European Commission, Brussels
- Flavio Cotti*, former Federal Councillor, Head of the Federal Department of Foreign Affairs from April 1993 to April 1999, Chairman-in-Office of the OSCE in 1996, Berne
- Sune Danielsson*, Ambassador, Co-ordinator for Capacity-Building and Training in the OSCE, OSCE Secretariat, Vienna
- Prof. Dr Jonathan Dean*, Ambassador ret., Union of Concerned Scientists, Washington D.C.
- Thomas Dorenwendt*, Member of the OSCE Mission to Tajikistan and of the OSCE Central Asia Liaison Office; since 1999 Member of the OSCE Assistance Group to Chechnya, Hamburg/Moscow
- Prof. Dr Pál Dunay*, Course Director, International Training Course in Security Policy, Geneva Centre for Security Policy, Geneva
- Dr Hansjörg Eiff*, Ambassador ret., Bonn
- Dr Daan Everts*, Ambassador, Head of the OSCE Presence in Albania from December 1997 until June 1999, since July 1999 Head of the OSCE Mission in Kosovo, Tirana/Priština
- Jürgen Hübschen*, Colonel, OSCE Representative to the Joint Committee on the Skrunda Radar Station, Riga
- Heinz Dieter Jopp*, Captain, German Navy, Military Adviser to the Permanent Mission of the Federal Republic of Germany to the OSCE, Vienna
- Ján Kubiš*, Ambassador, OSCE Secretary General, Vienna
- Dr Heinz Loquai*, Brigadier General ret., until 31 March 1999 Senior Military Adviser to the Permanent Mission of the Federal Republic of Germany to the OSCE, Meckenheim
- Prof. Dr Otto Luchterhandt*, Department for Research of Eastern European Law, University of Hamburg, Hamburg
- Prof. Dr Dr Dieter S. Lutz*, Director of the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH), Hamburg
- Dr Ilgar Mammadov*, Counsellor, Deputy Head of the Permanent Mission of the Republic of Azerbaijan to the OSCE, Vienna

Dr Alexander Matveev, Expert on Public International Law and European Politics, Moscow

Dr Levan Mikeladze, Ambassador of Georgia to Austria, Head of the Permanent Mission of Georgia to the International Organizations in Vienna, Vienna

Igor Munteanu, Fundatia Viitorul, Chişinău

Yannick du Pont, M.A., participant in the OSCE Researcher in Residence Programme in Prague, research-internship at the Democratization Department of the OSCE Mission to Bosnia and Herzegovina, Amsterdam

Dr Nicole Renvert, Center for German and European Studies, Georgetown University, Washington, D.C., member of the OSCE Mission to Croatia, Zagreb

Romani Rose, Chairman of the Central Council of German Sinti and Roma, Heidelberg

Dr Arne C. Seifert, Ambassador ret., Berlin

Odd Gunnar Skagestad, M.A., Ambassador, Head of the OSCE Assistance Group to Chechnya, Moscow

Prof. Dr Anselm Skuhra, Institute for Political Science, University of Salzburg, Salzburg

Kristina Stockwood, Editor of the weekly IFEX Communiqué, IFEX Clearing House, Toronto

Dr Max van der Stoep, OSCE High Commissioner on National Minorities, The Hague

Dr Piotr Switalski, Deputy Director of the European Security Department at the Ministry of Foreign Affairs of Poland, Warsaw

Dr Sergei Tolstov, Project Leader at the Institute of World Economy and International Relations at the National Academy of Sciences of the Ukraine, Director of the Independent Centre for Political Analysis and Forecasts, Kyiv

Prof. Dr Kurt P. Tudyka, Editor-in-Chief of the OSCE Yearbook, Bonn

Ermina Van Hove, Project Manager for the International Security Program at the EastWest Institute, New York

Knut Vollebæk, Minister of Foreign Affairs of Norway, OSCE Chairman-in-Office in 1999, Oslo

Dr Ludger Volmer, Minister of State in the German Foreign Office, Berlin

Dr Hans-Georg Wieck, Ambassador, Head of the OSCE Advisory and Monitoring Group in Belarus, Minsk

Dr Monika Wohlfeld, Senior Diplomatic Adviser, Conflict Prevention Centre, Vienna

Dr Wolfgang Zellner, Research Fellow at the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH), Hamburg