



Report on the 14th Summer Academy on the OSCE

June 20-July 2, 2010

ORGANISED BY

Austrian Study Centre for Peace and Conflict Resolution,
Stadtschlaining
The Diplomatic Academy of Vienna

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List of Abbreviations

ACFE	Adapted CFE Treaty
ARF	ASEAN Regional Forum
ASEAN	Association of the Southeast Asian Nations
ASPR	Austrian Study Centre for Peace and Conflict Resolution
ATU	Anti Terrorism Unit
BATNA	Best Alternative to a Negotiated Agreement
BiH	Bosnia and Herzegovina
CFE Treaty	Conventional Forces in Europe Treaty
CiO	Chairman-in-Office
CIS	Commonwealth of Independent States
CoE	Council of Europe
CPC	Conflict Prevention Center
CSBM	Confidence and Security-Building Measures
CSCE	Conference on Security and Co-operation in Europe
CSTO	Collective Security Treaty Organization
CTN	Counter-Terrorism Network
EAM	Election Assessment Mission
ECHR	European Court of Human Rights
EFC	Economic and Financial Crisis
ENVSEC	Environment and Security Initiative
EOM	Election Observation Mission
EPU	European University Centre for Peace Studies
EU	European Union
FYROM	Former Yugoslav Republic of Macedonia
HCNM	High Commissioner on National Minorities
HFA	Helsinki Final Act
IAEA	International Atomic Energy Agency
ICCPR	UN International Covenant on Civil and Political Rights
ICJ	International Court of Justice
IDP	Internally-displaced person
LEOM	Limited Election Observation Mission
LTO	Long-term Officer
MFLF	Mae Fah Luang Foundation
MoU	Memorandum of Understanding
NAM	Needs Assessment Mission
NATO	North Atlantic Treaty Organization
NGO	Non-governmental Organization
NIS	New Independent States
OCEEA	OSCE Coordinator on Economic and Environmental Activities
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organization for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation in Europe
PA	Parliamentary Assembly

PAP	Police Assistance Program
PC	Permanent Council
PiA	OSCE Presence in Albania
PMG	OSCE Police Monitoring Group in Croatia
POLIS	Policing Online Information System
PPP	Public-Private-Partnership
PS	Participating State
REC	Regional Environment Center for Central and Eastern Europe
RFOM	Representative on Freedom of the Media
SALD	Sustainable Alternative Livelihood Development Model
SCO	Shanghai Cooperation Organization
SG	Secretary General
SPMU	Strategic Police Matters Unit
STO	Short-Term Officer
U.S.	United States of America
UDMR	Hungarian Democratic Union in Romania
UN	United Nations
UNDP	United Nations Development Program
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Program
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crimes
USAID	United States Agency for International Development
WMD	Weapons of Mass Destruction
WTO	Warsaw Treaty Organization

IMPORTANT REMARK BY THE ORGANISERS

This Report includes information regarding the main subjects covered by the course, provided by lecturers and participants as well as additional information given to the participants before the course in form of a reader and during the course as handouts. It does not only refer to the contributions of resource persons, and time constraints related to the production of the report made it impossible to seek an agreement with them on the information given in the report.

Whereas the ASPR is greatly indebted to all resource persons who helped to facilitate the course and gives their names as references throughout the paper, the editor alone takes the responsibility for the contents of this document.

Please keep that in mind when reading the report – thank you for your understanding!

The ASPR Summer Academy Team

Introduction

The 14th Summer Academy on the Organization for Security and Co-operation in Europe took place from the 20st of June to the 2nd of July 2010 at the Austrian Study Centre for Peace and Conflict Resolution, Peace Centre Burg Schlaining, Stadtschlaining, Austria. The programme, which began in 1997, is held under the auspices of the OSCE and organised in cooperation with the OSCE and the Diplomatic Academy, Vienna.

The programme is financially supported by the Republic of Austria respectively the Permanent Mission of Austria to the OSCE. Additionally this year the Permanent Mission of Ireland to the OSCE, the Permanent Mission of the Principality of Liechtenstein to the OSCE, and the Permanent Mission of the Federal Republic of Germany to the OSCE supported the Academy's efforts by sponsoring scholarships for participants coming from Eastern Europe, the Caucasus and Central Asia. Organisers as well as participants are very grateful for this invaluable support!

The aim of the Summer Academy on the OSCE was to strengthen the participants' understanding of the Organization by improving their sometimes already deep knowledge of the history, structures, functions, values and current activities of the OSCE. The Summer Academy's purpose is to provide diplomats and employees of various ministries with clear overview of the areas they will have to deal with in their relations with the OSCE. The two-week course also gives the participants an opportunity to develop their thoughts as to how the Organization could be ameliorated, be through reform or practices, in order to achieve its objective of comprehensive security in the OSCE region, in a co-operative manner.

Thirteen participants from eleven countries attended the 14th Summer Academy on the OSCE. The group comprised of diplomats who work with the OSCE in their respective Ministries of Foreign Affairs or other Ministries, staff from OSCE field presences, academics and individuals with previous experience of working in NGO's.

The speakers invited by the Summer Academy were mainly experts from the OSCE, as well as diplomats and scholars with a deep knowledge of the Organization's evolution, functions, missions and strengths and weaknesses. The participants of the Summer Academy were invited to share their personal experience of working in or with the OSCE in a form of a brief presentation.

Dr. Arie Bloed, the former Executive Director of the Constitutional and Legal Policy Institute in Budapest and currently senior consultant for international organizations such as the OSCE, UN and EU, was the programme-moderator. Giving himself several lectures, he provided the participants with inspiring insights into the OSCE and its work, challenging them with critical thoughts, and invited them to think about the Organization in a very interactive way.

The 2010 Summer Academy was indeed placed under the concept of peace. Participants from regions or countries which in "real life" do not share good or any relations at all used the secure forum of the Academy to exchange thoughts, discuss problems and therewith lose prejudices and fears that used to be part of their life.

Ms. Maria Idomir, Summer Academy participant and graduate of the Diplomatic Academy of Vienna compiled this report. The production deadline for this report did not allow for review of the draft by the lecturers. Therefore, the responsibility for

its content rests with the Austrian Study Centre for Peace and Conflict Resolution.

Methodology

The curriculum of the Summer Academy comprised a combination of lectures, working groups, reading sessions, workshops, case studies and on-site observation of formal OSCE proceedings.

Lectures were divided into topics and strictly delimited within the day, often following the pattern of two theoretical lectures in the morning and one workshop in the afternoon. Lectures and workshops provided the basis to acquire an extensive knowledge in the three dimensions of the OSCE as well as in other relevant areas related to the OSCE, such as Freedom of the Media, High Commissioner on National Minorities, Office for Democratic institutions and Human Rights, etc. Long-term missions, structures and relations with IO's and NGO's were also part of the resource.

Theoretical knowledge was then applied within small working groups, mostly during workshops that gave participants the opportunity to elaborate more thoroughly on OSCE related issues and to apply practical skills on negotiations and team-work. Simulation exercises dealing with interaction of multinational teams in conflict transformation situations were employed to highlight the importance and limits of communication skills, and to promote intercultural understanding among the participants.

In order to prepare participants for the lectures, they were given a comprehensive reader comprising of all relevant material as to familiarize oneself more closely with OSCE's work and OSCE related issues in advance.

Each participant wrote a report on one of the sessions of the Summer Academy.

These session reports were also used to compile this comprehensive report.

Evaluation of the content, structure, methodology, and usefulness of the programme was carried out at the end of the programme. At the conclusion of the Summer Academy, participants engaged in an overall assessment of the programme; they discussed their impressions and offered recommendations for possible improvements.

Evaluation

During the first week the programme organisers distributed an anonymous questionnaire which participants filled during the two weeks Summer Academy. Participants were asked to assess the individual daily sessions, each of the two weeks, and the overall programme, as well as to provide suggestions for improvement. The organisers made a point of seeking input from the participants by offering thoughtful, provocative remarks and encouraging comments.

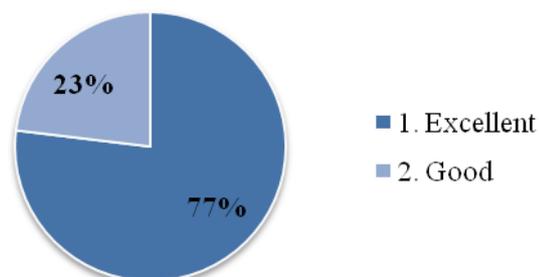
At the end of the second week, an oral evaluation session was conducted. Participants discussed their personal course evaluation, assessing the overall course with special regard to organisation and facilities. The Summer Academy Co-director Arno Truger facilitated the discussion on the evaluation.

The overall evaluation of the programme derived from the questionnaires can be illustrated in pie charts as follows:

1. Overall Evaluation of the Programme

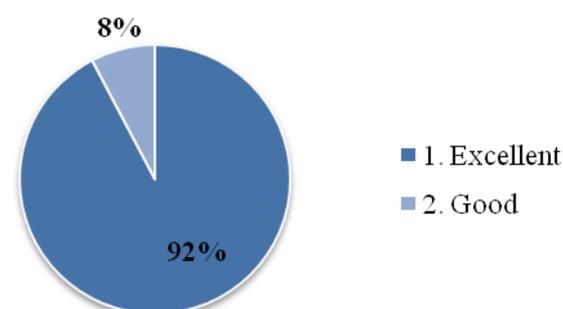
1.1. Usefulness for my professional development

Excellent	10
Good	3
Fair	0
Poor	0
No answer	0



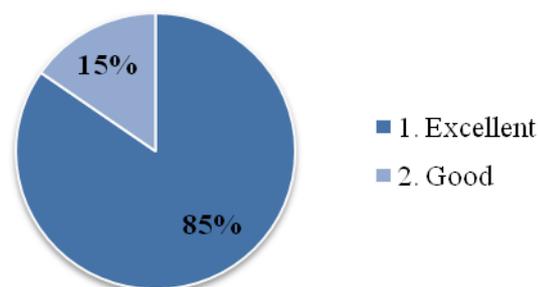
1.2. Usefulness for my personal development

Excellent	12
Good	1
Fair	0
Poor	0
No answer	0



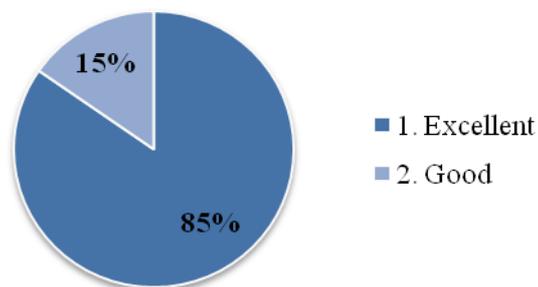
1.3. Basic structure of the programme (composition of the programme in two working modules)

Excellent	11
Good	2
Fair	0
Poor	0
No answer	0



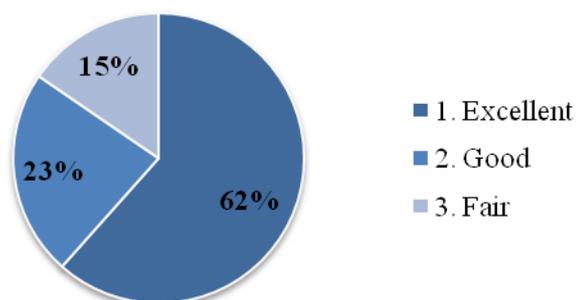
1.4. Methodology of the programme (mix of lectures, working groups and exercises)

Excellent	11
Good	2
Fair	0
Poor	0
No answer	0



1.5. Reader

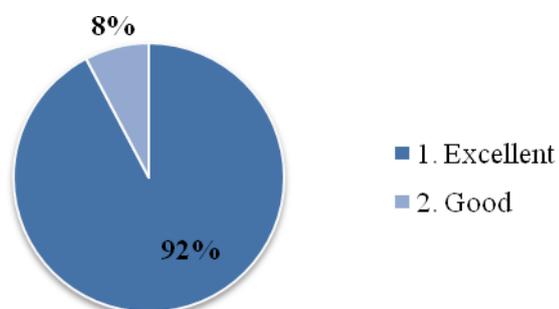
Excellent	8
Good	3
Fair	2
Poor	0
No answer	0



1.6. Facilities

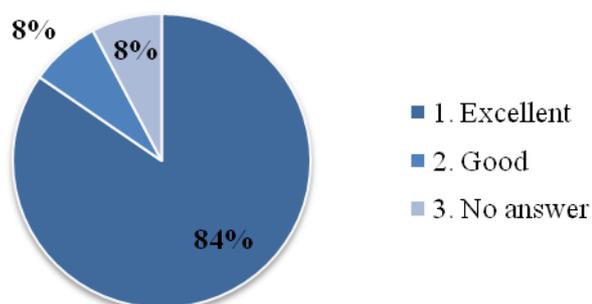
- Hotel Burg Schlainig

Excellent	12
Good	1
Fair	0
Poor	0
No answer	0



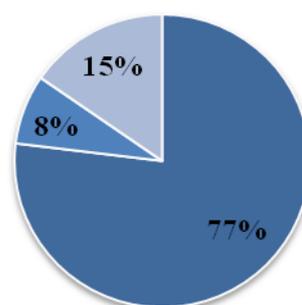
- Seminar rooms

Excellent	11
Good	1
Fair	0
Poor	0
No answer	1



- Library

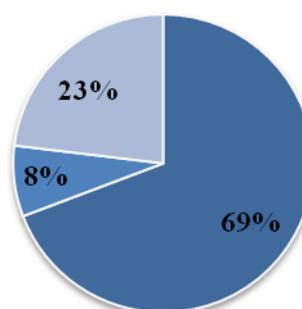
Excellent	10
Good	1
Fair	0
Poor	0
No answer	2



- 1. Excellent
- 2. Good
- 3. No answer

1.7. Staff of ASPR

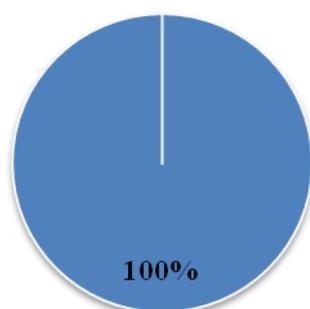
Excellent	9
Good	1
Fair	0
Poor	0
No answer	3



- 1. Excellent
- 2. Good
- 3. No answer

1.8. Staff of hotel (helpfulness, efficiency, etc.)

Excellent	13
Good	0
Fair	0
Poor	0
No answer	0

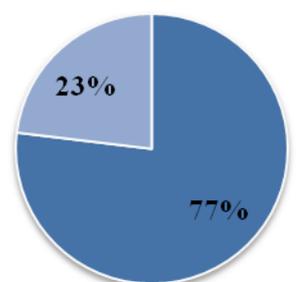


- 1. Excellent

2. Future development of the programme

Would you recommend the programme to colleagues?

Yes	10
No	0
No answer	3



- 1. Yes
- 2. No answer

Opening Day

The opening of the OSCE Summer academy was marked by the speech delivered by the Director of the Austrian Study Centre for Peace and Conflict Resolution (ASPR), Mr. Arno Truger. He welcomed the participants and presented the history of the constitution of the ASPR on the background of the end of the Cold War. In 1982 the Cold War was at its peak and Austria, considered a western country was not so far away from the Iron Curtain. On September 6, 1982, the nongovernmental organization (NGO) Austrian Institute for Peace Research was created. It later developed into the ASPR and together with the European University Centre for Peace Studies (EPU) it now constitutes the Peace Centre Burg Schlaining, engaging in education, training, research and peace support projects in crisis regions. With the support of the Province of Burgenland, the Office for the Care of Monuments and private donors, the Peace Centre received the infrastructure it needed. The ASPR's approach is a comprehensive one, similar to that of the Organization for Security and Co-operation in Europe (OSCE). Mr. Truger made here reference to Johan Galtung's¹ concept of *positive peace*, encompassing a wide range of fundamental, such as: human rights, rule of law, democratic development, durable economic development, civilian security, as well as a culture of peace, including education, the freedom of media, etc.

In 1992 Austria was the first country to support the United Nations (UN) Secretary General Boutros Boutros-Ghali's *Agenda for Peace*². The ASPR created a training program to support peace-keeping missions,

¹ Founder of Transcend International-A Network for Peace and Development. For more information, please see <http://www.transcend.org> , accessed online on August 1, 2010

² Please see *An Agenda for Peace, Preventive Diplomacy, Peacemaking and Peace-keeping*, <http://www.un.org/Docs/SG/agpeace.html>, accessed online on August 1, 2010

focusing on human rights protection, democracy, media development and election monitoring.

Within the European Union's (EU) context, together with institutions from other Member States, the ASPR has developed and implemented standardized training modules for expert training in EU Civilian Crisis Management. In addition, the ASPR brings its contribution to conflict management by conducting training in the Southern Caucasus, Central Asia, the Balkans, Sri Lanka and Africa.

The first OSCE Summer Academy took place in 1997. Training of diplomats and thus contributing to the development and support of new skills in preventive diplomacy and consolidation of peace in the OSCE area is the main objective of the OSCE Summer Academy. The ASPR also organizes seminars and courses specific OSCE issues, such as the training of trainers on project management in field operations and combating trafficking in human beings.

The Director of the Summer Academy, Dr. Arie Bloed, referred to the OSCE's work in Central Asia and to the events that had recently taken place in Kyrgyzstan. He emphasized the work of the High Commissioner on National Minorities (HCNM) and the importance of law enforcement to facilitating inter-ethnic relations. Since 1994 the OSCE Mission in Kyrgyzstan has been training a riot police contingent within the background of police reforms. This contingent was meant to prevent bloodshed in the case of an escalation of violence. However, when the violence on the streets erupted, the contingent was not deployed. The question that thus arises is *What went wrong?* The danger of spillover was rather high, which made this a proper and timely subject of discussion during the Summer Academy. Two basic questions were put forward to the reflection of the participants throughout the weeks that followed, namely: *What is the*

OSCE doing well and Where could it do better?

The opening session was concluded by Ms. Saltanat Sakembaeva, Senior Political and Administrative Assistant at the Office of the Secretary General. She delivered a presentation on the OSCE, its structure and vision, presenting a few items on its current agenda, such as the Corfu Process and the possibility of an OSCE Summit to be organized this year in Astana.

Section I: Introduction to the OSCE and its Core Concepts

Security and Co-operation in the OSCE Area: Conflicts and New Diving Lines³

Before the 1990s, Europe was divided across geographical and political lines into the *communist East* and the *democratic West*. A rather flawed division, since few realized that Prague was west of Vienna, but a satellite country nevertheless.

Post-1989 a new division arose between the *Old* and the *New Europe*. The fall of the Berlin Wall was a great victory, but at a high price, one that was never discussed: 350,000 dead, 700,000 wounded or abused and 13 million unemployed. The mid-1990s brought about new borders, meant no to stop Soviet tanks, but the people from the East invading the Western countries. The *Schengen Accords⁴* are a vivid expression of this.

³ Conveyer: Professor Zarko Puhovski, University of Zagreb

⁴ For more information, please see *The Schengen Area and Co-operation*, http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_migration/133020_en.htm, accessed online on August 1, 2010

At the end of the 1990s the EU intensified its negotiations preparing the integration of Slovakia, the Baltic States, Cyprus, Romania and Bulgaria. Their membership presupposed not only the fulfilling of certain criteria, but a geopolitical and strategic interest as well. The EU's claim of being a community of values was thus undermined. Throughout Europe two areas stood out: on the one hand, Switzerland, on the other one, the Western Balkans (minus Slovenia, plus Albania). Greece, Bulgaria, Romania and Hungary strategically surrounded them.

The Economic and Financial Crisis blurred traditional dividing lines. There is a return to traditional *North-South* dividing lines. Max Weber's *The Protestant Ethic and the Spirit of Capitalism* is brought again into focus. This provides an understanding of the situation the PIGS countries⁵ find themselves in.

In *postmodern terms* changes can also be observed. France and the South-East Europe are champions in stressing traditional 19th and 20th century values of political mobilization, whereas northern countries focus on issues such as women rights. There has been a clear change in social texture, habits and the consciousness of people, which imply different tasks, beyond those required by a democratization process.

Groucho Marx once said "*I don't care to belong to any club that will have me as a member.*" The EU has changed a lot since the 1990s. It faces identity problems, being referred to as *Europe* in some constitutional documents. What of States such as Ukraine, Belarus and the Russian Federation? There is no think-tank to discuss what Europe geographically means. There is no Europe as such, just an idea of Europe (from the Atlantic to the Urals).

There are several levels of latent conflict in Europe:

⁵ Portugal, Italy, Greece, Spain

§ *Political and geographical*, related to enlargement and institutional problems, such as democratic deficit. From a certain point of view, the EU seems a confederation of executive powers. The traditional control exercised by the people during elections, by the Parliament over the executive power and by the judicial power over the Parliament and the executive comprises a 19th century understanding of democracy and its institutions, which restrains the effective functioning of the EU.

§ *Nationalistic* conflicts within and outside the EU. There has been lots of talk recently related to the Balkanization of Europe, which is not the same as the Europeanization of the Balkans. The example of the Kosovo and Serbian police forces called to intervene in Belgium is an indicator of this. Nationalistic discourses such as those in Slovakia and Croatia, Slovenia and Hungary and within Belgium are somehow parallel to those in the Former Republic of Yugoslavia in the beginning of the 1980s. For most the existence of the EU is a guaranteed obstruction to a nationalistic war.

§ The *external relations* of the EU: most important partners are the United States of America (U.S.), Japan, China, India, Brazil, Morocco, Israel and last the African countries. In the daily conduct of external affairs, African States are seen only from the perspective of humanitarian issues. The EU as such has no clear and distinct policy towards Africa.

The question of the degree of integration of the EU was raised. The Economic and Financial Crisis (EFC) hardly affected Poland, an indicator of its not being fully integrated in the EU.

Leadership for the EU appears to be a challenge at the moment. The perception of the personalities of high ranking servants,

such as Lady Catherine Ashton⁶ or Herman van Rompuy⁷, cannot be ignored. Should smaller States simply follow in this instance? Having strong institution is, of course, a very important factor for the success of the EU. The personality of the public servants is irrelevant. In this sense the example of Switzerland is telling. The problem lies in the lack of strategy of the institutions. Leaders are still double-bound by their national and European functions, a necessary situation for the moment. The future of the EU in 20 years, without strong institutions, is questionable. Potential contentious areas will be economic issues and internal coherence.

An example of lack of strategy is the War against Terrorism⁸, which implies a reduction of human rights. The mantra "*Terrorism cannot win.*" clashes with "*Terrorism cannot lose.*" Increasing control leads to a downfall of democracy and with this to the victory of terrorists. In the 1960s and 1970s security was less of a problem.

In the fight against terrorism changes have taken place. The view of the current American administration is oriented more towards law enforcement, in an effort to mend errors made during the Bush administration.

Reinventing discourse in the context of current technological changes could influence the formation of a European public opinion. When paper terminology is lacking there is, of course, a problem. Examples in this sense are the Holy Roman Empire and the Westphalian 1648 understanding of the *State*. What we are living right now reached beyond our intellectual experience. The EU is a prime example to this end. It is an entity *sui*

⁶ High Representative for Foreign Affairs and Security Policy of the European Union and First Vice-President of the European Commission

⁷ President of the European Council

⁸ Please see the U.S. National Security Strategy of May 2010, accessed online on August 1, 2010 http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf

generis, in other words something entirely new, the result of an evolutionary process. Such are international law and international courts as well. The idea is to bring the citizens of the world together, the ultimate purpose being one State, global governance. However, States such as the U.S., the Russian Federation, China and India, to name just a few, have not recognized the jurisdiction of the International Court of Justice (ICJ). Croatian generals were indicted, American ones were spared. This is just one core problem of international law. Equality before the law is a sacrosanct principle, but it applies primarily to national law. Politicians should act on a common basis of principle.

An analysis of international media, done by a Polish researcher, revealed the following: for each 1 killed American, there are 4 Germans, 12 Polish, 300 Croats and 12,000 Bangladeshi that receive the same media coverage. This is an indicator to the manner in which terrorists chose their targets. There is just a theoretical principle of equality in international law. Instead of cosmopolitanism, there is a world village, with no citizens as such.

In some respects, the OSCE is an irrelevant organization. Its potential is only explored when all other options have been tried out. There is a need for something broader than the EU and Europe. At present there is no functioning framework for diplomatic interaction. Overall, the OSCE plays a modest, but important role in the pan-European and Euro-Asian institutions.

Basic Principles of Security and Co-operation: 1975-2010⁹

The OSCE stands for the following:

§ The former Conference on Security and Co-operation in Europe (CSCE) is now an organization, the result of a *political process*;

§ It focuses on *security*, concept understood in a comprehensive manner, comprising aspects of both hard and soft security;

§ Another focus is placed on *co-operation*, acting as a platform for discussion for the Participating States (PS) and the Partners for Co-operation;

§ *Europe* is its area of action, but where does Europe end? Non-European States with a particular interest were also allowed in. The OSCE is an organization *in* Europe, but not only *for* Europe. A European organization would have left the U.S., Canada, Thailand and Japan out. During the discussion held in 1972-1973 the name of the future entity was heavily debated. At the time, the U.S. and Canada still had troops in Europe, so, they had to be taken in. The Central Asian States were part of the Soviet EU, so why should they be excluded? Where is the boundary of the OSCE?

To better understand the OSCE¹⁰, its lack of legal status, the decision-making process and its agenda, one has to go back to its Cold War origins and the discussions held during 1972-1975. During 1971-1972, Brezhnev wanted a legally-binding treaty. The USSR thus pushed for the recognition of the territorial status-quo after World War II. The Western powers were mostly interested in human rights issues and pushed for the lifting of dictatorships. Four baskets came to be decided upon, of which the economic and environmental dimension was

⁹ Conveyer: Dr. Arie Bloed

¹⁰ Please see *OSCE Secretariat: From CSCE to OSCE. A Timeline*,

http://www.osce.org/publications/sg/2005/12/17164_479_en.pdf, accessed online on August 1, 2010

the bridge. This was the neutral ground between the Russian security interests and the Western human rights agenda. In the 1970s the USSR needed to co-operate with the Western powers. The *political character* of the CSCE thus emerged. No treaty was signed, since the USSR opposed the idea of human rights. The CSCE as a *political entity with no legal personality* was thus created.

At the base of the decision-making process lies the principle of *consensus*. For many this principle is the guarantee for the inactivity of the organization. The exceptions to this, consensus-1¹¹ and consensus-2 were hardly ever applied. The Helsinki Final Act (HFA) was an *agreement to disagree*. The CSCE emerged from an intergovernmental, politically-binding agreement on the background of the *détente*. The HFA may be considered a piece of *diplomatic craftsmanship*.

For some, the HFA was seen as a betrayal of the people in the East. However, the follow-up meetings reinforced the entity recently created. One of the provisions included in the HFA was that it should be widely distributed. Its publishing in newspapers such as *Neues Deutschland* and *Pravda* led to the reinforcement of civic movements. The Helsinki Group was founded in Moscow in 1976, a similar one in Poland to help people keep their governments in check with the commitments taken under the HFA. These citizens' movements were quite powerful and although they were banned and their members exiled, they continued to exist underground. One of the completely unexpected side effects of the Helsinki process was the creation of the Helsinki Committees. The dynamic of East-West relations changed mid-1990s with the rule of President Gorbachev. From confrontation to co-operation, especially after 1990, the countries in the East gained their independence from dictatorships.

In 1994 the CSCE was institutionalized, comprising three dimensions. Before that the CSCE was present just in the archives of the Foreign Ministries.

One of the main functions of the CSCE/OSCE was *standard-setting*. It was clear for everyone that once the Pact Sovietica was gone, hot spots will erupt. The North Atlantic Treaty Organization (NATO) no longer had something to balance in the East, so its identity also came into question. The new OSCE had as its main objective *conflict prevention* and in this sense it was a *highly innovative* contribution to the security architecture of the beginning of the 1990s.

The OSCE is a *community of values*, whereby 56 Participating States should stick together. Its standards revolve around parliamentary democracy, market economy and human rights. In some aspects it goes further than the Council of Europe (CoE) and the EU itself.

The OSCE is also a *community of responsibility*, where each State has to help the other in a *constructive* way. *Peace is indivisible* for the Participating States, the principle of non-intervention (as defined by Art. 2(7) of the UN Charter) cannot be invoked anymore and there is a responsibility to act in case of violations in a co-operative way. States may raise issues or express their concern regarding events taking place in a PS. This makes a *major difference* when comparing the OSCE to other bodies, such as the Human Rights Council of the UN, a highly politicized and far from co-operative institution. *This could be the added value and a comparative advantage for the OSCE in comparison to international organizations in its field*. To improve the effectiveness of the OSCE, the Blue Book should be updated, since it is not as realistic anymore. The question that arises is where to should the OSCE be heading?

¹¹ Invoked just once in July 1992 to suspend Yugoslavia from the CSCE.

Functions of the OSCE:

- § Standard-setting and supervision
- § Stabilization: conflict prevention, crisis management, post-conflict rehabilitation, arms control and conflict and security building measures (CSBMs)
- § Providing assistance (part of the community of responsibility): ODIHR, field missions, HCNM
- § Legitimization: Russian troops were not allowed to use the OSCE flag in Transnistria, Georgia and South Ossetia, since this would have legitimized their presence there
- § Co-ordination
- § Catalyst: fight against terrorism.

The only problem is the agenda is overloaded and the budget is too small. Also, efforts have been made to increase co-operation with international organization to avoid duplication.

*The OSCE's Organization: Basic Features*¹²

A brainstorming session revealed the basic features of the OSCE:

- § Geographical scope
- § Three dimensions
- § Comprehensive security concept and co-operative security
- § Intervention on humanitarian grounds
- § Consensus at the basis of decision-making
- § Politically and not legally-binding character
- § Community of values
- § Field operations

The OSCE is a *political process*, not an international organization in the classic sense, since there is no treaty at its foundation. It does not have an explicit legal personality, but an implied one. The OSCE

cannot be part of legal arrangements, only for the purpose of establishing field missions with the accord of the Host State. Though a legal nightmare, a treaty could be a useful base for future agreements.

The OSCE is a *community of values*, wherein States should act on good faith and live up to their commitments. This should be a reassurance of their engagement. The politically binding force raises the issue of enforcement and accountability. There is no judicial body to hold States accountable. 99% of all disputes are solved through diplomatic. In the end, there is not a major difference if the dispute is political or legal.

The understanding of the binding character of the OSCE is context specific. In the socialist understanding of international law, the legally-binding character has to be written down specifically. Throughout the ex-communist space politically-binding agreements are perceived as ineffective. Enforcement is a major issue. How to hold States accountable? The example of Uzbekistan is relevant in this case. The authoritarian leadership in the country just hears, but does not listen. The OSCE monitored the elections and made recommendations that were largely ignored. During the events in Andijan¹³ in 2005, when hundreds were killed just to keep control, it turned to the Russian Federation. This only proved that finger-pointing strategies are not effective. The OSCE wanted to investigate and monitor the situation, but its delegation was not welcomed. The UN put forward a similar request, but the government refused international presence. In response to the sanctions to which it was subjected, the State retaliated by closing down the OSCE Office and the American base.

All in all, the *politically-binding commitments are not seen as legally-*

¹² Conveyer: Dr. Arie Bloed

¹³ For an account of the events, please see *Outlook Bleak in Wake of Andijan*, <http://news.bbc.co.uk/2/hi/asia-pacific/4761821.stm>, accessed online on August 1, 2010

binding obligations by the PS. They do hold a legal relevance, since some of the principles included in the HFA and subsequent documents are part of *treaty law* and *customary international law*. The example of the CoE Framework on Minority Rights is telling. The CoE made legal a political agreement of the OSCE. The OSCE thus started a *law-making process* in Copenhagen with the catalogue of minority rights. It is much easier to hammer down a political agreement, which then will be taken up by an institution with a legal personality. The basis of a legally-binding instrument was put in no longer than four weeks within the OSCE framework. The *short time span* indicates to a *comparative advantage* for the OSCE. However, in order to avoid a duplication of efforts and to tame the level of expectations, this was just the start of the process, better continued by an organization that has not only legal personality, but also the necessary resources.

Is legalization really needed? The OSCE buildings and personnel in Vienna have legal immunity and enjoy certain privileges. The Austrian Parliament passed a law unilaterally recognizing the legal personality of the two. The weakness of this procedure is that a law can be withdrawn. Whereas the personnel are concerned, it is not as well protected as in the UN system. In Tajikistan, at the beginning of the 1990s, after the withdrawal of the UN, the OSCE took over. Some of its personnel were killed and their families got no compensation.

The OSCE is no international organization. It is a *dynamic process*, with a light institutional structure (budget, staff, location, salaries). It was deliberately designed as a small, dynamic and flexible structure to avoid the creation of an organization that would fight for itself.

Comprehensive security is a core principle of the OSCE, for which there is no definition, but which entails a lot of flexibility. The different dimensions give

way to an expanded security concept, whereby both hard and soft securities are components. This was precisely the innovation brought about by the discussions held in the 1970s. The idea was to embrace a *conflict prevention approach*, going to the roots of the conflicts, mostly based on violations of human rights. Throughout the decades that followed, there was a permanent given and take process between the East and the West, underlying the inter-linkage of the politico-military and the human rights dimension. Cross-dimensional activities thus developed.

Co-operative security is meant to bring a peaceful resolution to disputes. The OSCE can also alert international organizations, such as the UN and NATO of situations that might escalate. *Not having the means, does not mean not having the mandate*. Within the OSCE framework there is a lack of sanction in cases of non-compliance, therefore the reliance on *voluntary co-operation*. *Co-operative security excludes enforcement action*.

Principle of consensus implies the fact that if one PS does not agree, the decision will not be adopted. Practically, the principle offers each PS a right to veto. Consensus is reached in the absence of any objection (the silence procedure). This is just the tip of the iceberg, since informal negotiations take place before the meeting of the Permanent Council (PC), which pave the way to a consensus. The major challenge is to balance the sometimes competing interests of the PS.

There are three exceptions to the consensus rule, out of which just one has been applied. *Consensus-1* was used in 1992 against Yugoslavia. There were attempts to use it against Bosnia and Herzegovina and Armenia as well, but they failed. Once the door is opened, a potentially dangerous precedent will be created. *Consensus-2* implies direct conciliation and *Consensus-3* did not pass in Budapest in the 1990s. In the end, the three options do not hold an added

value, but they are useful to have in reserve for the peaceful settlement of disputes. To change the present state, *political will and need* would be necessary. The Court for Conciliation and Arbitration in Geneva was never submitted a dispute. It is kept as a resource, but most disputes are settled diplomatically. Moreover, should PS not fully agree with a decision, they can issue reservations or interpretative statements.

The 56 PS are joined by a number of observers and Partners for Co-operation, the last of which is Australia. The criteria for becoming a Partner for Co-operation are included in the Platform for Co-operation Security.¹⁴ NGOs enjoy a fairly open access. They can take the floor, but they have no consultative status. Excepted are NGOs considered to promote or condone terrorism, such as some in Turkey or Chechnya. Mostly, they meet with representatives of the Office for Democratic Institutions and Human Rights (ODIHR). Some are restricted the access, whereas others can take part to informal consultations. As such they can actively participate in the substantive process of the negotiations and exert quite a large influence.

The OSCE's Organization: Institutional Structures and Budget¹⁵

Political/decision-making bodies

For the past 11 years there has been no *Summit*. The last one to be held was in 1999 in Istanbul. If there is no substance to it, it shall be deemed irrelevant. Current issues are anyway being dealt with in other fora, such as the UN and the CoE. Increasing the visibility of Kazakhstan has to be balanced against the finding substantive issues to be

placed on the agenda. In 1999, Russian President Yeltsin signed the Istanbul Commitments, agreeing to the withdrawal of the Russian troops from Georgia and the Republic of Moldova. In 2000, when President Putin took over, the Ministerial Meeting ended with no concluding document. The Russian Federation blocked the adopting of a budget for months. It was the end of “*Western dominance/humiliation*” and, thus, a radical change within the OSCE as well. The year 2000 was just the beginning of the crisis. Till 2003 no consensus was reached on key issues and no concluding documents were adopted. In 2004 in Astana, the Commonwealth of Independent States (CIS) decided a change is needed. The Colour Revolutions took place in Ukraine and Georgia and the OSCE, who had monitored the elections in the two States, was held accountable by Moscow and accused of intervention. The messenger was blamed for had happened in Ukraine. Nevertheless, the OSCE acted only as an *observer*. A next wave of crises followed, centred on the imbalanced focus of the OSCE on the East, intervention in internal affairs and border demarcation. In Uzbekistan and Tajikistan for example, the presence of the OSCE became undesirable. It was considered that the organization does not serve the interest of these Participating States. The way the OSCE is perceived became a serious challenge, one that the Corfu Process is aiming to address, in the hope of gaining back some of the confidence.

The *Ministerial Council* meets one per year. The last informal meeting of the Council took place in Astana, on July 16-17. The one in June 2009 in Corfu set the basis for the Corfu Process. As a forum of discussion, the informal meetings are an innovation for the OSCE.

The *Permanent Council* meets once per week, Thursdays and during emergency situations. The *Reinforced Permanent Council* convenes at the level of Director Generals twice per year. The agenda of the

¹⁴ See OSCE Blue Book, External Co-operation, p. 100

¹⁵ Conveyer: Dr. Arie Bloed. Please see the OSCE Organigram, http://www.osce.org/publications/sg/2008/03/30454_1101_en.pdf, accessed online on August 1, 2010

Forum for Security and Co-operation and of the informal subsidiary bodies were also discussed.

Operational Structures and Institutions (Executive Structure)

The work of the following institutions was briefly discussed, to provide the participants with a clear insight for the following sessions: the Chairman-in-Office (CiO), the Troika, the Secretary General (SG) and the Secretariat, ODIHR, the HCNM, the Representative on Freedom of the Media (RFOM), the Coordinator of Economic and Environmental Activities, the OSCE field presences, the Parliamentary Assembly (PA) and the Court of Conciliation and Arbitration. Whereas the budget is concerned, as of 2006 there is a new compulsory scale of distribution. A distinct one is in place for large OSCE missions and projects. In addition to the Unified Budget, there is also the invisible one, in the form of seconded staff and voluntary contributions. The Unified Budget for 2010 is around € 150 million (in 1993 approx. 12 million, in 2000 over 200 million and in 2009 € 158 million), out of which 2/3 goes to the field presences.

Visit to the Permanent Council

The participants took part at the session of the PC. On the agenda, four main issues were addressed. First, the Thai Minister of Foreign Affairs, Kasit Pyromia, delivered a speech on the occasion of Thailand being welcomed as a Partner of Co-operation in the OSCE. He underlined that the main objective of Thailand is to become a full-fledged democracy and to this end, sharing lessons learned with the OSCE would be a step further.¹⁶

¹⁶ Please see the press release issued by the PC, http://www.osce.org/pc/item_1_44799.html, accessed online on August 1, 2010

Second, Moldovan deputy Prime Minister, Victor Osipov, took the floor and reiterated Moldova's commitment towards a resolution of the Transnistrian conflict. He suggested that the OSCE Mission's mandate should be strengthened by increasing its monitoring and mediation role, drafting proposals for specific problems and shifting resources where they are most needed.¹⁷

Third on the agenda was His Excellency, Ambassador Jose Luis Herrero, Head of the OSCE Spillover Monitor Mission to Skopje. He presented a 10-year review of the Mission's activity, highlighting the progress made in stabilizing the country, furthering the reform agenda and the constitutional reform, noting that much is still to be done. He considered that the OSCE can still bring its contribution areas such as the rule of law, police reform, good governance and decentralization, non-discrimination and education. Four recommendations were put forward:

- § Rename the Mission to the OSCE Mission to Skopje
- § Push forward the reform agenda
- § Assist in the implementation of the Ohrid Agreement
- § Keep the monitoring capacity of the Mission.

He finally drew the attention to the Mission's activity which need not be a project activity, but a policy-orientated one, that will empower local actors.

Last on the agenda was the report on the CiO activities. Among the documents that circulated, there was a Draft Concept Paper on the OSCE's potential involvement in Kyrgyzstan. The CiO emphasized the fact that this would be a major test for the OSCE. There is need for social and psychological rehabilitation and here the OSCE can offer its expertise. He also identified the need for an objective account

¹⁷ Please see the press release issued by the PC, http://www.osce.org/pc/item_1_44803.html, accessed online on August 1, 2010

of the events that took place. The imperative of immediate action was stressed by both the Spanish and the American Ambassadors. The U.S. and Norway committed themselves to sending humanitarian aid, \$ 32 million and NOK 10 million. The need for a more comprehensive plan of action was stressed both by the Norwegian and the Russian Ambassadors.

*Workshop 1: Various OSCE Issues*¹⁸

The participants were split into three teams, each of which received an assignment, later on discussed within the larger group. The questions taken under consideration were:

1. Analyze the benefits and drawbacks of a legalization of the OSCE and its decision-making process.
2. Should the OSCE's decision-making process be changed or made more flexible? Why not and if yes, how?
3. Should the OSCE's political leadership be strengthened and if so, how? What are its present strengths and weaknesses? Take into account the role of CiO, SG and the Secretariat.

Benefits	Drawbacks
§ Explicit legal personality would enhance the OSCE's stance and visibility. § Strengthen enforcement/implementation § Stronger reassurance of State obligations. The added value would lie precisely in the legal personality and the legally-binding acts.	§ Exclusiveness § Reduced flexibility § Longer decision-making process

¹⁸ Conveyer: Dr. Arie Bloed. Please see Dunay, P. (2006), *The OSCE in Crisis*, Chaillot Paper No. 88, The Institute for Security Studies, Paris

The solution lies in sticking to what the OSCE does best: rehabilitation, conflict prevention, monitoring elections and policing. The *specificity* of the OSCE lies in its being a *reserve channel*. This has to be matched with constant political fluctuation in the PS. This is one of the reasons for which the OSCE is at times perceived as not working in the favour of certain of its PS.

The fundamental difference of opinions lies with establishing *where, what and how* to use the OSCE.

Would a legalized decision-making process bring an added value? The example of the UN International Covenant on Civil and Political Rights (ICCPR) is telling. The negotiations for its drafting lasted for nearly 20 years and it took another 10 to deposit the sufficient number of ratification instruments. The legal character would imply direct and universal applicability, whereas at present PS can make interpretative statements to decisions. A similar model is used within the UN and the CoE framework as well. Such a model of decision-making would underline a democratic deficit as well. Parliaments would have no say and the OSCE would then be a strictly inter-governmental institution. There would be no added value, since the ratification process would obstruct the flexibility of decision-making. Moreover, the question of which documents should be legalized arises. OSCE documents are negotiated by diplomats, not lawyers, which leaves more room for negotiation. As such, the nature of the documents is meant to be political, not legal.

Changing the decision-making process implies a number of variables:

- § The differing interests of the 56 PS
- § Veto power of each member (and herein the idea of a *responsible veto*) and the time-consuming process of negotiation
- § The role of the PA: no consensus, just discussing, assessing, promoting and

contributing to the work of the OSCE, but not adopting key decisions

§ The use of Consensus-1 and Consensus-2

§ The ideas of universality, flexibility and duplicity

§ Key concepts, such as common co-operative security, shared commitments and norms, the human dimension, inclusive dialogue.

All in all, by changing the decision-making process, the basic configuration of the OSCE would be changed, leading to an UN-ization of the organization. It is, however, desirable, to preserve the *core principles* and the *uniqueness* of the OSCE.

Using Consensus-1 is not really effective. Once unleashed, the mechanism can be used against any of the PS. When it comes to issues related to democracy and election observation, for example, where the time span is somehow wider, the pressure is not that great. However, gross violations of human rights are more time-pressing. Issues of balance of power and sovereignty come here into play.

An exception from the rule of consensus would be desirable. By mitigating it, the CiO and the PC could take some extra measures, without being hindered too much. The main issue to deal with is not the decision-making process, but the *implementation* of the decisions adopted. Through consensus one may expect that the decision will be implemented. Operational/technical issues could be dealt with differently, such as the appointment of high ranking officials. Theoretically, a PS should not misuse the consensus principle to push for a certain candidate. What lies behind this is precisely the idea of a *responsible veto*.

In the PA qualified majority is used to take decisions related to less significant issues and consensus for more sensitive issues. How should the difference be made? Within the PC, the rule of consensus is applied. When it comes to a certain issues,

only 7-8 PS will react, the majority being satisfied with whatever decision will be reached. Interest and geographical proximity are key elements to raising a certain issue. Qualified majority voting would impose certain decisions for larger PS as well.

Strengthening political leadership should rely on the following four principles: *continuity, visibility, flexibility and complementary*. The Troika is a good example of preserving continuity, ensuring a cohesive agenda and, as such, a stronger discourse. Aside from the work of the CiO and that of the SG, other executive bodies could be entrusted with more responsibilities. Whereas the personalities of the leadership are concerned, *high profile, charisma and vision* should be prerequisites.

Continuity to the work of the SG should be ensured, with a view to maintaining a geographical balance as well. As for the CiO, the sole political figure within the OSCE, each of them has their own agenda and no staff. In the case of the EU, should the President of the European Commission, Mr. Barroso be unable to perform his duties, his staff can take over. Beneficial would be to integrate priorities and suppress the inclination to promote one's own agenda. The personality of the CiO is also a determining factor. In 2002 for example, when Bulgaria held the Presidency, the CiO took the floor in the UN Security Council, but took care to promote his country as well. Important to acknowledge is that CiO are also dependant on domestic political circumstances, such was the case with the Dutch and the Portuguese Presidencies. The heavy dependence on political leadership is a weakness that should be addressed.

The *Secretariat* should also be given a *political role*, aside from its basic administrative attributions. It would also be a unit of policy-makers that can be seconded for a period of 3-5 years. The CiO would thus be supported not only by his/her own

people. This would also facilitate the setting of an *integrative agenda* and make leadership less dependent on incidental influences due to the different personalities of the leaders.

The Presidency is often assumed by small, less powerful countries. Acknowledging the right to bid for Presidency of all PS, the Presidency is, nevertheless, a burden and requires the commitment of resources. Bigger countries could play a more meaningful political role. For example, in the Troika, at least one member should be a big State. National interests set aside, this would provide the organization with more *visibility and power*.

However, one needs to keep in mind that the OSCE is a political organization, not an independent body. Its 56 Participating States are somehow divided in a number of camps: the 27 European EU Member States and those aspiring to be members (which all together counts for about 2/3 of the PS); Georgia, Ukraine, Azerbaijan and Moldova; the U.S. and the Russian Federation with its closest allies. The question of equality comes fore. Decisions are mostly hammered down behind closed doors and the meetings of the Permanent Council are just mere formalities. Most of decisions are taken by the Quint (U.S., Russian Federation, Germany, France and the UK).

All in all, the OSCE's organization and leadership are far from perfect, but even as such it does sometimes function properly. In order to optimize them a strategy neutralizing its weaknesses and strengthening its advantages is called for.

Section II: The Politico-Security Dimension

The Security Dimension of the OSCE: Political-Military Issues¹⁹

The discussion revolved around four main topics, namely arms control and Confidence and Security-Building Measures (CSBM); the Medvedev Initiative and the Corfu Process; conflict prevention and crisis management and transnational threats and challenges.

Arms control and CSBMs

The OSCE network of arms control arrangements include three generations of CSBMs (the *Code of Conduct*, 1994 and the *Vienna Document*, 1999), the documents on conventional arms control in Europe (*Conventional Forces in Europe Treaty*, CFE Treaty; the *CFE IA Agreement* and the *Adapted CFE Treaty*, ACFE) and the *Treaty on Open Skies*.

The CSBMs provide for exchange and verification of information regarding armed forces and military activities, are mechanisms promoting co-operation among PS in military matters, foreclosing surprise attacks and reducing the risk of inadvertent armed conflicts. CSBMs cannot eliminate the political sources of conflicts, but they can build up *predictability* through increased openness and transparency in an antagonistic political relationship. In Chechnya for example, the Russian Federation violated the limits it had committed itself to, in terms of tanks and

¹⁹ Conveyer: Ulrich Kühn, Researcher at the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH/CORE). Please see Ghebali, V.-Y. (2008), The OSCE Norms and Activities Related to the Security Sector Reform: An Incomplete Puzzle, in *Security and Human Rights* (formerly *The Helsinki Monitor*), No. 4, pp. 273-283

personnel, but it announced it beforehand, which is already a measure of confidence-building. Aside from such cases, many Participating States have less armament and personnel than their national targets. On-site inspections are also possible, with the consent of the host State and paid by the State conducting them.

The provisions dealing with intra-State included in Part 2 (Sections VII and VIII) of the *Code of Conduct o Politico-Military Aspects of Security* constitute a groundbreaking extension of State's commitments. The Code reaffirms and reiterates States' determination to act in solidarity in cases of violation of OSCE norms and commitments and to facilitate concerted responses to security challenges. The human dimension is herein included. A number of norms exist whereas the use of force in internal security missions is concerned, namely: force should be used appropriately, armed forces should be integrated with the civil society and there will be no use of armed forces against peaceful and lawfully acting persons.

The CFE Treaty is a hybrid one, consisting of a disarmament part (largely fulfilled) and an arms control part (largely disputed). One of the main provisions deals with information exchange and verification. Military data is exchanged at the end of each year and on-site inspections (within a couple of hours from their announcement) are performed. The contentious issue here is related to former members of the Warsaw Treaty Organization (WTO), now members of NATO. The Russian Federation sees itself as unfairly treated and claim more liberty to act in the south. Up to now, over 5,000 on-site inspections were conducted and 70,000 pieces of military equipment were destroyed.

There are three challenges to the CSBMs: in 2007 the Russian Federation *suspended* the CFE, an action not provided for in the Treaty. The CFE thus lost its most important party. Second, the CFE is

technically and politically outdated and third, the ACFE is not in place since 1999.

Key provisions included in the *Code of Conduct* have been violated by PS. Standards previously accepted are now questioned, especially after 9/11. The challenge here is to develop appropriate responses to violations of its norms and find a balance between the principle of sovereignty and the norms that protect individuals, as well as social and political groups.

The *Vienna Document* covers the core aspects of relevant military threats, but qualitative and doctrinal aspects of armed forces are not fully addressed. Also, it does not cover sources of conflict and instability within States. Till now, just modest changes have been made to it, which could point to reaching its "natural" limit.

The future of the CFE Treaty will be marked by the strategic dissonances between NATO and the Russian Federation, as well as by sub-regional security deliberations. On the one hand, there are the Istanbul Commitments, to which the Russian Federation is yet to comply. On the other hand, there is the southern flank the Russian Federation would want abolished, would not Turkey oppose it.

Central Asian States can be subjected to on-site inspections and have quotas to which they have agreed. The Vienna Document is just a politically-binding document. The CFE does not provide a solution for the Central Asian States, just for the southern States, Georgia, Azerbaijan and Armenia, which all have equal ceilings. *Devising sub-regional CSBM agreements and regimes for the Caucasus should be a priority for the short and middle-term.* An example in this sense is the Florence Agreement signed by Croatia, Bosnia and Herzegovina, Montenegro and Serbia, an addendum to the Dayton Agreement.

In Central Asia CSBMs are most needed. The region is considered to be a hot security spot, given the relations between Uzbekistan, Turkmenistan and. For this reason, key documents such as the Vienna Document should be updated, especially from a *technical* point of view. Issues such as un-manned aircraft and cybernetic warfare should be addressed. Useful would also be the legalization of these documents, though it may clash with national sovereignty.

If the Code of Conduct is violated, there should be no use of military power against civilians. In the cases of Kyrgyzstan and Thailand the police did not act against the army. It is somehow difficult to make a clear distinction between lawful combatants and terrorists in today's conflicts. What happens when a State breaches the norms it has committed itself to? The OSCE can tackle this by abiding to the rule of consensus and making the best of its monitoring missions. The later need, however, not only the consent of the Host State, but a consensus as well. The Corfu Process is part of the OSCE's re-inventing itself. The OSCE is still an important organization; it just needs to reinforce its mechanisms. At present, there is a window of opportunity to be taken advantage of, namely a co-operative atmosphere in the OSCE. Should a summit be held, it is of high importance that it produces results.

In case of a state of emergency, governments are allowed to make use of armed forces. In some cases, law enforcement measures would suffice. This is evident in the case of Thailand. The State does hold the monopoly over the legitimate use of force, but policing bodies may at times serve the purpose better than the army.

The CSBMs are not old-fashioned, outdated mechanisms. It is good to keep in the book, just in case. Organizations tend to have a short memory and in the case of the OSCE consensus is the rule. However, this

mechanism can help PS act without consensus. It is already in place, though not a lot of attention is given to it. The OSCE is, in the end, a forum, a panel to ventilate anger or frustration, a forum for crisis management, which again points to the added value of the organization. An example in this sense is the presence of the Russian delegation at the works of the Joint Consultative Group of the CFE, though it does not take part at the negotiations as such.

The Medvedev Initiative and the Corfu Process

The draft for a legally-binding European Security Treaty issued by the Russian Federation in November 2009 has three goals: to codify NATO's current borders, to recover Russian influence over the *near abroad* and establish legally-binding rules of the game.

The Russian position towards the CFE is rather complicated. It wanted to have the ACFE Treaty signed, but the NATO States refused. Today, it rejects this version as well, which allows for free movement of its troops in the south and NATO's not being perceived as such a great threat anymore. The Russian Federation is satisfied as such. However, the Russian Federation also has a rather long and unsecure border with the Central Asian States and with China. Russia cannot control these borders. The problem could be solved through a co-operative approach, on which the Russian Federation is still deciding. The negotiations in Geneva between the U.S. and the Russian Federation after the signing of the START Treaty indicate some common interest. Re-negotiating the outdated CFE Treaty during the Astana Summit would give the Summit the substance that it needs.

The Corfu Process recognizes an unsatisfactory state of affairs, whereas hard security is concerned. The Russian Federation sees the enlargement of NATO

as detrimental to its security. A forum for continued and structured dialogue was thus created; even if at present PS agree to disagree. The OSCE's ability to respond to structural changes within a wider Europe has herewith been strengthened.

Conflict Prevention and Crisis Management

Co-operative approaches have been largely neglected in the recent years on the background of a deterioration of U.S./NATO-Russian Federation relations. The strategic dissonances affect the OSCE's conflict prevention tools as a whole. With the EU's enlargement process coming to a natural end, the HCNM loses some of his unofficial political leverage. Field operations, on the other hand, suffer from negative stigma, being associated with conflict and crisis.

Regarding the later, there is an ongoing debate, centered on geographical asymmetry, interference of field operations in the domestic affairs of the Host States, imbalances among the three dimensions, double standards in the application of the OSCE commitments, lack of transparency and efficiency in the area of human resources and budgetary questions. However, field operations are increasingly developing into something new. They are becoming *facilitators* of security co-operation and services to support democratic governance. There is a greater tendency toward co-operation with governments and civil society.

Trans-national Threats and Challenges

In the face of these new challenges, the OSCE has to reinvent itself constantly. Dynamics and flexibility are herein required, given the multi-dimensional, complex, interlinked and asymmetrical character of these threats.

All in all, the OSCE is very active in awareness-raising to issues such as trafficking in human beings, organized crime, border security and management. A clear organizational structure and concrete action are missing.

The role of the Strategic Police Matters Unit (SPMU) within the OSCE is to organize conferences and workshops in States with weak institutions and borders, raise awareness and provide know-how. These co-operative efforts may sometimes be perceived as an intervention in the internal affairs of a State. An example in this sense is the crossing of borders in the process of migration. What does this mean for the human dimension? Through its liaison offices, the SPMU connects to local institutions. Its activity also raises the question of duplication of efforts.

There is a need for cross-thematic coordination, to overcome fragmentation at the operational level. To this end, a Department for Security-Building or a Human Security Cluster could be established comprising units dealing with terrorism, organized crime, trafficking in drugs, weapons and human beings, border management, economic and environmental issues and, possibly, local arms control. This would avoid the duplication of structures.

In issues related to Weapons of mass destruction (WMD) proliferation, drug trafficking, money laundering and terrorism, all big States agree. A number of difficulties arise, such as NATO's seeing the OSCE more and more as a significant security provider, but only in the human dimension. The OSCE's complicated and multiplying structures taken together with the consensus rule could hinder the formulation of clear mandates. Also, the principle of sovereignty could prevent taking distinct action.

In the case of Afghanistan, a non-PS, an OSCE intervention would clash with the work of other organizations that already

have activities in the country. In border management and security the OSCE could make a difference. Moreover, the potential spillover effect to the PS of the Southern Caucasus would legitimize the action of the OSCE. It all comes down to whether the OSCE PS are ready and willing to consider the situation in Afghanistan as a threat. The U.S. is pushing for the involvement of the OSCE, whereas the Russian Federation is more or less eager for it as well.

Since the EU is also involved in human rights protection and border management, it is difficult to assess whether a niche is still left for the OSCE. In terms of human rights and the rule of law, the CoE is a somehow duplicating structure. The EU followed NATO in its enlargement and there is talk of enlargement fatigue at the moment. *The OSCE's niche lies in the fact that this is the only forum where the 56 Participating States can discuss.* In comparison to the EU and the CoE, the OSCE regards security as a comprehensive concept. The Russian Federation for its part, would like NATO to be integrated in the European security architecture that it envisions. A necessity or not remains to be discussed. On the other hand, since the OSCE lacks a legal footing and would need a larger budget it is the EU that takes most of the field. This is why some underline the increasing role of the EU and the decline of the OSCE. All in all, *there are some overlapping areas, but the OSCE is the only comprehensive forum.* Whether the PS agree or disagree, issues are at least discussed. Bringing different cultures and approaches together, from Vancouver to Vladivostok, gives OSCE an added value. *What it would need is a larger budget and real political commitment.*

The example of the OSCE Mission to Kosovo is a case in point. After the UN pulled out, the OSCE went in. The European Union (EU) considered it could do a better job and given the decision-making process within the OSCE, it managed to reach its objective. There are no real negotiations taking place in the Permanent

Council, no debate or spontaneity. Since there are quite a number of aspiring States to EU membership, consensus will be very hard to reach, if it does not agree. However, the OSCE's activity is supported by the U.S., as underlined by Secretary of State Hillary Clinton at her speech at the French Military Academy.

The Russian concern over the imbalanced action of the OSCE is at forefront as well. It is concerned about the OSCE's focus on Eastern and South-Eastern Europe, and not on western conflicts such as those in Belgium and Spain or Northern Africa (Libya, Morocco, Algeria and Egypt). This is Russia's main critique. Deploying an OSCE mission to a certain country provides the label of a problem State and since most of them are deployed in the East, divisions between an Old and a New Europe are reinforced.

*The Security Dimension: Policing Issues*²⁰

The OSCE performs policing activities due to its comprehensive understanding of the concept of security. Providing good policing ensures not only the unbiased safeguard of human rights, but the safe and secure environment for societies as well, so that they can progress. A success was the OSCE Police Monitoring Group (PMG) in Croatia. Deployed following the decision of the Permanent Council in June 1998, the 120 police monitors were meant to assist to the returning of the Internally-displaced persons (IDPS). In 1999, in Istanbul it was decided that policing should become an integral tool for conflict prevention, crisis management and post-conflict rehabilitation. Declaration no. 9 of made in

²⁰ Conveyer: Thorsten Stodiek, Police Affairs Officer and Adviser on Research and Analysis at SPMU. Please see Bloed, A. (2005), OSCE Assistance for Police has to be Strengthened in *The Helsinki Monitor*, No. 3, pp. 222-226

Bucharest (2001) addresses aspects of effective policing and exchanging of information and best practices in the context of the fight against terrorism and trans-national crimes.

Mission mandates in South-Eastern Europe included:

§ Creating multi-ethnic police forces, a difficult task, given the existing mistrust and ethnically-motivated hatred. The reform was meant to integrate all ethnic minority groups, so that police forces may claim legitimacy. In Kosovo 7,500 officers were deployed, out of which 9% were Serbs and 7% pertained to other minorities and in Macedonia 1,000 Albanian officers. This was just the initial phase in the process of accomplishing a comprehensive police reform on a structural level, addressing: over-centralization and militarization, bureaucratization, corruption and transparency, as well as the recruitment process.

§ Curriculum development
 § Community policing
 § Criminal investigation
 § Forensics
 § Border management
 § Human rights system
 § Accountability
 § Co-ordination of international police assistance.

In the Caucasus, the missions to Armenia, Azerbaijan and Georgia were meant to improve training capacities, run community policing and address issues such as border management, crime fighting and human resources management. As of June 2009, the mission to Georgia was closed down, since South Ossetia is a hot security spot. There is a need for ongoing conflict prevention efforts in the area, wherein the OSCE can bring its contribution.

The missions in Central Asia had the following tasks:

§ Kyrgyzstan: border management, criminal investigation, drug trafficking, public order management, police emergency response

§ Kazakhstan: law enforcement co-operation

§ Tajikistan: trafficking in human beings

§ Turkmenistan: training, curricula, forged documents, drug trafficking and basic training

§ Uzbekistan: modern teaching techniques, curricula development, drug trafficking

§ Georgia, Moldova, Ukraine: awareness raising and trafficking in human beings.

The work of the HCNM is also very important in this context. In 2006 he issued a series of recommendations on policing in multi-ethnic States. ODIHR also addresses issues related to hate crimes and the situation of the Roma and Sinti population. Through its cross-dimensional approach, the Secretariat's work is also closely linked to that of the SPMU.

The SPMU reflects the priorities of the OSCE. It is meant to provide support to the PS States. Its strategic objectives cover:

§ Democratic vision of policing, wherein the police and the public support each other and the former is accountable to the public that it serves.

§ Create competences and capacities to tackle new threats to security and stability, such as organized crime and terrorism.

The SPMU collects and disseminates good policing practices and guidelines. Three regional workshops have been organized to raise awareness in PS and identify steps to implement best practices. It also offers support to PS through the Police Assistance Programs (PAPS), such as those in Kyrgyzstan (2003, 2005), Azerbaijan and Armenia (2004) and Georgia (2005, 2007).

In conducting its work, the SPMU works according to a three-step methodology, including preliminary visit, during which in-depth discussion with all concerned actors

take place, to ensure local ownership of the process. The needs of the local community are than assessed and the necessary assistance provided. In order for a police mission to be deployed, a Memorandum of Understanding (MoU) has to be signed. At the request of the Host State, the SPMU can conduct trainings for future trainers, the condition for which is that they remain in office for at least two years. In countries from South-East Europe this is easier to achieve given their aspiration to EU membership.

The SPMU supports field operations by providing assistance in the selection of new personnel and extracting and sharing lessons learned. Challenges to project implementation include:

§ Lack of strategic planning versus the short-time deployment of missions in crisis.

§ Law enforcement development as an infrastructural challenge. The lack of proper training facilities and the shortage of the budget only lead to delays.

§ Increasing lack of qualified staff for the missions. The number of personnel has anyway decreased and most are seconded by their respective government, which implies a short deployment.

§ Quantitative and qualitative downturn. New personnel do not ensure the continuity necessary for project planning, structural reforms and performing effective managerial duties.

§ High turnover rates: international staff is only for a short period of time seconded, whereas national counterparts can change rather rapidly due to the volatility of political life.

§ A decrease of the local police support, as a result of a change in power.

§ Lack of effective co-operation and co-ordination with international organizations on the ground, which only leads to inconsistencies, confusion and frustration.

The Secretariat and the field missions have taken initiatives in this regard. Personnel are now properly trained, including people occupying managerial

positions. Project management has been reframed. The emphasis lies more on the evaluation of the project, on the outcomes. All has to be done in a detailed, transparent and structured manner. Since 2008 a performance-based budget planning is used. How is this measured and how impartial and objective is the assessment? All interested parties are consulted beforehand. The action plans and the reform strategies include benchmarks to be attained, as well as exit strategies. For each project in the action plan three things are taken into consideration: the objective, the input and the output. The impact is difficult to assess, since there are so many variables at stake. More than a qualitative, this is a quantitative assessment, based on survey of the local population. The 2008 Lessons Learned Workshop revealed that more guidance and assistance is required for the missions.

Moreover, an online police expert database has been created to facilitate a proper and quick selection of personnel. All that is needed is *political will* to sustain the reform process.

The annual budget, for some years now has had a 0% growth rate, though the SPMU has received more tasks. The challenge is to prioritize its activities, while taking into consideration the sometime diverging interests of the PS.

The SPMU has refused to support field missions in countries from South Caucasus and Central Asia. The 2001 example of Macedonia and its successful inter-ethnic policing program could be put to use. Given its limited resources, the SPMU has to focus where it is most needed. However, every month a Senior Officer travels to the Caucasus and Central Asia. An online assessment of the policing activities here yielded poor results. There is a need to streamline policing activities into the agenda of the OSCE, but at present there is no clear police strategy. For 2009-2010 an action Plan has been devised. Declaration No. 9 of Bucharest underlines the need for

democratic policing and enhancing capacities of PS in the fight against transnational threats. According to the results of the online questionnaire, there is no coherence in the approaches of the field operations. The SPMU should be given more authority in police reforms. As a structural challenge, this clashes with the interest of the donor countries. Given the shortage of funding, they cannot be ignored. The core documents should be policy documents, rather than mere technical guidelines. A comprehensive approach is also needed, since the trafficking in human beings for example, affects both the politico-military and economic and environmental dimensions. *There is an urgent need for a strategy with a clear direction.*

In Afghanistan the scope has to be enlarged. The opening of an office in Kabul would be useful, since the examples of Partners of Co-operation such as Thailand and Mongolia show it. The main question is if the OSCE can afford to stretch out or whether it would be better for it to concentrate on the issue within its own area. 15 projects are underway to support the Afghan authorities. Staff is being trained in the Russian Federation, Tajikistan, Turkey and Kyrgyzstan, special attention being given to illicit drug trafficking. The idea is to increase co-operation with other organizations on the ground and ensure that the trained staff will stay in office for a certain period, so that their newly acquired expertise is not lost.

The SPMU should also work some more on training police officers for election periods. A proper curricula and training should be provided in this sense to facilitate the proper conduct of elections, as a guarantee for a healthy democratic society.

In the case of Kazakhstan, structural reforms are needed, since it is precisely the low salaries that make the temptation for bribes so high.

In the case of Kosovo, a great achievement was the creation of a functional multi-ethnic police force. Very important in this equation is the political leadership in a municipality. To be noted is the fact that once the salaries of the police officers were no longer paid by the UN, the interest for policing decreased.

In the case of Macedonia, the multi-ethnic police units and community policing were a success. The added value brought by the OSCE consisted in training police officers in border management.

In the case of Kyrgyzstan, trainings have been conducted since 2003, in preparation of a riot police force, alongside with other activities in the south related to border management. What went wrong and why these police units were not employed remains to be assessed.

All in all, the SPMU and its Senior Police Officer deal with issues related to organized crime, trafficking in drugs and human beings, community policing and training. POLIS (Policing Online Information System) is the institutional memory of the SPMU, a digital library covering country profiles, the aforementioned police experts' database, acting as a platform for discussions as well.

Introduction, Concept and General Issues of Long-Term Missions²¹

The Missions of the OSCE provide much of the organization's visibility, an operational boost, in addition to the dialogue being carried out in Vienna. At present the OSCE has 17 Field Operations

²¹ Conveyer: Sean McGreevy, Associate Project coordinator Officer, OSCE Secretariat, Conflict Prevention Center (CPC). Please see Ghebali, V.-Y. (2004), *The OSCE Long-Term Missions: A Creative Tool under Challenge* in *The Helsinki Monitor*, No.3, pp. 202-219

and two Representatives based in South-East Europe, Eastern Europe, the Caucasus and Central Asia. 17 main Offices and 42 Field Offices conduct the bulk of OSCE's work and account for 2031 out of 2870 staff members. This underlines the OSCE's character as a field-centric, human organization.

The 1990 Paris Summit was a watershed moment in the commitment of PS to increase co-operation amongst themselves and make efforts in the direction of conflict prevention and resolution. However, in 1990 the security architecture was still relatively stable and commitments were taken on the backdrop of the Cold War. In 1992, for the Helsinki Summit, the situation had largely changed. President Gorbachev was no longer in power and 15 new States had appeared on the map. The security paradigm had dramatically changed. Traditional, inter-state conflict was raging between Armenia and Azerbaijan over Nagorno-Karabakh. More importantly though, intra-state conflict was already taking place in Moldova, Tajikistan and Georgia, while other territories, such as Croatia and Bosnia were on the verge of conflict as well. The CSCE had to address these new conflicts, therefore the stress on early warning mechanisms, crisis prevention and mediation. The first missions to be deployed were those to Skopje, Moldova and Georgia in 1992.

The OSCE Missions could be catalogued into *three generations*. The first generation comprises the activities undertaken between 1992 and 1995 in response to *imminent crises* (the original Kosovo and Skopje Field Offices), during *open conflict* (Georgia, Tajikistan, Chechnya), in *unstable peace situations* (Estonia, Latvia, Ukraine, Minsk) and in *protracted conflicts* (Moldova, and the Permanent Representative of the CiO Minsk Conference).

The second generation (1995-2001) comprises the large Balkan Missions to

Albania and Kosovo (*open conflict*), as well as the *post-conflict rehabilitation* Missions to Bosnia and Herzegovina (BiH), Kosovo, Croatia, Serbia and Montenegro. They were larger, with a broader range of tasks. The third generation comprises the small Field Office in Central Asia, Yerevan and Baku.

Field Operations fulfil, therefore, three basic conflict prevention functions:

1. *Primary prevention*, e.g. the OSCE Spillover Monitor Mission to Skopje. The CPC is meant to facilitate the dialogue between concerned parties, before violence brakes out.
2. *Secondary prevention*, when the conflict is expanding. The examples of the Missions to Bishkek and Macedonia are herein relevant.
3. *Tertiary prevention*: these are already peace-keeping mission to prevent a relapse of violence.

The budget of the CPC is of €150,9 million, of which € 107,3 million are allocated for field operations, to which around €20 million in extra-budgetary contributions add. In 2003, 18% of the budget was allotted to the Caucasus, 6% to Central Asia and 2% to Eastern Europe. By 2010, 9% was allocated to the Caucasus, 17% to Central Asia, 7% to Eastern Europe, the rest going to South-Eastern Europe. At present the focus is on Central Asia and the situation in Afghanistan in particular, since the Russian Federation's and the EU's interests are herein interlinked. Conflict prevention is by far not an easy task. If in the case of the Western Balkans there were signs of trouble well before the conflict erupted, in the case of Kyrgyzstan, the situation seemed pretty still and it escalated dramatically within a time span of 48 hours. The challenge is to convince the PS to get more involved in Central Asia.

There is basically a trade-off between ensuring visibility and effective responsiveness on one hand and the scarcity of the resources on the other hand. In

Albania it was the good will of the Host State which permitted the synchronization and updating of the OSCE Presence. Alongside with a reconfiguration of the national interest and of its infrastructure, it now holds a different perspective.

The scope of the Field Operations is to *facilitate finding local solutions to local problems*. Field officers will meet local stakeholders and assist them in fulfilling their relevant needs, acting as a reliable partner. Sometimes, organizational bureaucracy can slow down the activity of the field missions. A solution out of this is the active lobbying of the civil society in the Host State with PS and the Secretariat. Also, the CPC is meant to facilitate the dialogue between the PS. Negotiation in the PC is not what it used to be, the only ones constantly asking for the floor being the EU, the Russian Federation and the U.S. The idea is to bring the dialogue process to the new capitals as well. The example of Kazakhstan is here relevant. It became more and more interested in the OSCE after the deployment of a Field Mission in 1999 and since then its engagement has increased. It is important to make the work of the OSCE visible to the nationals of the respective countries, in order to gain recognition.

There are a number of common features that field missions have:

§ *Individual mandates*: work in one/more of the dimensions, be flexible and work together with governmental agencies, civil society and academics. Each mandate tailored to security issues facing the host country. The mandates are discussed on an individual basis and are negotiated by diplomats, not by experts. In the end, it is not the principles and values that are important, but reaching a deal. The Secretariat will provide a model for the mandate and if the Host State is satisfied with it, the CiO will start negotiating with the PS. In some cases, the mandate needs to be re-negotiated. During negotiations, terminology can be important. In the case of

Tajikistan, instead of a Mission, it was decided that an Office should be opened. In reality, this does not really make a difference, but at the negotiation table one of the parties is given the impression that it has won something.

§ *Autonomy*: report directly to the CiO and PS, not the Secretariat. They have the freedom to implement activities they see fit to fulfill their mandate and do not require explicit Host State approval for all activities.

§ *Country specific*: the policy is one country at a time; missions cannot extend beyond the territory to which they are deployed. In this respect, there is a need to start more regional engagement processes.

§ *Structure*: the Head of the Mission is always an Ambassador, in order to facilitate the access to key, high level decision-makers. The staff is deployed for one year usually. Their presence should be temporary and the number of local staff should be increased, with this local capacities being created.

Broadly speaking, there are three types of field operations:

1. *Conflict resolution* (Georgia, Moldova): small mission with a military staff component. They are supposed to monitor the demarcation lines and in their capacity of peace-keeping officers act as honest brokers. The focus is on facilitating a settlement to frozen conflicts in the OSCE area. They are usually deployed when there is an indication that the conflict might escalate. They hold a formalized role in the conflict resolution mechanism. And can undertake initiatives to enhance trust and co-operation between sides, such as an Economic Rehabilitation Program. Monitoring cease fires is also part of their mandate. The Mission to Moldova had 2 military monitors and that to Georgia 28. Emphasis is placed on political work and reporting as well.

2. *Post-conflict reconciliation* Missions (Croatia, BiH, Albania, Kosovo, Skopje and Tajikistan): they are meant to facilitate the reconciliation of ethnic political groups. A threefold task lies before them:

- § Re-integrate ethnical minorities in the mainstream of the society
- § Facilitate the democratization process to avoid a re-escalation of the conflict and to ensure a flowing communication between the stakeholders
- § Monitor the advent of signs of escalation.

The situation in Bishkek points to the importance of early warning capabilities. The severity of the situation was shown by its rapid escalation and high unpredictability. It is of high importance that the ethnic groups communicate, trust the law and the law enforcement authorities. Mechanisms that can act quickly should be put in place. The educational system, for example, should be reformed. When under the same roof two schools for two different ethnic groups conduct their activities and there is no interaction between the children, more problems will be bred. The danger lies in reaching a highly polarized situation. In this respect a lot can be learned from the successful Balkan example.

3. *Security strengthening* missions: they are not deployed after civil wars take place, but in States with weak institutions, which display signs of instability. They have a broad, flexible mandate, which enables them to work in all three dimensions. They address questions such as: human rights, State institutions, rule of law and good governance. They are meant to support countries in transition to fulfil their OSCE commitments.

In the case of Kyrgyzstan, the use of the early warning mechanism might have helped. However, one need to keep in mind that in such case, 2/3 of the variables involved are inhibiting factors. The Host State is a sovereign country and can complain that its sovereignty is being

violated. The example of the events in Andijan show just how sensitive such cases can be. Reports from Andijan warned about the situation on the ground. This only led to a cutting of the mandate, allowing only for institutional strengthening activities and no early warning mechanism. Furthermore, each year, through consensus, the activity of the field mission is prolonged. In the Kyrgyz case, there were a number of signals pointing to an escalation of the situation. The report warned of provocative statements made by the opposition, Ministers resigning and rumours being spread. In the Georgian and Kyrgyz cases, the OSCE acted by the book, traditionally, which led to no results. Given the wealth of information at hand, diplomatic channels and the media should have been put to better use. The HCNM issued three warnings on the situation in Osh and visited it just 10 days before violence erupted. Early warning is often misunderstood as early intervention. Also, cautiousness is required before issuing an early warning, but it should not stall necessary action.

Ethnical tolerance came under discussion. The HCNM does have a couple of programs related to multi-ethnic education. The Center in Bishkek, for example, deals with inter-ethnic tolerance and community policing. What type of conflict this was remains to be seen: an ethnic conflict or another type, with an ethnic component? Apparently, the violence started with a feud between two criminal clans and the shooting of one clan's Heads, who happened to be an Uzbek. Tensions were inflamed, but the OSCE could have hardly done anything to prevent it. The questions that are now to be answered are: why did the conflict become so polarized in such a short time span? Why did it spread so quickly and why was it so brutal?

Whereas the Minsk Process is concerned, to some it may astonish that since 1996-1997 there is no quantifiable result. However, this is not a field operation, but a forum for discussions. An OSCE conflict

resolution mission is meant to energize people to solve the conflict. If there is no inclination for this in the local community, all efforts are futile, since the result will be a 0-sum game. As such no solution, compromise will be reached. The parties can be brought together, but they need to seriously consider being brought together. The example of the Turkish-Armenian rapprochement is telling in this case. As a consequence of domestic politics and changing interests, a new dynamic in their relationship emerged. Fact is the situation will change only if the people wish it to change.

Establishing a Mission is a political process, done through a decision of the PC. A MoU needs to be signed with the Host State, establishing the budget and the general staff parameters. Some missions may act without one and in some cases the mission can also be deployed in parallel with the negotiating of the MoU. In any case, it has to be ratified by the national Parliament and negotiations can continue after the effective deployment. Before this a task force is sent on the ground, the future nucleus of the mission, to make all necessary arrangements whereas procurement, administrative issues and the hiring of local staff are concerned. Thereinafter, re-negotiating the MoU is a clear need. With Serbia it took 9 years and with Montenegro 3. It is considered that the State will act in good faith, provides certain flexibility to the activity of the Mission.

Field Operations can be closed down to re-allocate resources. Given the consensus rule, if one single PS decides to have a mission closed down, it will be done. This was the case of the Mission to Georgia. It took just six months to have it close down. Another example is that of the mission in Croatia. It had a very precise mandate covering multi-ethnic policing, facilitating the return of the refugees and IDPS and war crimes. In 2004 a Task Force Meeting was established including high ranking officials, such as the Croatian Prime Minister. It was

meant to establish a road map and see where the OSCE could bring its contribution. It was supposed to see where Croatia should improve so as to render the OSCE Mission superfluous. They met every two months and in the end just two questions were left on the agenda, war crimes and the return of the refugees. The Mission was downsized to an Office, which was more or less the same thing, but the signal that was sent was that the situation was improving. The Office only monitored the situation, no longer providing any technical assistance. The refugee problem is still not fully addressed. On the closing of the Office the 56 will have to decide. A lot of pressure is being put on Croatia by the EU, as a legacy of the 2004 Cyprus accession.

There is an evolution that can be noted, in the case of BiH, for example, where only a couple of regional offices and centers are still open. The role of the Head of Mission here is very important, since he has to interact with the political elite. Should the situation deteriorate, the resources used will not be returned. He could thus be held responsible for the reduction of capabilities, a good reason for his cautiousness. In Albania a number of national-wide projects are under way and there is no early warning mechanism in place. The Office in Dures has been downsized just to local staff, but it still offers technical assistance.

It may seem at times that the OSCE sends contradictory signals and comes up with shifting policies, which causes the discontent of the local population. The OSCE is a multi-headed organization, therefore co-ordination is quite difficult to achieve. If the CiO has a strong personality and is an honest broker, this is unlikely to happen. Should he/she have a parallel agenda, the story may change. The issue of double standards is sometimes triggered by the fact that a deliberate and well-thought course of action is never at hand. More than usual, an ad-hoc solution, based on the context will be taken. There is no precise

modus operandi, which, on the other hand, allows for some tactical flexibility.

*Long-Term Missions: Lessons Learned*²²

Beginning of the 1990s, Francis Fukuyama²³ announced the end of history and the supremacy of both democracy and market economy. Foregoing the conflicts that were about to erupt, the CSCE's efforts started to work on conflict prevention. Protracted conflicts were at their incipient stage. The scope was to deal with "illiberal democracies", such as Transnistria. State capitalism, the Chinese model started to challenge the market-based economy, a more and more attractive example to follow. In any case, the need for conflict prevention and field missions as its main mechanism was recognized. In some cases, the missions were seen as a stigma, but their presence bore fruit. Today, the future of the OSCE is under question. For anything it should keep the consensus rule. The organization itself is more stable than the UN and employing seconded staff, rather than contracted could help address the budgetary concerns.

The PC sets norms and standards, but that is just half of the job. The difficulty lies behind their proper implementation. OSCE commitments are political by nature, therefore the heavy reliance on the good faith of the PS. There is a need for political will in order for the decisions to be respected.

Where a Mission is deployed, sort of a dependency relation with the Host State is created, which can cause difficulties for the State, once the Mission is closed down. The OSCE can close down a field mission, especially to assist countries in their integration efforts to the EU, although this

may not be clearly stated, it is an underlying premise. The field missions are actors in the process of affecting meaningful political change. In the case of Macedonia, for example, due to the reintegration of the Albanian ethnics' issue, it was considered that the Mission should continue its work. In the case of Croatia, though the U.S. pushed for its closing, there are still a couple of chapters of negotiations open with the EU. BiH cannot take care of its problems itself.

An evolution whereas field operations are concerned can be observed. Some ten years ago their presence was asked for and now Host States just want to get rid of them. The human rights dimension and its geographical extension place the OSCE in a rather uncomfortable position. Its boundaries go beyond Belarus, being the sole organization to stretch east of Poland. This implies a democratic spread throughout the region, no human rights abuses and economic development. The OSCE can organize round tables, conferences and workshops to raise awareness, but its young, active and idealistic personnel can sometimes embarrass the local governments. Also, the OSCE is accused of an unbalanced geographical focus, when it comes to the missions. Truth of the matter is that some States, such as the U.S., Spain or Belgium can deal with their problems themselves.

In the case of BiH, elections for a huge bureaucratic for a population of just 4,6 million were monitored. First of all, the emphasis on the human dimension is not particularly liked. Second, the functioning of the OSCE is put under scrutiny, since after a short while its staff withdraws, so no continuity is ensured. Third, negotiations are conducted by Ambassadors, which are no experts and not very knowledgeable. The young and inexperienced seconded personnel usually do not understand local realities either.

²² Conveyer: Douglas Davidson, Former Head of the OSCE Mission to BiH

²³ Please see Francis Fukuyama, *The End of History and the Last Man* (1992)

Whereas state-building in BiH is concerned, a compromise had to be made to bring everyone in. The Republica Srpska is better organized, whereas the Federation is completely dysfunctional, relying almost entirely on financial support from outside. The democratization process is largely in the hands of the NGOs. Most important in the democratization process is the relation with the municipalities. The Federation may give them money, but from there on they retain full responsibility. In 2006 the US Agency for International development (USAID) and the EU decided to work with the municipalities and award funds to the best 60 of them. This gave the OSCE a rest and led to a new trend of municipal development, a concrete, demonstrable change to the better. Political leaders may be powerful, but they have no economy to base their efforts on. In promoting economic development the EU has failed here.

If the basic needs of the people are really met, the democratization process will pick up. However, at times it is difficult to make a distinction between legitimate businessmen and human rights defenders and criminals. A faulty functioning of local institutions can contribute to the obstruction of fulfilling people's needs.

The dynamic of opening and closing down a mission needs to be seen from a historical perspective. What was an issue in 1990 was longer of interest in 2000. The major change for the OSCE was the coming of President Putin to power, since he was not that interested in the organization. There are major differences in the ways States conduct diplomacy and take initiatives. It is the administrative rules and regulations that make the difference. There is also a changing dynamic in the OSCE. For example, at the 2009 Athens Ministerial Meeting, Kazakhstan pushed really hard for a Summit. It was the first time other countries wanted something more than the U.S., which points to a change in the overall dynamic of the organization. Should a Summit take place in Astana, it will have to

provide some deliverables, such as negotiations on the CFE Treaty, for example. The time would be ripe for a Summit, especially in the context of the resetting of the U.S.-Russian relations.

*Combating Terrorism*²⁴

The Anti-Terrorism Unit was established in 2002 to co-ordinate and to facilitate OSCE initiatives and capacity-building programmes relevant to the struggle against terrorism. Its objectives include:

- § enhancing the OSCE's continued role as an effective framework and mechanism for addressing the terrorist threat;
- § enhancing the capabilities and capacities of PS to address the multifaceted and evolving terrorist threat
- § improving internal and external co-ordination of counter-terrorism related activities.

Its areas of activity include offering political support, by building political will and consensus to implement UN Security Council Resolutions in the OSCE region and supporting advanced security standards provided by specialized international organizations. In addition to this, ATU facilitates the capacity-building for technical assistance, identifies gaps in addressing current and emerging threats and promotes international co-operation as well.

There is a number of program and activities ATU is currently engaged in, namely:

- § The promotion of the ratification and implementation of Universal Conventions and Protocols related to terrorism.
- § The Program on Enhancing International Legal Co-operation in Criminal Matters Related to Terrorism.

²⁴ Conveyer: Laszlo Szucs, Program Officer, Anti Terrorism Unit (ATU)

§ The Program on Enhancing Travel Document Security.

§ Enhancing Public-Private-Partnerships (PPP) in combating terrorism.

§ Combating Terrorist Use of the Internet and Comprehensively Enhancing Cyber Security.

§ Program on Enhancing Container / Supply-Chain Security.

§ Program on Critical Energy Infrastructure Protection

§ Countering Threats to Civil Aviation

§ Combating suicide terrorism

§ Urban transport security

§ The Counter-Terrorism Network (CTN).

Through its broad mandate, ATU supports the comprehensive understanding of security in the OSCE. It acts as platform for high quality networking and information exchange, organizing action-oriented seminars and workshops. ATU also supports the advanced security standards put forward by specialized international organizations, bringing its contribution to identifying potential gaps.

In dealing with terrorist threats, the difficulty lies in defining who a terrorist is. Who should be the authority to determine this? Terrorists are criminals and the tactics employed by them is terrorism. A clear psychological profile cannot be determined, since this is highly dependent on the personal situation and nature of the individual. One thing is clear, though, the first step towards becoming a terrorist is *radicalization*. Most of them do not come from poor neighbourhoods, but are educated people, who have been excluded from the mainstream, either by themselves or by the State. Such discontents are ably used by populist politicians, who provide an outlet for acting out frustrations. The psychological profile of a terrorist is that of a desperate person, who disagrees with the way his/her government deals with everyday problems and seeks revenge. The target is the civilian population. Given a State's vertical hierarchical structure, more should be invested in fostering trust within

the society. The new democracies in the OSCE region complain that they are simply told what to do and that cultural differences are not being taken into account. To best practices the national input should also be added. In Central Asian States the trust of the people in the State has significantly decreased, reason for which people turn to religion, which is a sign of radicalization. More efforts should be made in the direction of improving relations with the people and especially the clergy, given their powerful position. The State does have its responsibility, but so do the citizens. The government should take responsibility for its actions, but try to facilitate local ownership for the taken measures as well. Only as such the people will perceive the State as a counterpart that they can trust.

There is some sort of an agenda behind terrorist networks, including concrete, tangible objectives, reaching so far as acquiring political and economic power. The key to better counter them is to understand them and strike their resources, thus making them unsustainable. The situation becomes even more complicated in States with separatist regions, which claim independence. A political solution is here required and the main responsibility lies with the State. What if there is no alternative, if the choice is only between democracy and Sharia?

Three points have to be taken here in considerations:

§ Terrorists should not be turned into *heroes*. The media can sometimes do this. Some consider that without the oxygen of the media, terrorism would no longer exist. However, freedom of the media is a basic element of democracy. Through media the goal is to engage the interest of the people and warn of dangers such as using religion as a recruiting tool. In the case of Spain, the media has imposed its own rules. They do not release sensitive information that could hinder an investigation or worsen a situation. A relationship of trust has

developed, whereby good will and hard work govern the undertaken efforts.

§ *Co-habitation of different cultures and civilizations*: sometimes religion is used as a recruiting tool, which is a dirty game in itself, causing humiliation and threatening populations. International organizations have their hands tied when it comes to this, in order to avoid civilian victims.

§ *International co-operation* is a must, since no State alone has the means to counter this threat alone. The more States rally to resist attempts to their peace and security, the better. The UN plays here a major role and despite the existence of a legal framework, financing it is difficult. This is a conflict between States and a non-State entity. Since the threat is transnational itself, only a coalition of States and international organizations can address it. The response implies both hard and soft security components, a military understanding of the situation, but also efforts to stimulate development, address imbalances and poverty.

All three dimensions should be integrated in the efforts to counter terrorism. ATU is meant to assist the PS in finding the right people, sharing best practices, building political support and furthering co-operation and raising awareness. Providing knowledge and facilitating communication it acts as a link between the interested parties.

Whereas issues related to the economic and environmental dimension are concerned, ATU co-operates with the Secretariat in areas related to money laundering and the financing of terrorism. In the human rights dimension, the role of the OSCE is to facilitate the protection of infrastructure. The population should not feel insecure and threatened at each moment. Safety and security should be enjoyed by all citizens. Both human rights and security are important and an integral part of one another. The example of the Nigerian terrorist and the craze that was therein initiated in airports is precisely the

result desired by the terrorists. The question is how to break this vicious circle? However, fighting terrorists should not ignore or bypass the protection of human rights, including of those accused of terrorist acts.

Workshop 2: Communication and interaction in multinational teams²⁵

Exercise 1

The participants, split into two groups, took part to a teambuilding exercise, the Viking Attack. Each team was given a set of 33 information cards (some more relevant than others), distributed at random between them and was asked to work against the clock to discover when and where a fictitious Viking attack took place. In order to simulate the need for *complementarity* and *interdependence* in successful teams, members were prohibited from showing their cards to the others. They could only read out the information. The skills trained during the game were the following: *leadership, delegating, planning and listening*.

What went well	What could have gone better
§ Good leadership § Team building § Setting deadlines § Making visual contributions	§ Focus attention § Information management-distinction between the essential and the redundant § Active listening always double check if he information has been understood § Know the rules of procedure § Time management § Language barriers § “blind/deaf”

²⁵ Conveyer: Galya Dimitrova, Training Officer, Department of Human Resources, OSCE Secretariat

team members, sticking to their own cards

Communication can be split in two big categories, verbal and non-verbal. The latter occupies 70% of the entire communication process and includes: dressing, stance, personal distance, gestures, eyes, tone of voice, etc.

To construct an effective communication process there are a number of stages to follow. Most importantly, the message has to be matched to the receiver. Once the receiver is prepared, the message will be sent and interpreted. However, the sender must check if his/her message has been correctly interpreted and here is where feedback comes in. *Asking for feedback is a crucial component of communication in a multicultural environment.*

Exercise 2

The participants were designated a partner for discussion to whom to share a bit of their culture. The exercise provided the participants with the opportunity to find out more about the others' home countries, about aspects ranging from national cuisine to foreign affairs.

Culture is a vivid and dynamic thing, liable to syncretism, but something that cannot be ignored. What one finds out from a person pertaining to another culture during a first meeting is just the tip of the iceberg. It is essential to try and understand the behavior, attitudes and values of the discussion partner, since they influence considerably the communication process. Taking the OSCE as an example, in addition to each of the employees' culture, there is also the culture of the organization itself.

When it comes to rules and regulations and interacting with people pertaining to different cultures, the following dichotomies may emerge:

Individualistic	Team-orientated
Given status	Earned status
Emotional behaviour	Neutral behaviour

Focusing on one thing at a time	Diffuse attention
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Exercise 3

The participants were invited to offer potential solutions to two potential work conflicts within the framework of an international organization.

*Workshop 3: Negotiation and Diplomacy*²⁶

The beginning of the session consisted of a brainstorming session, during which the participants were asked to identify key elements related to the process of negotiation. Amongst them the following were noted:

§ *Lobbying*: if done right, it can be a very useful tool. One should make sure to integrate his/her own views in the talks before the proposal is made. Even if it is not in the direct interest of the represented State, the negotiator should be very active. Even if the proposal is rejected, the negotiator as an individual and the State he/she represents will be remembered. It is of high importance to invest in the relationship with the partners of discussions. The example of Cyprus, which tough divided was admitted to the EU is telling in this case.

§ *Bargaining and reaching a compromise*: it is detrimental going in a negotiation thinking straight of a compromise. A compromise can be a minded strategy, but it also takes away a lot of ground. On the other hand, if the negotiators are too competitive, this could be the sole solution. It is important to work with one another during. Minding cultural differences is a key aspect herein. In negotiations with the Russian Federation, for example, a powerful

²⁶ Conveyer: Wilbur Perlot, Training and Research Fellow, Netherlands Institute of International Relations Clingendael

partner is appreciated. If something is offered as a sign of good will, it will be simply taken, with no reciprocity of the gesture. In the case of American-Japanese negotiations, with the later being rather submissive, talks will run smoothly.

§ *Interests* should always be kept in mind, in an effort to avoid both naivety and over-competitiveness. To be nice does not mean abandoning one's interest.

§ *Informal/impersonal contacts*: very important element.

§ Can be *bi-* or *multilateral*. In the first case it is very important to seek out like-minded partners.

§ It is a *process* that needs to balance efficiency with endless, fruitless talking. It takes time and needs space to breathe. Usually the agreements are hammered down in the last hours before the *deadline*, whose importance is therefore paramount.

§ Implies *trust*, especially in order to foster a long-term relationship. In Uzbekistan, for example, negotiations are a part of daily life. *Distributive bargaining* leads to a win-lose relationship, whereas multiparty negotiations should yield a win-win result, since they are *integrative negotiations*. The later are illustrated by the example of the EU. There are a lot of compromises to be made, but it is generally considered that the sum of its parts values more than any of its components. The reverse is at times also true. The External Action Service, for example, was the only fair agreement to which the Member States could agree, though it may not make much sense for the outside world. Negotiations do have their own dynamic, but synchronization with the national ministries and governments is also important.

§ *Fairness* throughout negotiations and the implementation of the end result.

§ *Tactics*: mind how much you disclose of your position in the opening statement.

§ *Cultural differences* are a key factor. In the West, everything comes with a price tag, whereas in the Middle East everything is open to negotiations. In some cultures it is even consider impolite no to bargain. One must be critical of his/her own culture and mind cultural-created perceptions or world-views that might come in the way of the negotiations. It is, therefore, imperative, to know your own culture first and then the others'. Cultural differences are very important, since they give a clue on how to prepare. The Brazilian negotiation style, for example, pushes for the upper limit to make sure that the end result is a fair one. This would be an example of distributive negotiation. In an integrative negotiation it is important to create a common atmosphere and foster a long-term relationship. Investing in a relationship can lead to both the offer and the buy being enlarged, from which everyone has to benefit. In the case of the U.S.-North Korean nuclear negotiations, the discussions should not be solely limited to the nuclear issue.

§ Need for *proper information*: most important, know your partner/partners of discussion.

§ The *emotional card* can be played, but being polite should not be forgotten. Wording is here very important. In the case of negotiations between Greece and the Former Yugoslav Republic of Macedonia (FYROM) over the name of the later, emotions represent a heavy component of the identity of the two, which makes these hard, if not impossible negotiations. The important thing is to keep the discussions going and build trust. There is much to be invested, but braking down the negotiations is rather difficult. It would be too expensive to quit now, which is in itself an incentive to continue.

Most of the work is done before the actual negotiation, during the preparation

phase. An example of best practice is BATNA (Best Alternative to a Negotiated Agreement). Preparation is crucial and agreeing on a mandate is already a national compromise. Identifying the upper and the lower limits of what is acceptable will point to the available room for negotiation. The negotiator should know his/hers partners, opponents, neutrals, the persons behind the countries and how the policies take shape. Three are four tips for a successful preparation of negotiations:

§ In choosing a strategy, one must consider his/her State's *interest*, the *context* and the *playing field*.

§ If one changes, the strategy needs to be *adapted*.

§ *Planning ahead*, reviewing potential adaptations of the strategy beforehand is also needed.

§ *Flexibility* in the strategy is required, but not when it comes to the final outcome.

There is no best negotiating strategy for small or large countries. Coalitions should be chosen carefully. Opportunistic interests can be accepted, but always taking refuge in the same camp can also be detrimental. This is why States should invest in their relationships within the international community.

Exercise 1

The participants took part at a negotiation session over the future status of Kosovo, representing six parties, namely the EU, the U.S., the Russian Federation, Serbia, Kosovo and the UN. The aim was to provide an insight into the complexity of the decision-making process, the divergent positions and interests of all parties involved and the practice of multi-lateral negotiations. Four main issues were discussed, namely the status of Kosovo, decentralization and the rights of the minorities, property and infrastructure and cultural heritage.

Following a successful round of negotiations, the participants decided upon the following: Kosovo was to be granted UN membership, without an explicit recognition of its independence. The EU, UN and NATO were to become advisors to the new Kosovo authority after status settlement. Municipalities with Serbian majorities would receive many competencies to self-government in culture, social services and education. It was considered that no additional international presence should be sent to Mitrovica. All decisions related to financial compensation were left out of the agreement and it was agreed that they will constitute the object of discussions at a later stage. Whereas Serbian monuments and monasteries were concerned, Kosovo was to create an enforced no building zone around them.

Lessons learned during the exercise included:

§ *Time management*

§ Switch to *informal negotiations* when there is a feeling that the negotiations are about to reach a stalemate.

§ Find a *niche*

§ Maintain *eye contact*, so as to create the feeling that everyone is involved. This is very important especially at the high point of the negotiations. Investing in the *climate of the negotiations* is crucial.

§ The CiO should not get stuck in an argument with a certain delegation. This would be a loss of time. He/she has the authority and control over the discussions. When summarizing attention should be paid on what is being said. *Careful feedback* should be provided, citing the name of the delegations. *Fairness* should guide this process, so that the delegations do not feel offended. Wording is very important and reading between the lines even more so.

§ *Positionalism* is a sign that the discussions are stalling. The Chair should

move on with the debate, even if by just postponing this subject on the agenda. The impression that things are at least moving should be provided. *Overstating arguments can delay cutting a deal.*

§ Negotiators have a great *responsibility*, since they will have to report the result back home.

§ Some things should be left out of the negotiations, to ensure that an agreement will be reached.

§ *Emotions* should be dealt with at a later stage. Using emotions can be used as a tactics, but it can backfire as well. *Body language* should suggest interest and active listening.

§ Most important of all, *respect* should be the cornerstone of negotiations.

An assessment of one's performance is necessary after each negotiation. Reflecting on the negotiation, on the strategy used, the expected outcome, what came out different, the crucial moments during the negotiations and one's personal profile will be useful. Differences are herein important. National and organizational cultures are very important. Whereas businessmen may be entrepreneurial and innovative, functionaries are more process-orientated. Instead of using a stone-walling technique, whereby "yes" means "maybe", it is better to refrain from negotiating. Japanese and Brazilian negotiators, for example, will say "yes", when in reality they would like to discuss things some more before a deal is closed. It is therefore important to be aware of one's own cultural bias. The negotiator should respect the others' culture, but not to the point of being adaptive.

Usual pitfalls in negotiations include:

§ *Positionalism*: depends on the mandate and the flexibility the negotiator has.

§ *Competitive* or *concession-orientated* approaches.

§ *Mixing the people with the problem* when there is still interest and business to do. This is the most often cause of failure.

§ Too much focus on *short-term dividends*.

§ Too much *self-confidence*.

§ *Negomania*.

Exercise 2

The second exercise was a self-assessment test of one's communication style. There are four main types, action, process, people and idea-oriented people. A description of the four types, as well as tips on how to communicate with each type is included in Annex 3.

Simulation of a PC Meeting: Establishing an OSCE Mission to the Republic of Norok

The participants enacted a meeting of the PC. The topic on the agenda was the response of the OSCE to an escalation of violence in a fictitious State (the Republic of Norok), following presidential elections. The goal was to reach a consensus on the establishment of a new Mission and to outline the main components for the mandate, including a name for the field operation. Playing the consensus game, drafting an official text and using arguments so as to reach a deal brought the participants to a closer understanding of the PC's workings.

Amongst the lessons learned were:

§ The *dynamic* of the negotiation is very important.

§ Formal negotiations are important, but even more so are *informal negotiations*, where *flexibility* can be decisive.

§ Develop a *spirit of co-operation*, but keep to a *practical* and *constructive approach*. A written text on the basis of which discussions can be furthered is useful.

§ Act as a diplomat. *Patience* is a virtue.

§ Stick to the *rules of procedure*.

§ Time management.

§ It is useful to have a *team of negotiators*, especially in the case of the concerned States and the big States.

§ The CiO and the Secretary General should act as *mediators* during the negotiation process.

All in all, a decision was reached on sending an OSCE Fact-finding and Needs Assessment Team to the Republic of Norok. There was overall involvement on the part of the participants. Emotional involvement can be a useful tool, if wisely used.²⁷ Setting two working groups was unrealistic, but the fact that no mission was deployed is. In reality, no timetable is needed. Flexibility is more important. The first consensus should have been on whether a mission/presence should be sent at all and the second on the nature of it. The rules of procedure are important to conduct orderly negotiations. Consultations should be held, even when it is understood that a number of States agree on a certain issue.

Section III: The Economic and Environmental Dimension²⁸

The Maastricht Document²⁹ defines the tasks of the OSCE in this dimension. The new strategy is focused on streamlining this dimension on the agenda of the OSCE, along with focusing on the *security* aspect of the economic and environmental dimension. Economic and environmental goals are meant to further others, such as

²⁷ Temper is the only thing you cannot get rid of by losing it.

²⁸ Conveyer: Goran Svilanovic, Coordinator of OSCE Economic and Environmental Activities (OCEEA). Please see Baltes, M. (2006), *The Economic and Environmental Dimension: Lessons Learned and Possible New Orientations*, PSIO Focus – Conference on *Consolidating the OSCE*

²⁹ Please see the *OSCE Strategy Document for the Economic and Environmental Dimension* (Maastricht Document),

http://www.osce.org/documents/sg/2004/01/1865_en.pdf, accessed online on August 1, 2010

preventing conflicts related to economic and environmental crisis or bringing partners together at the end of a conflict, around common concerns, such as water management.

The first thing to be taken into consideration is the fact that the agenda in this dimension should be simplified. Issues such as water management are better dealt with in this framework than border management, for example. Also, the OSCE is not a developmental agency, such as the United Nations Development Program (UNDP) and the United Nations Environment Program (UNEP) and does not have a large budget. Through CSBMs, the OSCE can bring countries together at a regional level, facilitating trans-boundary co-operation, preventing instability. There are four areas with which the second dimension is concerned:

1. *Good governance* and economic governance in particular, issues related to money laundering, transparency and corruption, all in the framework of democratization efforts.

2. *Migration and transportation*: the dimension will come into the focus of the OSCE agenda with the next Presidency of Lithuania. The previous one, the Greek, dealt with issues related to migration, social development and gender. The current Kazakh Presidency is focusing on transports and connectivity, border custom management and corruption amongst others. The Silk Road connecting China to Berlin runs for 10,000 km, out of which 3,000 km are in Kazakhstan. To this part neighboring countries would like to be connected. Herein the OSCE can bring its contribution to improving and speeding up the process. The future Lithuanian Presidency plans on continuing with the issues related to transportation, energy and security. This theme comprises three clusters: renewable energy, transportation and sub-regional co-operation. This is where most of the budget goes. During the year the Forum Process

takes place, comprised of a preparatory conference (October), a first part of the Forum (February), a second conference (March) and the second part of the Forum (end of May). Migration and transportation are discussed from a security point of view.

3. *Environment* and security: how much influence can environment have in inter-State relations? The scarcity of resources can be a cause for conflict. However, before and after the conflict, the use of environmental resources can bring States together.

4. *Energy security* is a very delicate matter and the most political of them all. The OSCE can hardly have an added value here, since this is subject to strategic and geopolitical games. The OSCE can play the role of a platform for dialogue, but is no specialized organization. In some cases, such as that of Kazakhstan, the OSCE may have to deal with the energy infrastructure, given the risks posed by terrorism attacks. Important is to acknowledge that the OSCE as such has neither the resources, nor the expertise to deal with this issue.

The OSCE's advantages lie in the fact that it is a consensus-based organization and has field operations. The UNDP and the UNEP lack in this respect. The officers in Belgrade, Skopje, Tashkent and Dushanbe all work with the local government to implement projects. In the Western Balkans, the OSCE cannot compete against the EU. The focus is placed therefore on the Southern Caucasus and Central Asia, where the OSCE does have an added value in itself.

Activities undertaken in this dimensions cover:

Good governance, always in *co-operation with international organizations*: with the CoE on de-centralization and money laundering; with the Organization for Economic Co-operation and Development (OECD) on transparency,

corruption, trade promotion and investments; with the United Nations Office on Drugs and Crimes (UNODC) on trafficking in drugs and human beings, as well as corruption. The OSCE's comparative advantage is that it has officers on the ground that can implement projects, contributing to the security dimension.

On *climate change* there is no consensus. The Ministerial Decision defines a mandate, which was first opposed by the U.S. and the Russian Federation. After President Obama assumed power, the U.S. seems inclined to favour the initiative. It is agreed that this is an important issue to deal with. Nonetheless, given the lack of funds and expertise, this should be dealt with by other organizations, such as the UN. Though a decision could be easier reached, the OSCE does not comprise China, nor is it a globally-reaching organization. Its budget limited, with no increase for three years in a row, whereas the budget of the European Parliament alone is of € 2 billion/year. The role of the OSCE in this case is to raise awareness about the security implications of the economic and environmental issues. An important component of OSCE's activity in this dimension is elaborating scenarios related to potential crises, as a component of overall conflict prevention.

The Environment and Security Initiative (ENVSEC) brought together six organizations (OSCE, UNDP, UNEP, NATO, the United Nations Economic Commission for Europe, UNECE, and the Regional Environment Center for Central and Eastern Europe, REC) in an effort to avoid a duplication of efforts. The ENVSEC Convention is meant to involve civil society in environmental issues. So far 30 PS take part to it. Its implementation presupposes an efficient and capable administration to deal with environmental issues and engage civil society in the decision-making process and an educational dimension. Citizens can bring their respective States to Court, should they fail to respect their commitments. Thus, the OSCE upholds human rights and

the civil society. This means that States with a more or less developed democracy have to work with the civil society.

A number of examples illustrate the importance of this dimension:

§ Uzbekistan and Tajikistan is a classic example of how scarcity of resources can affect bilateral relations. The former does not have enough water resources to sustain its agricultural needs, whereas the latter, 93% covered by mountains and forests, has a lot of water, but plans to build a huge power-plant. Due to its geographical position, Uzbekistan is thus rendered dependent on water resources coming from Tajikistan and, naturally, feels threatened. This may very well be a potential source for conflict, unless the communication and co-operation between the two flow properly. The OSCE through its missions on the ground can facilitate an improvement of bilateral relations on water management issues. A regional commission of experts has been set up, minding the political sensitivity of the problem.

§ The Aral Sea is by now an environmental disaster. The International Fund for Saving the Aral Sea brings together the five Central Asian States. It is high time to change its structure. The scarcity of resources is also a security issue and thus a job for the OSCE.

§ The electricity grid of the former Soviet States requires their co-operation. Creating a new one is the subject of undergoing discussions, which need to consider the politics in all of the interested countries and mind the principle of consensus as well.

§ In Uzbekistan, 60% of the population lives on subsistence agriculture, which leaves them highly vulnerable to floods. It is, however, a good example on co-operation on migration issues, the main destination country being Kazakhstan.

§ The issue of nuclear waste and its proper disposal touches Ukraine (huge stocks of

rocket fuel), Armenia (unprotected stocks of pesticides), Kazakhstan (nuclear waste) and Tajikistan (nuclear waste). For all this the OSCE has no expertise, but through its missions on the ground it can help raise awareness. The problem will thereon be taken up by the International Atomic Energy Agency (IAEA).

Even if in this case the OSCE plays the role of an intermediary it is, nevertheless, an important one. The OSCE's report on Tajikistan was taken up by the IAEA, whereas the UNDP one was rejected. Of course the IAEA was aware of the situation, but its own agenda is pretty full, thus it cannot see to everything at the same time. The role of the OSCE herein is to raise awareness both inside and outside the country.

Energy security is a political issue as well. Following the last gas crisis between the Russian Federation and Ukraine and under the insistence of Slovakia, an early warning mechanism was established. The issue has to be dealt with within a three-pillar structure, the first of which is the report that will be prepared by the SG on what the OSCE can do regarding energy security. It will be based on the findings of experts and be presented in Vilnius this September. The second pillar implies co-operation with international organizations and the third co-operation with the PS. Three main issues will be addressed, namely the diversification of resources, minding the changing political environment in Europe, China and Iran; a legal framework: the Energy Charter Treaty, of which Russia is not a member and ensuring security of supply, demand and transit.

The economic and environmental dimension may seem limited and unbalanced in the OSCE. This may be part of the structure of the organization, but even the field of action is somehow retrained, given the heavy competition with specialized international organizations. A strategy in this sense would be necessary,

with a clearly defined timeframe. Reaching a consensus is, of course, a difficult thing to do. The Athens report aims at reforming the second dimension; however, after discussing it for one year, a consensus was obtained on just one point. Therefore, just four issues were streamlined, so that a tangible result is achieved. Furthermore, it is idealistic to assume that the dimensions would be balanced.

All in all, over the past 10-15 years, the focus in international relations has been placed on energy security, terrorism, environmental issues and human rights. This is, after all, a structural change. Indeed, important changes are being made, an example of which is the liberalization of visas for Serbian citizens, a great step in ensuring stability in the region and promoting human rights. For the OSCE, the Corfu Process intends to re-establish trust and set the new rules of the game.

Section IV: The Human Dimension

The Human Dimension of the OSCE: Standard Setting & Monitoring³⁰

The human dimension is a broad concept, of which just an understanding exists, but no definition as such. It relates to the concept of *comprehensive security*, placing human rights at the basis of international peace and security and relying on a set of political commitments. The focus is placed both on the individual and on the system, since the two are reinforcing each other.

Within this dimension the OSCE focuses on *standard-setting* and *monitoring*. Why include a human dimension in the work of the OSCE, since many of the same aspects are covered by the CoE as well? The nature

of the OSCE is different. It is a *political process* and the human dimension is the basis for the other two dimensions. This is a *different framework*, more *flexible* and *accessible* to address the same issues.

The comprehensive approach to security makes the human dimension crucial to ensuring security in the area. This is why the OSCE promotes objectives such as democracy and the rule of law, to foster a stable framework in the PS. In comparison, the CoE and its Court have more of an individual focus. The OSCE does have a Court of its own, but it is irrelevant and the complaint procedure is here not missed. *The comprehensive security approach counts as the main difference between the OSCE and the UN and the CoE.*

The aim within the OSCE is to provide a framework to successfully ensure human rights. A difference is made between individual (more suitably addressed by the CoE) and structural problems (better addressed at an institutional level). *The OSCE deals only with issues that concern a security problem.* Is gender an issue of security? The liberty to have a choice is a human right. Many of the projects run by field missions lack the focus on security. The Centers in Ashkhabad and Tashkent train women in Uzbekistan in an effort to empower them in the process of conflict resolution. Trainings are also provided for small and medium enterprises. However, the OSCE should retain only a *catalyst function*. *It is a political organization, meant to guide technical organizations. Offering political guidance* is the niche that the OSCE can occupy. In the second dimension, the OSCE can provide access to high level officials, but its projects should be deferred to technical organizations.

Projectomania, without a focus on security can only make the OSCE's activity redundant. Co-operation with other organizations, such as the Soros Foundation for example, is essential, since they have

³⁰ Conveyer: Dr. Arie Bloed

both the staff and the resources to carry out certain projects.

Advantages	Challenges
<p>§ <i>Standard setting/creation of norms</i></p> <p>§ <i>No need for ratification from national Parliaments.</i></p> <p>§ <i>The consensus rule ensures the universality of the norms agreed upon.</i></p> <p>§ <i>Monitoring: entails a degree of flexibility. Does not retain an intrusive character, since it requires the consent of the PS and the Host State.</i></p>	<p>§ <i>Not legally-binding</i></p> <p>§ <i>Too flexible</i></p> <p>Documents are not supposed to be legally-binding, since the OSCE is a political organization.</p>

There is no question of intervening in the internal affairs of the Host State. In the Decalogue, Principle no. 6 is that of non-intervention. *Human rights do not exclusively pertain to domestic affairs, but can be the object of external intervention as well. All issues related to the human dimension are thus no longer behind the shield of non-intervention.* Principle No. 7 of the Decalogue states the respect for human rights and fundamental freedoms. Moreover, the OSCE is a community of both values and responsibilities, its concept of co-operative security making things non-confrontational. This is a major difference to the UN. Any PS can raise any issue with another PS. In practice, some limitations are self-imposed:

§ Is it in the national interest of a PS to raise another issue, since the other may retaliate by cutting off trade agreements, for example? It is a give and take relation after all.

§ Would this be effective? One needs to take into account the leadership of the respective PS. Triggering an emotional debate can lead to a reverse result.

§ Should this be done at all time? If mistakes have been made, the State should be given the opportunity to make the necessary corrections.

A number of examples illustrate these considerations. In the case of Kyrgyzstan, the Russian Federation was unwilling to send troops, acting with extreme caution, apparently waiting for the situation to improve. Chechnya, on the other hand, was considered a matter of internal affair, therefore troops were deployed. In the case of Thailand and Bangkok under fire, pressure could have been put on the State for an international investigation. This was deemed unnecessary, since the national one was already fair. The State can be pressured, but it is up to it to decide. *The fact that the matter is not an internal affair is not the same as being able to conduct the investigation on a national level.* 13 PS could name a rapporteur. In the case of Turkmenistan for example, the rapporteur did not receive a visa, so he had to conduct the interviews outside the country. The problem here was that the Host State did not agree with the designated rapporteur. Different roasters are also created, to make sure that the right experts are on the job. Bottom line, *acting in the human dimension does not need the consensus of the Participating States.*

Main areas of action are elections monitoring, national minorities, media, democracy and the rule of law. All these are dealt with from a security point of view. An essential question arises: what is the added value that the OSCE has, given the fact that many international organizations deal with the same issues? A comparison with the CoE is herein called for.

OSCE	CoE
§ Policy-making/standard-setting and monitoring	§ Legal process
§ Political process	§ 47 Member States
§ 56 PS plus Partners for Co-operation	§ The ECHR deals with individual cases
§ 17 field missions	§ A lot of independent and expert bodies
§ Emphasis on structural problems	
§ No independent bodies, but a need to establish facts.	
§ The PS can invite the OSCE to deploy a team of experts.	

*Freedom of the Media*³¹

The Office of the Representative on Freedom of the Media (RFOM) is an independent body, the only inter-governmental media watchdog, upholding democracy and the rule of law. Its mandate includes:

- § Reaffirming OSCE principles
- § Assisting States in the furthering of free, independent and pluralistic media
- § Observing relevant media development in all PS
- § Performing an early warning function
- § Close cooperation with ODIHR, HCNM, as well as international organization
- § Provide a rapid response to cases of non-compliance with OSCE principles.

It is a twofold mandate, since it assists States by providing legal expertise, organizing workshops and issuing publications, but it maintains a critical approach as well, monitoring events both east and west of Vienna. The former makes for 70% of its work. RFOM has been

³¹ Ana Karlsreiter, Senior Advisor to the Office of the Representative on Freedom of the Media

accused of being geographical blind, but it is not problem blind. The truth of the matter is that most of the problems occur in the East. It is not a double-standard approach, but the mere reality. 70% of the monitoring is done by the staff in the field missions.

RFOM has a unique mandate. Though it has been accused of being a watchdog that does not bite, there is an added value to it. First, it communicates with PS on a high level, in comparison to NGOs. Second, once a problem has been acknowledged, it is obliged to go public, which is not the case for the HCNM, who performs silence diplomacy. However, RFOM is entitled to issues only *recommendations*. It is very active, issuing a number of press releases, but not immediately. A waiting period is called for, to make sure that the concerned States have taken act of the Office's recommendations. Due to its early-warning function, it assists in setting the agenda of the PC.

It is the smallest of OSCE institutions, with a budget of € 1,312/year plus a 0, 83% in voluntary contributions. It has 14 international staff members from 12 PS. RFOM is also the youngest of OSCE institutions, with just three High Representatives insofar: Freimut Duve (1998-2003, DE), Miklos Haraszti (2004-2010, HU) and Dunja Mijatovic (since March 11, 2010, BiH). The main condition for their naming is that they be public figures in their home countries.

The instruments at its use are the following:

§ Sending *intervention letters* to foreign ministers, presidents and members of Parliament.

§ Making *assessment visits* to gather first hand information in cases of violence against journalist and where structural problems are uncovered. The team then meets both with high level officials and representatives of local NGOs. In the case

of Azerbaijan, for example, the recommendations made tried to keep a balance between addressing the critical situation and being constructive at the same time. These two points are very important. As such, the RFOM does not work as a mere NGO, but as an integral part of the OSCE. The delegations of the PS are consulted about the situation on the ground and not taken by surprise, which facilitates co-operation. Theoretically, the Representative has a standing invitation from the PS. In reality this can be obstructed, through delay in issuing visas. The delegation of the respective State can then be challenged in the meeting of the PC under the section of Current Issues.

§ *Legal reviews*: new regulations for the Internet, digitalization of the media.

§ Presenting *reports* in PC meetings.

In the case of the German journalist of Radio Free Europe taken hostage in Transnistria, the problem is rather complicated, since Transnistria is a separatist territory, but integral part of Moldova, whose territorial integrity is recognized by the OSCE. Only the Mission to Moldova would have the mandate to intervene. Consultations with the Moldovan Ambassador and the CPC are underway, keeping in mind the interests of the journalist. A letter has already been sent to Mr. Smirnoff, but how to do business with him without giving the impression that he is politically and diplomatically recognized? Both the SG and the HCNM have been to Transnistria. The RFOM could go as well, since they are on the same level in the OSCE hierarchy.

Challenges that the Office has to deal with include:

§ *Violence* against journalists, *impunity for the use of violence* and *intimidation*. The Russian Federation is here top of the list. We are dealing with a vicious circle: violence is used with impunity and

intimidation leads to self-censorship. Investigations must be transparent, so that the public believes that something is being done. The issue has to be dealt with at the highest level. The government has to be urged to investigate, the efforts made should be credible and a tough stance should be taken by the PS in the PC. There is usually a political will for this in the concerned State, but it has to be put to use. The task of the Office is to remind the State of this necessity.

§ *Imprisonment of journalist and non-journalists* (bloggers). Charges brought against them are usually drug possession, extortion, tax evasion, terrorism and incitement. The case of Azerbaijan is telling: two bloggers were arrested on charges of hooliganism and light bodily injuries for two years. In the case of Nikolai Petrovich Tulaev, the European Court of Human Rights (ECHR) ruled in his favour and for his release, but three new charges were brought against him. In any case, in three months the verdict of the Court has to be enforced.

§ Sanctions for *secrecy breaching*

§ *Administrative obstacles*: licensing, regulation, accreditation and, therefore, the lack of broadcasting pluralism

§ *Legal restriction of free speech*: extremism, anti-terrorism and defamation legislation. The later is sometimes disproportional. In the case of the *Republica* magazine in Kazakhstan, it had to pay € 280,000 to the ETA Bank, its accounts were blocked and it was forbidden to print.

§ *Digitalization* cannot be monitored yet. Legislation for this would be necessary.

§ *Over-regulation of the Internet* endangers pluralism. The free flow of information should be upheld. It is rather impossible to monitor the Internet. This gives way to criticism, but only a selective approach is here possible.

In some cases, the use of media can be a double-edged sword. In the case of the Mumbai terrorist attacks, the terrorist knew where the police forces were located, due to the extensive footage. In reality, the content of the media is not really followed. After 9/11 security became much more important than mere media reports. Media should be allowed to report freely. It does have its own self-regulatory mechanisms and code of conduct. State intervention should be avoided and the media should report on what is of interest for the public, not just for the State.

There have been cases of abuses from the media. In Albania, a legal and financial dispute between the State and a media outlet got extensive coverage in both domestic and international press. In such cases it becomes rather difficult to between reality and the manipulation of events.

A challenge is to balance individual rights, such as the freedom of expression with State rights. In Georgia, for example, journalists provoke the opposition, after which they complain of being abused. This is picked up by the international media and a propagating effect follows. In the case of the false announcement of a Georgian-Russian war, the media outlet was apologetic only to the PS, but not to the people as well. The objectivity of reporting is of utmost importance. Thailand closed down the Red Shirts Channel and was accused of obstructing the freedom of the media. However, it was inciting the people to violence and airing a 24h hate-speech. A similar case happened in Rwanda as well, before and during the 1994 genocide.

The journalistic quality is rather poor and there are few un-politicized journalists. The key to changing this state of affairs is to have a proper watchdog to observe the developments and the provide assistance for improving the quality of the media. Journalists should not be criminalized for their work. The idea is to properly regulate

the work of the media. Privacy is an important issue as well and has a heavy cultural component to it. Also, public figures should be more resilient to public criticism.

There is the question of freedom from disinformation and democracy in PS. The challenge here is to make sure that media conducts its activity in a fair, transparent and accountable way. The only way to get the right information and guarantee that financial pressures do not play a role is to have a public service broadcaster. A successful example in this case is that of Georgia, which assigns 12% of its GDP for its national channel, led by an independent supervisory board. Political will is of course needed to uphold this strategy.

*Election Observation*³²

In 1990 the Office for Free Elections was founded in Warsaw, to be renamed ODIHR in 1992. At present, ODIHR has 150 staff members and it carries out balanced east-west election observations. The reason behind its creation is that elections are an indicator of democracy and through their monitoring security and stability are promoted, institutions and the rule of law are upheld. However, this does not mean that the OSCE certifies the result of the elections. The monitoring that ODIHR does is *process-orientated*; it does not address the *content* of the elections. Its work is related to enhancing the integrity of the election process.

Both presidential and parliamentary elections are monitored. For national elections the missions need an invitation

³² Conveyer: Lusine Badalyan, Election Advisor, Election Department of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). Please see Balian, H. (2001), Ten Years of International Election Assistance and Observation in The Helsinki Monitor, Vol. 12, No. 3

from the Host State. ODIHR's was later on expanded. The term "national" was excluded, which gave the institution the mandate to monitor local, municipal elections, as well as referenda. A challenge is the fact that resources are limited, which requires a very efficient use of the existing ones. The budget is of €5 million and no contributions are allowed, to ensure its independent character.

The *Copenhagen Document*³³ is the basis for the activity of the ODIHR. States committed themselves to the full respect of human rights, fundamental freedoms, and the rule of law and the principle of democracy. The function of ODIHR is to assist the States by providing recommendations and expertise, not to impose a solution. PS are held to their commitments within the OSCE, meaning universal, equal, fair, secret, free, transparent and accountable elections.

Given the fact that elections are not a one-day event, pre-, during and post-elections, the emphasis is placed on the administrative and legislative framework, such as the voter registration process. It is important that people have equal rights in exercising their suffrage and in campaigning. Here a particular attention is given to the fundraising efforts. Media is a very important component of current electoral campaigns, which requires a close monitoring, both qualitative and quantitative. In issues related to the rights of the national minorities, ODIHR collaborates with the HCNM.

The process of monitoring starts with a Needs Assessment Mission (NAM). It observes the situation on the ground, reports and follows on the developments to see whether change has been enacted. NAM is a tool for the pre-election period. It is usually deployed several months before the elections take place and discussions with the

main stakeholders are being held for 2-3 days. It is important to receive a timely invitation from the Host State. Administrative issues, such as the type of the mission and its composition are left to ODIHR. Herein the Host State has no say. The report will be public and will make recommendations. Whether or not the State had minded previous recommendations made by ODIHR will also be taken into account.

In cases where elections take place outside the regular calendar, where the date is decided just 1-2 months before, the full process still takes place. A mission was deployed to Kyrgyzstan before the referendum and elections will be held in November 2010. A new NAM will not be deployed. The same goes for the case of Moldova.

Types of missions include:

§ *No mission*: it would not have added value. There is no possibility for the observers to do their work. The notice is too short and relevant stakeholders cannot be met. In the case of the Russian Federation in 2008, the invitation comprised a number of unacceptable limitations and administrative obstacles (visas for the core team). The conditions to properly observe elections were not met and it would have been impossible for the mission to carry out its work.

§ *Election Assessment Mission (EAM)*: the electoral has little confidence in the prospect of elections. Previous recommendations are minded, the media is monitored and meetings with stakeholders take place. The core team is deployed 8 weeks before the elections, a week later the Long-term Officers (LTOs) and one week before the Short-term Officers (STOs). In determining the number of observers needed, the size of the country, the number of constituencies, the size of the administration, the availability of reliable statistic data, previous experiences are considered. An interim report and a

³³ Please see *The Copenhagen Document* (full text), http://www.osce.org/documents/odihhr/1990/06/13992_en.pdf, accessed August 1, 2010

preliminary statement are issued the first day after the elections, the final report being released after two months.

§ *Limited Election Observation Mission (LEOM)*: comprises no STOs. The public has confidence in the Election Day proceedings. The reporting procedure is the same. However, observers do not have full access to the polling stations during the elections' day.

§ *Election Observation Mission (EOM)*: this is an issue-driven mission. A team of experts is deployed two weeks before Election Day. Overall confidence in democratic institutions is manifest. The experts are looking just at concrete issues, as highlighted in the NAM report. After two months the final report is issued, making specific recommendations.

§ *Expert teams* constitute a new development. This is the case of European Parliament elections. There is no set methodology in place for this. Usually a small team is sent for a short period (one week) to cover specific issues. To support field operations, ODIHR can send over experts, should such a need arise. However, they will not have full access.

In relation with institutions such as the Parliamentary Assembly, the European Parliament, the Parliamentary Assembly of the CoE and NATO, ODIHR could provide logistical support, acting as a parliamentary liaison officer. This would provide substance on Election Day, would entail briefing Members of Parliament and, in the case of international elections, issuing joint statements. ODIHR and CIS are in a competitive relation, since their reports have most of the times differing conclusions. There is hardly any co-operation between the two. Nevertheless, this does not undermine the work of ODIHR, whose methodology is *reliable*. It is true that in some countries, the report of CIS receives more attention from the media. The CIS one-page reports are usually vague statements, with paragraphs copied from

one year to another. An exception was the case of the Ukrainian elections, where its conclusions came close to ODIHR's statement. Whereas profile and methodology are concerned, ODIHR is superior to CIS. The latter has no long-term perspective, does not monitor media, does not deploy long-term officers, nor visit polling stations. It usually conducts interviews with Members of Parliament or functionaries within Ministries of Foreign Affairs.

Reports can be used and abused by all, but on the long term, the added value that the OSCE offers is that of *continuity*. Specific recommendations made in the final reports are observed by the field missions. The CIS reports may enjoy more publicity, but there is *no follow-up* included. In the case of ODIHR, with each mission sent, the previous recommendations made are always taken into considerations.

In countries that aspire to EU membership, the work of ODIHR has been made easier. In other cases, however, the lack of political will is obvious. ODIHR can only make recommendations and it is up to the concerned State to take action. In the case of Kazakhstan after the 2007 elections, discussions and workshops were held, the necessity to improve has been recognized, but there is little political will for that.

In the context of the Corfu Process, efforts are being made to boost the role of ODIHR by emphasizing the follow-up component. There is increased pressure from certain PS to have ODIHR report on what has been done. In the case of the Norwegian elections, all of ODIHR's recommendations were implemented. It is, however, the States where change would be most needed, that are reluctant to enlarging ODIHR's mandate. To a certain degree, the PC could be used to put some pressure on some PS.

Whereas the recruitment of STOs and LTOs is concerned, most of them are

seconded, the maximum number of experts per PS being 10, to ensure a geographical balance. There are some States that cannot support ODIHR and for them the Fund for Enhancing the Diversity of ODIHR has been created, offering financing to a number of 17 PS.

Challenges that ODIHR faces are:

- § Further developing the methodology, whereas women's participation and minority rights are concerned;
- § Respect of civil and political rights of voters and candidates;
- § Equitable access to and unbiased coverage by the media;
- § Compilation of accurate voter lists and enfranchisement;
- § Secrecy of the ballot;
- § Honest counting and tabulation of votes;
- § Impartial election administration;
- § Free and fair campaign environment;
- § Access for international and domestic observers;
- § Assessment visits to established democracies;
- § New voting technologies: e-voting (ensuring transparency and accountability, despite the sophisticated technology and thus the difficulty to conduct proper monitoring).

The counting process even in established democracies is highly politicized. It's the political parties' representatives that do the counting and there is no international standard as to what the composition of the election administration should be. Professionalism, transparency, accountability and independence are four prerequisites for this process. What lacks is a code of ethics for vote counting, accompanied by legal consequences in the case of non-compliance.

Exercise

The participants were given an extract of the relevant OSCE commitments pertaining to elections and one from the Executive

Summary of the Final Report of the OSCE/ODIHR Election Observation Mission sent to Moldova for the local elections held on June 3 and 17, 2007. The task was to assess the findings of the report by relating them to the OSCE commitments.

*Minority Rights and Minority Issues within the OSCE*³⁴

Why are minority rights so special? They are both a *security* issue that often can lead to an escalation of conflicts if not properly looked after and a *human rights* issue. Multicultural diversity is a basis of nowadays' society. This is a very sensitive card to be played. Its misuse by irresponsible politicians has led to ethnic wars such as those in Rwanda and Former Yugoslavia. From ethnic-homogeneous States like Albania (95% Albanian), Japan or Iceland to ethnic-heterogeneous States like Kazakhstan (122 ethnicities), ethnic diversity is a reality. The bigger the minority, the bigger the problem is. In dealing with ethnic groups such as the Basque or the Welsh, more funds are ready to be used, which is not the case east of Vienna.

The Office of the HCNM was created in 1992 to address issues related to the rights of minority groups. It is not an easy task to have, since, as a security issue, it entails group rights and as a human rights issue, it entails individual rights. The difficulty lies in helping these groups develop. A couple of examples in this sense are those of the Jewish, Roma and Sinti, which are granted a minority status in special OSCE documents. In Albania, the Greek community has always been looked after by the government, funds being provided by

³⁴ Conveyer: Dr. Arie Bloed. Please see Bloed, A. (2006), *Preliminary Report of the 7th Informal ASEM Seminar on Human Rights, Human Rights and Ethnic, Linguistic and Religious Minorities*, Budapest, pp. 4-21

Greece as well. On the other hand, in Indonesia and the Philippines, should a political turmoil occur, the Chinese will be the first to be attacked. The recent case of Kyrgyzstan is also telling.

The ultimate aim is to find equilibrium between *separatism and disintegration and extreme assimilation*, such was the case in the 1990s in Hungary. By facilitating integration and effective participation in public life, respect will be shown to the different ethnic groups and this in itself is a sign of responsibility in conducting public affairs.

The issue gets even more complicated when Kin-States enter the picture. Hungary offered identity cards and financial compensations to Hungarian nationals living in the neighbouring countries. Romania's offering citizenship to Moldovans is similar to Russia's policy towards the Baltic States, which troubled Estonia and Latvia. This should not be mistaken with the natural process of voluntary assimilation. In 1948 the Netherlands lost Indonesia and many Indonesians made it *temporarily* to Holland. Those who have stayed consider themselves to be Dutch.

Minority rights are to be understood as a *balance of rights and duties*. The aim is to ensure integration, while protecting ethnic identities. Given the many different ethnic groups, it is difficult to design a policy that would be applicable to all. The larger the community, the more rights they will enjoy.

Art. 34 (1) of the Copenhagen Document³⁵ (1990) underlines the rights and responsibilities associated with minorities: "*The participating States will endeavour to ensure (will do their best) that persons belonging to national minorities, notwithstanding (a duty) the need (not an obligation) to learn the official language or*

languages of the State concerned, have adequate opportunities for instruction of their mother tongue (a right) or in their mother tongue, as well as, whenever possible and necessary, for its use before public authorities, in conformity with applicable national legislation."

Furthermore, Art. 35 (2) reads "*The participating States note the efforts undertaken to protect and create conditions for the promotion of cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local and autonomous administration [...]"*. The standards and guidelines are to be applied on a case by case situation. In Finland's case, both Finnish and Swedish are recognized as official languages, though just 6-7 % of the population can speak Swedish.

Art. 27 of the ICCPR³⁶ is the *legal basis* for the protection of minority rights worldwide. "*In those States in which ethnic, religious or linguistic minorities (limited approach) exist, persons (individual, not group rights are guaranteed) belonging to such minorities shall not be denied (if pressured States will comply) the right, (whether or not the State recognizes the existence of the minority is here irrelevant) *in community with the other members of their group, to enjoy their culture, to profess and practice their own religion, or to use their own language.*" What of political rights and social participation? In this sense minority rights are here very restrictively defined. The Council of Europe goes a bit further in ensuring these rights. However, for countries in Central Asia and Thailand, for example, the OSCE is the only framework which comprises them.*

There is a need for specificity and an exit strategy when taking decisions related to minority groups. In Malaysia, for example,

³⁵ Please see The Copenhagen Document (full text), http://www.osce.org/documents/odhr/1990/06/1399_2_en.pdf, accessed August 1, 2010

³⁶ Please see the ICCPR (full text), <http://www2.ohchr.org/english/law/ccpr.htm>, accessed on August 1, 2010

the Malay are worse off than the Indonesians. A special governmental program has been initiated to overcome disparities and discrimination. If abolished, there is the potential for a revolution.

What is a minority group? It has to do with the number of people, their culture, history and language. There are groups that claim to be a minority, but they are not, such as the Chinese in the Netherlands. Minority rights can be defined in an inclusive manner (as group rights, collective rights) or exclusively (individual rights).

In order to claim minority status, one needs to have a passport from the respective State. This is the case for Germany, but in the Baltic States, in Estonia and Latvia for example, the situation is more difficult. Here many have just Russian passports and refuse to change them, despite the fact that nowadays it is easier to get a passport than before. After the ratification of the Framework Convention of the CoE, having a passport issued by the State of residence is an a priori condition to being granted minority status. There are two schools of thought on this issue. In international law, citizenship is not required, but the Framework Convention requires it. In the end, the aim is the same, namely conflict prevention.

Self-determination is a touchy subject. It can be internal, covering self-governance, municipalities and autonomy or external, concerning independence or annexation. In the 1990s, the Kosovars refused to welcome the HCNM. They wanted to be regarded as a people, not as a minority. The Preamble³⁷ of the UN Charter reads “*We, the peoples of the United Nations* [...]”. Self-determination is justified in just two cases: the former colonies and where the people have no chance whatsoever to participate in public life. The latter case is illustrated by Kosovo.

³⁷ Please see the UN Charter, <http://www.un.org/en/documents/charter/preamble.shtml>, accessed online on August 1, 2010

*The Work of the High Commissioner on National Minorities*³⁸

The mandate of the HCNM presupposes a long term perspective, addressing conflict prevention from a structural and operational perspective. He/she acts in an independent and impartial manner. Cooperation with concerned stakeholders and partner institutions is very important. Quiet diplomacy is one the most efficient instruments the HCNM has, since the OSCE is not a blame and shame institution. His/her report is addressed directly to the CiO and the recommendations made will remain confidential.

There are also a number of limitations to the work of the HCNM. First, he/she is the High Commissioner *on*, not *for* National Minorities, which prevents him/her from acting on individual complaints. From his mandate groups that practice or condone acts of terrorism, such as the Kurds and the Basque are excluded. The HCNM discusses with the concerned parties, governments, local and regional authorities, representatives of NGOs and other organizations. The influence of the Kin State and of the Diaspora is excluded.

The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations (2008) deal with Kin-State-Host State relations as a source of tension and potential conflict. It is a guide on how to treat minorities according to international standards, discouraging the mass issuing of passports and encouraging educational and cultural activities. They are highly relevant and have reached a much different level than in previous documents. The political commitment has not yet been made. There are still some reservations expressed by the U.S. and the Russian Federation. They will make it quite difficult for the Kin-State to

³⁸ Conveyer: Ambassador Brendan Moran, Director of the Office of the OSCE HCNM

intervene in the affairs of another State. The primary responsibility lies with the Host State. When accepted, this will be a significant move forward.

The work of the HCNM is centred on promoting a culture of prevention, not reaction, on avoiding separation and humiliation and on striking a balance between the integration of minorities and the protection of their rights. Areas he/she addresses are language and education, political participation, media, police and inter-State relations.

Language, for example, can be quite a challenge, since politicians may address issues differently in other languages. Proper communication is essential in such cases, to foster trust in the political dialogue. The example of Albania and its Macedonian minority is here telling. In the case of Kazakhstan, cable TV offers a number of Russian channels, whereas the official channels have both Kazakh and Russian subtitles. The paradox of this is that Kazakhs are better informed about Russian affairs than national ones. The reality of the matter is that dubbing the programs in the national languages is rather expensive and only big States can afford to do it.

In the case of the FYROM, it was suggested that Macedonian language classes be introduced in the curricula for the minorities starting with the first grade. Until now they were introduced beginning with the fourth grade. Harsh reactions followed from the Albanian politicians, which determined the OSCE to withdraw its essential recommendation and thus give the impression of inconsistency. In an official statement issued later, the Macedonian government stated that future recommendations from the OSCE will be given due attention. The HCNM did meet with the Prime Minister and the Minister of Education. The OSCE also supports efforts made in this respect, such as training teachers, working on textbooks and so on.

The idea is to provide for gradual change in the education system.

The HCNM's modus operandi involves assessing the political developments in a State through monitoring systems. Country visits take more than 50% of his/her time, but are the most effective way to gather information. Political and legal advisers prepare reports and option papers and he also has confidential correspondence with a number of States on inter-ethnic issues. To this, a number of project activities are added. The instruments at his/her disposal include: country recommendations, thematic recommendations, statements and speeches, problem-solving workshops and seminars, as well as co-operation with State parties and international organizations, such as the EU, UN, CoE and NATO.

In order to gain access to a particular country or make it comply with his/her recommendations, the HCNM possess certain leverage. He/she has access to government officials at the highest levels, may act in a confidential manner, can rely on his/her reputation, can appeal to the self-interest of the State concerned or may use international fora such as the PC, the EU, the CoE or the UN, if needed.

The HCNM does have the tool of early warning at his/her disposal, but it has been used just once. On May 6 the HCNM warned that there exists a serious potential for conflict. After a second visit to Osh he expressed his concerns in the PC on June 5-6. On June 10 violence broke out and there was nothing left to be done. In the extraordinary meeting of the PC on June 14 he recommended that immediate action be taken.

According to his mandate, the HCNM should issue an early warning at the earliest stage possible. In the case of Macedonia, with a rather stable political system, the early warning was issued. In the case of Kyrgyzstan, after the conflict erupted, the unnecessary early warning followed. Should

it have been issued in April or May, before the situation on the ground reached its tipping point, it might have had a more fruitful result. Nevertheless, there is no guarantee for this. It was motivated that because of logistical reasons, the letter already prepared for the PC was not signed in due time. It is indeed a powerful instrument that the HCNM has at his disposal and cautiousness is demanded, but should it be up to the point of restricting action? One also needs to take into account the fact that the mission of the HCNM is conflict prevention. Issuing an early warning is also admitting his failure. Recommending the sending of police forces to stabilize the situation as part of conflict management efforts does not fall in his mandate. In the PC meeting the HCNM argued for the immediate deployment of an international mission, since the return of the displaced people to their destroyed homes will only foster further instability. On the HCNM's report, the CiO could have addressed the Security Council, since the OSCE is a Chapter VIII organization, but he chose not to.

Section V: The OSCE's activity on the ground

*Panel Discussion: Assessment of the OSCE from a National Point of Point of View*³⁹

For the U.S. the OSCE is a unique organization, where States, no matter their size, are equal, in an effort to prevent new conflicts erupting in Eurasia. As a forum for negotiations, the U.S. can advance its geo-strategic goals herein. It is important to note that there are other international organizations dealing with similar issues, which makes co-operation a must. The added value brought by the OSCE consists in its field missions, the HCNM, ODIHR, the RFOM, acting as a platform for sustained engagement meant to facilitate long-term results. The access to high level officials makes the OSCE all the more worthy as a forum for action. Small States, which otherwise would not afford embassies in some States can use the OSCE field missions as shared platforms for diplomacy and information gathering.

The priorities on the American agenda are the following:

§ *Enhance democracy*, human rights and the rule of law. In this sense, supporting the

³⁹ Conveyers: Forest Atkinson, Political Officer, U.S. Mission to the OSCE; Valery Maslin, Senior Counselor, Permanent Mission of the Russian Federation to the OSCE. Please see Gerrits, A.W.M. (2008), Russia and the OSCE: a Story of High Expectations, Strong Disillusionment and Obstinate Confrontation in *Security and Human Rights*, No. 2, pp. 107-109 and Ghebali, V.-Y. (2004), The Difficulty of Overcoming Russian-Related Dilemmas in Ghebali, V.-Y., Warner, D. and Gimelli, B. (Eds.), *The Future of the OSCE in the Perspective of the Enlargement of NATO and the EU*, PSIO Occasional Paper, Geneva

activity of ODIHR and its EOM is a key issue.

§ *Improve regional stability* through a better functioning of the field missions. In the Georgian case, the U.S. tried to prevent the closing down of the Mission and is still interested in re-establishing an OSCE presence there. In the case of Kosovo, capacity-building efforts in close co-operation with the recognized authorities, not with the parallel governmental structures should continue.

§ *Border management and police training.* In this sense, a more robust mission at the border of Afghanistan with Central Asian States would be required. This could be done in the framework of counter-terrorism efforts. Efforts should also be made in the direction of protecting critical energy infrastructure. The OSCE may serve as a platform for political dialogue and provide training in an effort to raise awareness to counter-terrorism methods.

There were a number of cases where the OSCE could not answer in a robust way to threats, as in Georgia. Instead of agreeing on a broad strategy, micro-managing would have been more advisable. It was very difficult to reach a decision in Vienna, since the PC is highly politicized.

Whereas the OSCE reform is concerned, the main issue lies with mechanisms in place that do not work all that well. As part of enhancing the conflict prevention mechanism, the CiO should be empowered to decide on a course of action in a conflict situation. A framework has to be set in response to potential security threats or conflicts and once something of the kind occurs, this mechanism will automatically be employed. The proposal clashed with the rule of consensus, which would be bypassed in this case. A prospective summit should reinforce existing commitments and strengthen mechanisms already in place.

From the Russian perspective, the OSCE is not a club of international organizations, such as the EU, but a platform for co-operation between equal and sovereign States. The pre-condition is that States have their own national interests and are free to voice them. Aspiring States to EU membership often forget this during the meetings of the PC.

In the past one and half year huge steps have been made towards advancing U.S.-Russian relations. Common views have been expressed on the situation in Afghanistan and Kyrgyzstan, as well as on providing for *strategic stability, energy security and combating terrorism*. Working together to address common threats is a key element of U.S.-Russian bilateral relations. The Russian Federation's main interest lies in fighting *illicit drug trafficking*. Should this issue be properly taken care of in the framework of the OSCE, this would be part of its added value.

2010 will be crucial for the OSCE. A decision has to be taken on whether it will become a genuine pan-European security organization or simply remain in the shadow of international organizations, such as the EU and NATO. The Russian Federation supports the idea of a strong OSCE. A Summit creating a Euro-Atlantic and Euro-Asian security community would be a landmark in the OSCE's evolution. With this the main problem of the organization would be solved, namely the *indivisibility of security* of its PS. If leaders come to an agreement on how this is to be implemented through legal obligations, a future common security can be envisioned. This would be a historic step forward, since there will not be any different levels of security, but strong guarantee for the non-use of force. Though this principle is included in the Decalogue, it is *not legally-binding*. Furthermore, trust will be restored. Once Russian security concerns are addressed more will be done in furthering cultural, economic and humanitarian relations. A pan-European area of *trust and*

confidence will be created, which cannot be but a win-win situation for all PS of the OSCE.

The fact that U.S.-Russian relations have improved is a given and the climate of hope that has been created should be taken advantage of. The idea of a pan-European security strategy is not new. It has been voiced in the 1950s as well. The Corfu Process is built around discussions related to this new strategy. However, there is a more immediate need, namely the necessity to look at existing commitments and mechanism and make better use of them, before discussing an entirely new security framework. States should be free to join or leave any organizations. A country's membership in an organization should not be detrimental to the security of other States. Providing the OSCE with a legal personality would guarantee a full implementation of existing commitments and guarantee diplomatic immunity for OSCE personnel as well.

The existing political commitments within the OSCE are just that, political. The politico-military dimension deals with the potential of a conflict as well. The Russian proposal does not abolish any of the existing institutions or documents. NATO, the EU, the OSCE and the New Independent States (NIS) are all invited to become full members. The new security strategy would just reinforce the commitments undertaken at Istanbul in 1999.

The OSCE co-operates with regional organizations as well, such as the Collective Security Treaty Organization (CSTO) and the Shanghai Cooperation Organization (SCO). In the Afghan context, it is crucial that it be so. Only a concerted effort can yield results. Whereas NATO is concerned, Russia cannot be a member of it. An anti-Russian organization, NATO is at a crossroad with developing its new security concept. However, NATO is neither the only, nor a crucial element of pan-European and Asian security. The chance to create a

collective security system based on the OSCE was lost in the 1990s. The Russian proposal is the alternative to this. Should the Russian bid be refused, the Russian Federation will remain open for co-operation. The signs coming from the U.S. are most encouraging. An active dialogue is taking place with France and Germany as well.

In the case of Kosovo, there is a common interest not to aggravate the situation in the region. A peaceful solution, through diplomatic means should be reached. For the time being, given Serbia's concerns, it is impossible for the Russian Federation to recognize Kosovo's independence. The successful engagement of the OSCE in the region is translated in regional stability. In 2009, experts worked with the Central Elections Committee. The OSCE can assist in election capacity-building efforts at a municipal level. The massive monitoring presence is designed to present an image of what Kosovo is and to strengthen Kosovo as a democracy.

The case of Nagorno-Karabakh cannot be compared to that of Kosovo, which for many decades had been under a UN mandate. The U.S. supports the talks on the subject, but there is no prospect of coming to a decision. The OSCE does bring an added value in this process through the Minsk Process. During the G8 Summit in Canada, a Tripartite Statement (U.S.-Russian-French) was issued on the matter.

The example of Thailand and its agricultural development could be inspiring for Afghanistan. Farmers were encouraged not to cultivate opium. If farmers sustain crop substitution, the root cause of a problem would be solved. The anti-drug coalition could include this best practice in its strategy.

Workshop 4: Regional Aspects of the OSCE Work – Participants’ Contributions

In order to better understand the work of the OSCE on the ground, with its specificities from country to country, a number of case studies were presented and analyzed by the participants.

South Eastern Europe

Albania

The OSCE Presence in Albania (PiA) was established in 1997, having as aim the promotion of democratic processes, rule of law, human rights and institutional developing. Its role was crucial in the aftermath of the Kosovo War, when a large influx of refugees had to be dealt with. Its mandate was updated in 2003 and since then renewed each year. The four offices are located in Kukësi, Gijohastra, Vlora and Shkodra.

The added value that it brings consists in providing for regional stability and security. PiA provides assistance and expertise to the Albanian authorities and the civil society – in close cooperation with other international organizations and institutions – in following focus areas:

- § Legislative and judicial reform (including property reform)
- § Electoral reform: as part of the EU integration process a lot of emphasis has been placed on the judicial and electoral reform.
- § Good governance and regional administrative reform
- § Parliamentary capacity-building
- § Anti-trafficking and anti-corruption

- § Police assistance (particular focus on border police and cross-border management)
- § Media development
- § Strengthening of civil society.

The challenge that the OSCE Presence in Albania faces is falling into the trap of projectomania, not managing to synchronize with the needs of the country. Expertise and financial resources could be put to a better use.

The offices in Kukësi and Gijohastra could be closed down. Downsizing them is made possible by virtue of national institutional and infrastructural developments (achieved governance benchmarks, accessibility) and a transformation of regional and international security dimensions (NATO membership). A tacit consent has been formed around maintaining the mandate as it is and keeping the Offices open just in case a need might arise. Closing down the two Offices would mean that more resources will be available for project activities or these resources could be re-allocated to other OSCE field operations. Either way, the OSCE stands to gain: in the first case more efficiency in the management of its resources, in the latter more flexibility in adapting to changing contexts.

Challenges and opportunities for the work of the OSCE in the area relate to a reluctance to change the format of long-term field operations. There is a prevalent consensus to retain existing mandate terms of reference and restructuring field offices and a cautionary approach to maintaining available financial and logistical resources at disposal. Once given away, it will be difficult to regain them. Starting with PiA this could mean a refreshing and reinvigorating the OSCE framework of long-term field missions. The geographical spread within countries could be updated, resource management efficiency and confidence in the leadership provided by Heads of Missions increased.

The image that the OSCE retains in the country is largely positive, despite the OSCE's crisis and problem-orientated public diplomacy profile. The progress achieved in electoral and judicial reform with the assistance of PiA is acknowledged. Downsizing the Presence would make it more efficient, improve the image of Albania and increase its international public profile.

FYROM

The OSCE Spillover Monitor Mission to Skopje is the first OSCE field operation to be deployed (1992) and the second, after the one in Kosovo, in terms of personnel.

Following the 2001 conflict and on the background of the signing of the Ohrid Framework Agreement, the OSCE took over following tasks:

- § redeploying police in the former crisis areas
- § training non-majority cadets to be police officers (thus ensuring that the police services will reflect the composition of the country's population)
- § strengthening the institutions of local self-government
- § developing projects in the areas of rule of law and media development
- § implementation of the Framework Agreement in the area of inter-ethnic relations.

There are a number of projects underway, most of them related to the human dimension. The focus is placed on elections (legislative and institutional framework, follow-up on OSCE recommendations), education (inter-ethnic integration), public administration and decentralization (local self-government) and the rule of law (judicial reform, legislative reform and human rights).

Types of activities conducted include trainings (civil society, media, and

academia), fundraising and awareness raising. Monitoring is the core task provided for by the mandate and has evolved from a passive understanding to a pro-active involvement. Overall security and incidents in particular are monitored, as well as inter-ethnic relations, institutions and processes (legislative activity, judiciary, decentralization).

Whereas the electoral process is concerned, following the violence that occurred during the Parliamentary elections in 2008, concrete steps have been taken. The Election Monitoring Report of ODIHR identified systematic problems in the election process. The government asked for an action plan and four working groups were created to address the four recommendations made by ODIHR, namely voters' lists, electoral legislation, electoral administration and preventing cases of alleged intimidation in the forerun of the elections. No cases have been brought before a Court insofar, but there are accounts of personnel that was transferred to other cities or dismissed. The four are also benchmarks for European integration. Important to note is that the reform process started immediately after the elections, the outcome of which is expected at the next elections.

The Mission has been in many aspects successful:

- § Strengthening of the Ombudsman office in Skopje and its regional Offices through campaigns, seminars, trainings and brochures for promotion of its work to the citizens
- § Reforms in the field of judiciary, towards independent and professional judiciary system
- § Strengthening the role of the media in terms of professionalism in reporting and protection of the work of the journalists
- § OSCE/ODIHR project for fair and free elections: cooperation with the State Electoral Commission of the Republic of Macedonia

§ More women in politics: the Electoral Code amended, envisaging 30 % of women to be represented in the political life in Macedonia

§ Higher education in Albanian language for the representatives of the Albanian minority under the auspices and the efforts by the OSCE High Commissioner on National Minorities, Mr. Max van der Stoep (first University in Albanian language).

A number of recommendations were put forward, regarding the future of the Mission. First, to have it renamed to the OSCE Mission to Skopje and close down the Office in Tetovo. The mandate of the Mission should be updated, emphasizing those projects closely related to the EU agenda. It was considered that the 250 staff members do not correspond to the current needs of the FYROM and could be better used in other regions. The FYROM's successful example of developing from a consumer to a contributor to OSCE activities could be a template for other PS.

Eastern Europe

Belarus

A PS since 1992, in 1998 it welcomed the OSCE Advisory and Monitoring Group in Belarus, meant to promote democracy and institutional building, as well as supervise compliance with OSCE commitments. Its mandate includes promoting institution building; consolidating the rule of law; developing relations with civil society, in accordance with OSCE principles and commitments and developing economic and environmental activities.

The Office establishes and maintains contacts with local authorities, political parties, NGOs, mass media, universities and research institutes. Activities and projects undertaken concern the following:

§ rehabilitation of areas affected by Chernobyl

§ anti-trafficking

§ gender equality

§ civil society

§ individual complaints

§ monitoring of the penitentiary system

§ trial monitoring

§ reforming the election legislation

§ border management

§ environmental conventions

§ energy security and energy efficiency.

Mostly German Ambassadors were sent to Minsk. During 1998-2001 the opposition was closely monitored. Stagnation occurred in 2004, after Ambassador Eberhard Heyken (2003-2005) was declared persona non grata. As a consequence the mandate was shrunk. Decision 526/2009 of the PC set the limits of the new mandate:

§ The Office would perform its tasks and carry out its activities, in a transparent way, in close co-operation and consultation with the Government of Belarus.

§ Any changes of this mandate were to be made on an annual basis.

§ Any activity financed through extra-budgetary contributions cannot be carried out without the agreement of the host country.

§ The Office should carry out monitoring on the basis of factual data and using in a balanced way all sources of information.

The coverage of any event or fact without presenting an official position of the government would be unacceptable.

All in all, the Head of Mission holds a very important role, as well as the manner in which he communicates with the government and the opposition. The principle of continuity is also very important, as well as ensuring impartiality in addressing sensitive issues. At present the OSCE is visible in the country only through the work of ODIHR.

Republic of Moldova

Two main objectives are on its foreign policy agenda, namely the re-integration of its territory and EU integration. Identifying a viable and sustainable solution to the Transnistrian conflict based on the principles of sovereignty, territorial integrity and unitary character of the Moldovan State and creating the conditions for the real integration of the Transnistrian region in the economic, political, social and cultural areas of the Republic of Moldova are at the core of the State's efforts. The territorial integrity of the Republic of Moldova is recognized by all PS.

The Mission to Moldova was established on 4 February 1993 and started to work in Chisinau in April of the same year. It opened a branch office in Tiraspol on 13 February 1995. The primary objective of the OSCE Mission to Moldova is to facilitate the achievement of a lasting, comprehensive political settlement of the Transnistrian conflict in all its aspects.

Another Mission task is to support the withdrawal and destruction of Russian arms and ammunition stored in the Transnistrian region. Nearly 21,000 tonnes of ammunition and more than 400 tanks, armoured vehicles and other heavy weapons were destroyed or withdrawn under the Mission's supervision between 2000 and 2004.

In Istanbul (1999) the Russian Federation committed itself to withdrawing its troops from Transnistria. Part of this was done until the 2004 school crisis, when the Transnistrian authorities forcibly closed the Moldovan schools operating in the Transnistrian region. This action not only threatened to leave more than 4,000 students with their studies unfinished, but also provoked the breakdown of the negotiation process at that time. Through its constant presence in the schools, its reporting and its mediation efforts, the Mission helped to defuse the crisis and to reopen the schools. In one month the situation was resolved and at present there are 70,000 Transnistrian

students studying at the University of Chişinău.

The Mission actively promotes human rights, democracy, the rule of law and freedom of the media throughout Moldova. It also serves as a driving and coordinating force in the fight against human trafficking. The Mission handles human rights complaints, monitors court sessions, supports civil society through training and projects and provides advice and expertise to the Moldovan Government and Parliament.

The Mission could bring a more tangible contribution to the development of draft proposals to resolve concrete problems that pertain to free movement, observance of human rights and the removal of tension sources in the Security Zone. OSCE institutions should also pay more attention to the increasing pressure on the civil society, media, as well as to the cases of violation of human rights and fundamental freedoms in the Transnistrian region. Striking examples in this sense are those of arrest of the journalist Ernest Vardanean and Ilie Cazac.

Romania

The work of the OSCE in Romania is mostly related to national minorities, in particular the Hungarian one (6, 6% out of a population of 22.2 million). In the 1990s, key issues that were discussed were language and education rights, as well as participation in national politics. The use of the minority language in public administration and education triggered the crises in 1990, 1995 and 1998.

The HCNM, His Excellency Max van der Stoep⁴⁰ (1993-2002), encouraged the

⁴⁰ The HCNM based his conflict transformation approach on identity. For more information on how he influenced the changing of the political landscape please see Heiko Fürst, Reconstructing Political Order: The High Commissioner on National Minorities in Transylvania in Southeast European

Romanian government to adopt legislation for minority education, expand the duties of the Ombudsman and assisted in preparations for the adoption of the controversial Law on Education (1995) by organizing seminars, roundtables and trainings. Overall, this was a success, leading to the signing of the Hungarian-Romanian Treaty of Friendship and Cooperation (1996). In 1997 the Department for the Protection of Ethnic Minorities was created. The Hungarian Democratic Union in Romania (UDMR) has been represented in the ruling coalitions. At present, the party's president, Marko Bela is the Deputy Prime Minister.

South Caucasus

Armenia

Opened an OSCE Office in 1999, its mandate comprises electoral reforms, good governance, human rights, policing, anti-trafficking, migration, gender, media, youth and environmental activities. The Minsk Group was created in 1992, including Azerbaijan, Armenia, and the U.S., the Russian Federation, France and a number of other countries. Its objectives are the following:

§ Providing an appropriate framework for conflict resolution in the way of assuring the negotiation process supported by the Minsk Group.

§ Obtaining the conclusion of an agreement on the cessation of the armed conflict in order to permit the convening of the Minsk Conference.

§ Promoting the peace process by deploying OSCE multinational peacekeeping forces.

Though it has issued more than 100 statements and reports, no substantive progress has been reached insofar. The

added value of the Minsk Group lies in the fact that parties are brought together and dialogue is encouraged. The context may be very unstable, but at least there is a group to which parties can address. It is not a solution, but a process to prevent the situation from relapsing into violent conflict. Azerbaijan sees the matter as territorial integrity and seeks to rid itself of the Armenian troops occupying 20% of its territory. To this end, it tries to downplay or even eliminate the issue from the agenda of the UN and like-minded international organizations. For Armenia, on the other hand, the matter is one of self-determination.

Georgia

The OSCE Mission to Georgia was established in 1992 as a conflict resolution mission, working in all three dimensions and covering two conflict zones, Abkhazia and South Ossetia. The mandate covered: negotiating between parties, co-operation with the UN, contributing to a joint peace-keeping force and fundraising. In 1994 the mandate was extended. With the War in 2008 the OSCE Mission was tasked with stabilizing the area and addressing the humanitarian crisis, facilitating the destruction of the surplus of stockpiles, police reform and counter-terrorism action, as well as co-operation with international organizations already on the ground. In 2008 the mandate was no longer extended. The Russian Federation did want a mission, but only to Georgia, not to the breakaway republics which it recognizes as such as well. This was unacceptable for the other PS; therefore the mandate of the mission was not prolonged. In the case of Estonia and Latvia, the reverse happened, the Russian Federation wanted the Mission to remain on the ground, but the other PS opposed it. Just before the Mission was closed, a lot of attention was given to the OSCE. A feeling of betrayal on the part of the international community was felt. The 11-round Geneva Discussions between Russia, Georgia, South Ossetia, Abkhazia,

Politics, vol. IV, no. 2-3, November 2003, pp. 122-140, accessed online at <http://www.seep.ceu.hu/archives/issue42/furst.pdf>, on August 1, 2010

the OSCE, the UN and the EU have yielded no results. Georgia would like to have the OSCE Mission reopened, maybe a twofold one, one of which to be located in Vienna.

Central Asia

Kazakhstan

Is the 9th largest country in the world, with a population of around 15,3 million. At the moment of the proclamation of independence, just 47% were Kazakh. Whereas religious denominations are concerned, 47% are Muslim and 44% Russian Orthodox. At the top of its national interests is increasing the country's visibility. Retaining the Presidency of the OSCE is closely related to this. Also to be addressed are threats such as: the situation of the Aral Sea⁴¹, corruption, its human rights record, terrorism, illegal migration, as well as inter-ethnic and inter-confessional conflicts.

In 1999 the OSCE Center in Almaty was founded and is active in all three dimensions:

- § promoting CSBMs, combating terrorism, border security and policing activities
- § money laundering, corruption, good governance , development of regional co-operation on customs procedures and transportation networks
- § recommendations on legal and judicial reforms and organizing roundtables, meetings conferences, seminars and training on best practices in the investigation and prosecution of traffickers and the protection of victims.

⁴¹ The disastrous state of the Aral Sea was caused by a lack of proper water management and is heritage of Khrushchev's era of mono-cultures. The two rivers that used to feed to sea have been diverted to Uzbekistan and its cotton cultures.

The agenda chosen for the OSCE Presidency is extensive and human rights are placed at the bottom. Nevertheless, the Kazakh Chairmanship of the OSCE is considered to be recognition of the political system taking shape in Astana. The push for a Summit should center on finding deliverables to make the endeavour worthwhile.

Turkmenistan

It became a PS in 1992 and in 1999 an OSCE Center was opened. Turkmenistan collaborates with the OSCE on issues such as illicit drug trafficking, border management, media, elections (invited ODIHR to monitor the presidential and parliamentary elections of 2008), providing also military information as part of CSBMs.

With a surface of 488,100 km², out of which 80% is covered by desert, Turkmenistan is the 5th richest country in natural resources, natural gas in particular. It supplies 50 billion m³/year to the Russian Federation. Ukraine and Iran are the next two countries to which it delivers natural gas.

The resolution⁴² adopted by the General Assembly at its session on December 19, 2008 stresses the need for a reliable and stable transit of energy as part of the development of international co-operation. Ensuring the security of supply and demand is important, but so is that of the distribution networks as well. In August 2007 the construction for a new pipeline to China has begun, which will transit Kazakhstan and Uzbekistan. It is expected that by 2013 it will be operational. A diversification of infrastructure is necessary. The connection to Russia is ensured by a single pipeline. There is also talk about a pipeline that will connect Turkmenistan to the EU through the Caspian Sea.

⁴² Please see A/RES/63/216, <http://www.un.org/ga/63/resolutions.shtml>, accessed online on August 1, 2010

Though a neutral State, Turkmenistan will always be a part of the Central Asian region. Its declared neutrality was recognized by 195 Member States of the UN.

Uzbekistan

In 1995 an OSCE Liaison Officer in Central Asia was named, to be followed in 2000 by the opening of the OSCE Center in Tashkent and in 2006 the naming of a Project coordinator in Uzbekistan, following the events in Andijan. The mandate was narrowed down to political reporting. No early warning mechanism was allowed for anymore. The MoU provides for 12 staff members, 2 international and 10 local and a budget of €1, 86 million/2010.

In terms of elections, Uzbekistan falls short of almost all of its OSCE commitments. Only EAMs and LEOMs were allowed and ODIHR's recommendations were largely ignored. For 2008 and 2009 it has not contributed to the Unified Budget. A number of 21 projects were submitted in November 2009, out of which 16 were approved with a delay of 5 months, which delayed the implementation period as well.

Uzbekistan works together with the OSCE in the following areas: counter-terrorism, illicit drug-trafficking, biometric passports and water management. Workshops and trainings are organized to facilitate police reform, as well as good governance and women empowerment. Touchy issues are human rights, strengthening the civil society and the role of the national Ombudsman.

Democracy takes time, as the case of the FYROM shows it. Though officially it is a multi-party democracy, the same President has been in power since 1991. There is a National Association of NGOs, however,

NGOs need to register, which entails a large degree of control over them. Standards and norms may exist, but all is in vain in proper implementation lacks. The projects that are being conducted do not have a long-term impact. Moreover, they often do not address those segments of the society that would need assistance.

Partners for Co-operation

Thailand

It is the only member of the Association of the Southeast Asian Nations (ASEAN) to have been recognized as a Partner of Co-operation to the OSCE. Its objectives are to learn from best practices in the political-military dimension to be further shared with the ASEAN Regional Forum (ARF), to exchange information on security-related issues and to explore areas of mutual interest for developing cooperation.

In the human dimension cooperation could be centred on addressing non-traditional threats (trans-national crime, poverty alleviation, pandemic risks) and sustainable alternative development. A Workshop on Combating Illicit Crop Cultivation and Enhancing Border Security and Management took place in 2010 in cooperation with the OSCE Partnership fund.

The Sustainable Alternative Livelihood Development (SALD Model) run by the Mae Fah Luang Foundation (MFLF) is an example of best practices that Thailand can share with the OSCE. It is a people centric development approach, aiming at transforming poor and vulnerable communities from being socio-economic dependent to full economic sufficiency. This is meant to tackle poverty and the lack of opportunity which are root causes of problems such as illicit narcotic crop cultivation, human trafficking, social structure, environmental degradation, and infectious diseases. Providing health,

livelihood alternatives and education are the three aims of the Model.

The Model was applied not only in Thailand (Doi Tung - Chiang Rai), but also in Myanmar (Doi Tung II), Afghanistan (Doi Tung III) and Indonesia (Doi Tung IV). The Doi Tung II (Myanmar) project followed the findings of a 2002 report, the root causes of national social problems were identified as drug use, illegal migration and poverty in Thailand's bordering country like Myanmar. Drug smuggling to Thailand from Myanmar was also potential source of terrorism financing. The objective was to provide livelihood alternatives to border minority group which was dependent on opium cultivation. The assessment of the project indicated a decrease in malaria infection, economically sustained (more crop yields) and improved study opportunities. The total costs were of \$640,000 or \$106/person and generated revenue of \$704,574 or \$117/person.

Doi Tung III (Balkh Province, Afghanistan) "A4 Sheep Bank" project aimed at restocking the domestic sheep population. The Afghans assisted fellow Afghan through subscription based veterinary services, joint credit liability groups and community policing. The assessment revealed a decreased rate of mortality and a growth of income, to \$351 per household.

As a Partner of Co-operation to the OSCE, Thailand seeks to exchange best practices, personnel and facilitate capacity building, alongside with conducting high level and technical dialogues.

As far as the non-intervention principle is concerned, all kind of co-operation is welcome, as long as it is in the mutual interest of both partners. It is recommendable, therefore, to start discussions on non-sensitive issues, such as the crop substitution program, rather than addressing police reform.

Section VI: The OSCE at a Crossroad. Where to?

Making Better Use of OSCE - Challenges of the Corfu Process⁴³

The HCNM does not have the mandate to deal with minority groups such as the Basque, the Irish or the Kurds, since they are perceived as terrorist groups that destabilize regions. He has no jurisdiction here; however, a discussion partner for them would be needed as well. The HCNM is one of the most *forward-looking instruments* that have been created by the CSCE. The initiative was Turkish, due to the Kurdish problem, concerning an issue that later on became problematic for other PS as well. It is difficult to deal with such groups and each situation retains a certain peculiarity. How could a terrorist be defined? The terrorist of today can be a constitutive element of nation-building tomorrow. The question of interpretation is herein very sensitive, therefore the need for flexibility in approaching such groups. In protracted conflicts, the focus cannot be placed only on minority rights, since the issue at hand is multi-dimensional.

It is important that the HCNM communicates with the Host States and makes his flexible understanding clear. Reforming his mandate is not under scrutiny, since no serious proposal in this sense has been made. His *quiet diplomacy* is also his forte. The terrorist problem cannot

⁴³ Conveyer: Wilhelm Höynck, Former Secretary General of the OSCE (1993-1996)

be changed by modifying the mandate of the HCNM, but through being more flexible and adjusting to the specifics of a situation.

The policy of confidentiality versus the need for openness and transparency creates some tensions; however confidentiality and quiet diplomacy are two distinct things. His work is a multi-phased one and especially in the beginning it is crucial to work in a confidential manner. This enables a high degree of confidence with the government of the Host State and provides the HCNM with freedom of action. There are also areas in which he needs to make his contribution seen, such as education for minorities.

The *highest diplomatic skills* and *proper timing* are two necessary prerequisites of his work. There is a need to properly understand the issue and the interests at stake, both of the majority and the minority, of the government and the minority. The task is to find the middle ground between the government's own interests and the legitimate interests of the minority. At the beginning of the 1990s, a proposal was made by the Russian delegation to give the HCNM the power to issue legally-binding decisions. This was rejected by the HCNM to begin with, since it would have largely limited its room for co-operation with the PS.

In the case of Kyrgyzstan, the HCNM was accused of indecisiveness, by comparison to Former Yugoslavia. The two options would have been to issue an early and timely warning/intervention or to defer the issue to the UN Security Council. The *early warning capacity* is a key element of conflict management. A conflict runs through several phases and at a certain point there is a minimum level of co-operation that is needed. If there is no readiness for co-operation, lose-win situations will result. If one or both parties are not ready to co-operate, the task of the HCNM is to defer the issue to other bodies. In the Kyrgyz case much attention had to be paid to the consequences of issuing an early warning. Discussions had been held with the

concerned PS and it was considered that the time is not yet ripe for that. The HCNM's appeal was considered as being alarmist.

Even if the early warning had been issued a fortnight before, this would not have been a guarantee for an early action. In the end, there is little difference between an ignored early warning and no early warning at all. Key elements in this equation are capability and political will. The United Nations High Commissioner for Refugees (UNHCR) was not able to act, since there are no facilities in the region. *The responsibility lies primarily with the State concerned.* This comes to counter the 1990s syndrome, believing that the international community will in any case intervene. Overgrown expectations for the later can only lead to international frustration whereas conflict prevention and conflict management are concerned. This is a more realistic and simplistic approach, but essential to stimulating conflict prevention initiatives.

In his address to the PC on June 14, the HCNM drew the attention to the following fact: "Groups of ethnic Kyrgyz attack ethnic Uzbeks in a *systematic* manner, killing, looting and burning, sometimes provoking counter-attacks." Despite this statement, the PS were reluctant to get alarmed. They wanted to explore the full spectrum of possibilities before taking action. The impact of a speech of the HCNM on the media is minimal and on the concerned States just indirect, since it takes time till the delegations report. Governments usually react only when the media is full of reports.

Changing the mandate of the HCNM will not solve the problem. This is not a question of reforming the existing instruments, but of generating *political will* and stimulating the *readiness* of the PS, the big countries in particular, to take action. In democratic countries this is a major challenge, since the public's readiness to get involved militarily in other States is very low.

Whereas following-up on ODIHR's recommendations is concerned, the legal pursuit for the infringement of legal and administrative schemes would make things easier, but it is inconceivable in practice. No PS would accept this, since they would give too much of their sovereignty as such. ODIHR is having difficulties even now with sending observation missions, though its recommendations have just a politically-binding force. The political value of electoral monitoring consists in strengthening the legitimacy of those in power and providing for a better international profile.

At the beginning of the 1990s, when many believed in the prophesied end of history, a great deal of interest was vested in conflict prevention and conflict management. It was thought that there is a possibility to avoid conflicts degenerate into military confrontations, if the right means are at hand. Throughout the following years it became evident that it is very difficult to solve conflicts, even with international intervention. To get involved is not difficult at all. *Devising an exit strategy is the challenge.* The Kyrgyz case perfectly illustrates this point. It did ask the PS for assistance. However, given the Russian experience in Afghanistan, many were reluctant to get involved at this early stage. States that could have or would have intervened refrained from doing so. The experience of the OSCE working on protracted conflicts in its area over the past 20 years with little result, points to the fact that States and international organizations are *less ready to intervene* in such conflicts.

The UN itself is not very eager to get involved. Given the experience in Former Yugoslavia, it has decided to leave European issues to the Europeans, which is just fair. The UN has a very broad global agenda and should not be burdened with problems that can be solved regionally. Nagorno-Karabakh and Kyrgyzstan will be discussed in the Security Council, but to no result.

On the question of legality, enormous political will on the part of the PS will be required. The Russian Federation proposed a new security architecture in Europe, but it does not comply with CFE standards. Some discussions have been taking place in the OSCE on the subject, but, in the words of Henry Kissinger, "*Maybe the best reaction is not to react at all. Let's see how this will develop.*" The context at the moment is rather proper for negotiations. U.S. – Russian relations have been reset and the EU is still struggling with the Lisbon Treaty. The main issue at stake is the fact that the Russian Federation does not feel secure in Europe and this issue is not really discussed on a political level. At this point, there is no real security community in the OSCE. The important thing is that the issue has been acknowledged and it remains to be discussed. The OSCE should be used as a forum for discussions for key political issues, such as this one. Interesting to observe is that, from the Russian perspective, as expressed by Foreign Minister Lavrov, there is no link between the Corfu Process and the Treaty on European Security. Having a legally-binding agreement would make a difference, mostly formally and it would have substance as well, but will concern military security exclusively. This will not be easy to accept by the PS. One need bear in mind that the OSCE's understanding of security is comprehensive, stressing the co-operation between the PS.

A closer look at the Pan-European Security Pact⁴⁴ proposed by the Russian Federation reveals a number of issues. First,

⁴⁴ Please see the draft of the European Security Treaty, <http://eng.kremlin.ru/news/275>, accessed on August 1, 2010. For an analysis of the draft treaty, please see Marcel H. van Herpen, *Medvedev's Proposal for a Pan-European Security Pact. Its Six Hidden Objectives and how the West Should Respond*, http://www.cicerofoundation.org/lectures/Marcel_H_Van_Herpen_Medvedevs_Proposal_for_a_Pan-European_Security_Pact.pdf, accessed online at August 1, 2010

the treaty is rather sloppily drafted. Second, it proposes a decision-making process whereby the absence of 1/3 would not hinder taking a decision. Third, it is clear that it will not be adopted in this form. The Russian Federation thus expressed its dissatisfaction with the current security architecture and the OSCE, as well as its concerns over the extension of NATO. This opened negotiations with the U.S. Moreover and it seems the Russian Federation might even acquire French and German support. Amendments can be made, yet a question arises: is a new treaty a necessity? Existing OSCE commitments should be taken more seriously. A U.S. proposal was to add a human dimension to the potential new treaty.

The Russian proposal should be considered from a diplomatic perspective. The problem lies with the security situation in Europe and the fact that it has not been discussed over the past decade. For a lasting and peaceful Europe, the Russian security concerns must be taken into account. The challenge is to use this proposal to address divisions on security in Europe. The role of the OSCE is herein relevant. Is a parallel structure to the OSCE really necessary? Within the EU there is no common position on the matter. The discussion will come down to the understanding of the concept of security. There is a different manner of engagement in military and non-military frameworks. Does cutting a country's gas supply count as an infringement of its security? Bottom line, proposals should be taken into account and used to get closer to existing targets.

A lot of discussion is centred on the need to reform the OSCE. The prospect of a legal personality is much disputed. In the end, the difference is made by enforcement, by the sanctions for non-compliance. Without proper implementation, it makes little difference to have legally-binding decisions or politically-binding commitments. For its part, the Russian Federation is highly

formalistic and a legally-binding document would be very powerful in itself. This can be understood on the background of the socialist legalistic tradition. Nevertheless, the USSR infringed legally-binding documents as well.

Some argue that the OSCE is in crisis and much of its agenda is taken over by international organizations, with a higher profile. In order to increase its international profile, the OSCE should stick to what it does best such as election monitoring, national minorities, community policing and the like. The concept of the field missions should be reformed and information offices should be opened, such as the one in Brussels, participating at EU and NATO meetings. On a competitive international diplomacy market, the OSCE has to mind its public diplomacy profile. Market orientation for a cross-dimensional institution is rather difficult, since the public relations work done by the Secretary General is not coordinated with that of the delegations of PS.

*The Future Role of the OSCE*⁴⁵

In an article at the beginning of May, Russian Foreign Minister Lavrov, underlined the fact that the OSCE has to look for areas where it could bring an added value. However, the OSCE cannot afford to finance big projects. It may contribute to structural projects, but it cannot sustain them alone. What could be done better is the

⁴⁵ Conveyer: Wilhelm Höynck, Former Secretary General of the OSCE (1993-1996). Please see *Common Purpose: towards a More Effective OSCE*. Final Report and Recommendations of the Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE, June 27, 2005 and Zellner, W. (2007), *Identifying the Cutting Edge: Future Impact of the OSCE*, Center for OSCE Research, Hamburg, http://www.core-hamburg.de/documents/CORE_Working_Paper_17.pdf, accessed online on August 1, 2010

selection of the area to issues to get engaged in.

In 2010 the OSCE celebrates its 35th anniversary. The OSCE is an established organization by now, but the current state of affairs is not really satisfactory. One thing is for certain: a comprehensive understanding of security is manifest in Europe and here the OSCE had a large influence. The organization has a *proven capacity for innovation and adjustment*, as proved by the Copenhagen Document (the basis of the human dimension which took less than four weeks to draft) and the HCNM.

At present two contradictory trends are manifest. On one hand, there is a series of *unresolved problems in the east-west relation*. NATO's enlargement, Russia's concept of the *near abroad* and its use of military force in the case of Georgia, as well as the erosion of consensus on the human dimension are a couple of issues. A lack of interest and will to start a constructive dialogue on these points has been noted. On the other hand, the Corfu Process was initiated, triggered by the new American Presidency and the Medvedev proposal for a new security treaty. A wide-ranging Vienna dialogue on European security issues has been initiated, with a focus on Euro-Asian and Euro-Atlantic security.

As for the future of the organization, three considerations arise. First, in a reforming global governance architecture, regions are becoming increasingly important. Soon enough they will become global players. One of the OSCE's *historical achievements* is creating a *geo-political region from Vancouver to Vladivostok*, a region where the PS share threats and interest, the main interest of them all being increasing the region's political potential. This is the *life insurance* of the OSCE. Second, the OSCE will be a subject, but an *object* of a changing and wider European security as well. Acting as a platform for discussion and intense cooperation between the U.S. and the

Russian Federation, the OSCE has an added value. Third, in relation with the other regional organizations, there is a certain degree of overlapping activities. There is a *mutual potential for reinforcement* that needs be considered in the competition of alliances and here the OSCE will play an important role as well.

The impact of the Corfu Process on the future of the organization is still discussed. At the Ministerial Meeting in Athens, the permanent representatives were asked to hold just informal discussions, not result-orientated negotiations. There are different positions and proposals coming from the western and eastern members. In the Western countries, it is considered that the OSCE should be offered more possibilities to take initiatives and action. Its institutions should be strengthened and more support should be granted for the implementation of decisions. In the Eastern members, the OSCE is desired as a full-fledged international organization, based on a charter under international law, for whose operations' the explicit consent of the PS, at all stages of the process will be required. There would be a cut on the OSCE commitments and actions. For example, instead of election observation, only monitoring and support teams would be deployed.

There are some considerable gaps to be dealt with, but the negotiations have not even started yet. The chances for substantial compromises are under scrutiny. The important thing here is the focus, namely the *common interest for a lasting and peaceful order in Europe*. The Russian proposal has little chance of gaining the broad support that it needs in the current form. From the Russian perspective, the Corfu Process and the Medvedev proposal are not interlinked. However, potential for a compromise does exist. The essence of the proposal is to make the principle of *indivisible security legally-binding*. A *short and substantive OSCE Charter* would be an avenue for a compromise. It can be

expected that a carefully negotiated package of agreements will make reference to all three dimensions, in an effort to balance soft and hard security. Also, protracted conflicts need to be solved. This would be a very demanding agenda indeed, but not an impossible one. A double positive effect will be induced, both on the European security strategy and on the future of the OSCE.

All in all, the overall political development in Eurasia is a decisive factor in the future of the OSCE. A comprehensive mandate as a regional player and readily available operator is necessary. The Corfu Process is an extraordinary opportunity to offer the OSCE a concrete role, while enhancing its political potential and operational opportunities.

Closing Ceremony

Mr. Akan Rakhmetullin, Deputy to the Head of the Permanent Mission of Kazakhstan to the OSCE, represented the CiO at the closing session of the OSCE Summer Academy. In his speech he made reference to the OSCE as an important security provider in Central Asia and Southern Caucasus. He highlighted some of the activities undertaken by the Kazakh Chairmanship and emphasized the importance of a Summit planned to take place in Astana.

ANNEXES

Programme of the 14th Summer Academy on the OSCE

FIRST WEEK: 20 June – 27 June

Sunday, 20 June

15.00-16.30	Arrival of participants
17.00-18.30	Introductions of Participants and Team ARNO TRUGER Director, ASPR Introduction to the Programme ARIE BLOED Director of the Summer Academy on OSCE
18.40	Group photo in the courtyard of the castle
19.00	Official Opening Ceremony (Knights' Hall) SALTANAT SAKEMBAEVA Senior Political/Administrative Assistant Office of the Secretary General ARIE BLOED Director, Summer Academy on OSCE ARNO TRUGER Director, ASPR
20.00	Welcome Dinner (Hotel Burg Schlaining)

Monday, 21 June

09:00-10:30	Security and Cooperation in the OSCE Area: Conflicts and New Dividing-Lines ZARKO PUHOVSKI Professor at the University of Zagreb
11:00-12:30	Basic Principles of Security and Cooperation: 1975-2010 ARIE BLOED
13.45	Visit to the Institute's Library
15:00-16:30	Workshop 1: Communication and Interaction in Multinational Teams GALYA DIMITROVA Training Officer, Department of Human Resources (DHR), OSCE Secretariat
17.00-18.30	Continued

Tuesday, 22 June

09.00-10.30	The OSCE's organisation: Basic Features ARIE BLOED
11:00-12:30	The OSCE's Organisation: Institutional Structures and Budget ARIE BLOED

13.30-14.30	Self-study time
15.00-16.30	Participants Workshop 2: Various OSCE Issues ARIE BLOED
17.00-18.30	Continued
19.00	Social Event

Wednesday, 23 June

09.00-10.30	The Security Dimension of the OSCE: Political-Military Issues (incl. Relations with Other Security Organizations) ULRICH KÜHN Institute for Peace Research and Security Policy at the University of Hamburg (IFSH)
11.00-12.30	Continued
13.30-14.30	Self-study time
15.00-16.30	The Security Dimensions: Policing Issues THORSTEN STODIEK Police Affairs Officer/Adviser on Research and Analysis at the Strategic Police Matters Unit (SPMU)
17.00-18.30	Economic and Environmental Dimension of the OSCE GORAN SVILANOVIC Co-ordinator of OSCE Economic and Environmental Activities (OCEEA)

Thursday, 24 June

07.00	Departure to Vienna
09.30-10.30	Welcome and Introduction to the Permanent Council HANS PLUT Conference Officer, OSCE / Hofburg
10.30 -13.00	Visit of the PC (Neuer Saal)
13.45-16.30	Free time in Vienna
17.00	Departure from Vienna / Hofburg
18.00	Dinner outside Vienna

Friday, 25 June

09.00-10.30	Introduction, Concept and General Issues of Long-Term Missions SEAN MCGREEVY Associate Project Co-ordination Officer, OSCE Secretariat Conflict Prevention Centre (CPC)
11.00-12.30	Long-Term Missions: Lessons Learned DOUGLAS DAVIDSON Former Head of OSCE Mission to Bosnia and Herzegovina
13.30-14.30	Self-study time
15.00-16.30	Combating Terrorism LASZLO SZUCS Programme Officer, Anti Terrorism Unit (ATU), OSCE Secretariat
17.00-18.30	Freedom of the Media

ANA KARLSREITER

Senior Adviser to the Office of the Representative on Freedom of the Media

Saturday, 26 June

- 09.00 -10.30 **Workshop 3: Negotiation and Diplomacy**
 WILBUR PERLOT
 Training and Research Fellow, Netherlands Institute of International Relations Clingendael
- 11.00-12.30 Continued
- 15.00-16.30 Continued

Sunday, 27 June Day Off

SECOND WEEK: 28 June – 2 July

Monday, 28 June

- 09.00-10.30 **The Human Dimension of the OSCE:
 Standard Setting & Monitoring**
 ARIE BLOED
- 11.00-12.30 **Election Observation**
 LUSINE BADALYAN
 Election Adviser / Election Department of OSCE Office for Democratic Institutions and Human Rights (ODIHR)
- 14.30-16.30 **Guided Tour through the European Peace Museum, Schlaining Castle**
 LACI FARKAS
 Professor at Szombathely University
- 17.00-19.00 **Panel Discussions “Assessment of OSCE from an EU and National
 Point of View” (in the conference hall)**
 FOREST ATKINSON
 Political Officer
 United States Mission to the OSCE
 AUGUSTIN NUNEZ-MARTINEZ
 Deputy Permanent Representative
 Permanent Mission of Spain to the OSCE
 VALERY MASLIN
 Senior Counsellor
 Permanent Mission of the Russian Federation to the OSCE
 Moderator: ARIE BLOED
- 19.00 **Social Event**

Tuesday, 29 June

- 09.00-10.30 **Minority Rights and Minority Issues within the OSCE**
ARIE BLOED
- 11.00-12.30 **The Work of the High Commissioner on National Minorities**
BRENDAN MORAN
Ambassador, Director of the Office of the OSCE High Commissioner on National Minorities (HCNM)
- 13.30-14.30 Self-study time
- 15.00-16.30 **Workshop 4: Regional Aspects of the OSCE Work: Participants Contributions**
ARIE BLOED
- 17.00-18.30 Continued

Wednesday, 30 June

- 09.00-10.30 Continued
ARIE BLOED
- 11.00-12.30 **Simulation of an OSCE Event**
ARIE BLOED
- 15.00-16.30 Continued
- 17.00-18.30 Continued

Thursday, 1 July

- 09.00-10.30 **Making (Better) Use of OSCE – Challenges of the Corfu Process**
(interactive Q&A session)
WILHELM HÖYNCK
Former Secretary General of the OSCE (1993-1996)
- 11.00-12.00 Continued
- 12.05-12.30 **The Future Role of the OSCE** (Wrap up speech)
WILHELM HÖYNCK
- 13:30-14:30 **Oral Evaluation**
ARNO TRUGER
- 19.00 **Closing Ceremony** (Knights Hall)
AKAN RAKHMETULLIN
Deputy Head, Permanent Mission of Kazakhstan to the OSCE, on behalf of the OSCE Chairmanship 2010
- 20.00 **Farewell dinner** (Hotel Burg Schlaining)

Friday, 2 July

- 09.00 Departure to Vienna

List of Participants

	Name	Nationality	Present Position
Mr.	ATDAYEV Charymuhammet	Turkmen	MFA of Turkmenistan - Teacher of the Department of International Relations of the Institute of International Relations
Ms.	BALAVADZE Tamar	Georgian	MFA of Georgia, Department of Relations with CIS Countries Division of Russia and Belarus – Second Secretary
Mr.	BEKMUKHAMED OV Ulugbek	Uzbek	Ministry of Health, Tashkent - Research/Project Assistant, World Bank Health II Project and ADB Woman and Child Health Development Project
Mr.	BOGDANI Albjon	Albanian	MFA of the Republic of Albania, OSCE Specialist/General Directorate of Security Issues and International Organizations
Mr.	BOLBOCEAN Ruslan	Moldovan	MFAEI of Republic of Moldova Head of Eastern Europe and Asia Directorate
Mr.	DRABIANKOU Ihar	Belarusian	Braginiec and Partner LLC - Lawyer
Ms.	GOLIKOVA Diana	Kazakh	Eurasia Foundation of Central Asia Academic Program Assistant
Ms.	IDOMIR Maria Loredana	Romanian	Diplomatic Academy Vienna, Graduate Rapporteur of the Summer Academy
Mr.	KULOV Ahmetyar	Turkmen	MFA of Turkmenistan, International Organizations Department Attaché
Mr.	MELKUMYAN Narek	Armenian	Municipality of Yerevan, Assistant of the major of Malatia-Sebastia district municipality
Ms.	OPASINOVA Marijana	Macedonian	Parliament of the Republic of Macedonia - Multilateral Cooperation Advisor in Department for International Cooperation
Mr.	PAVLOVSKI Darko	Macedonian	OSCE Mission to Skopje, Rule of Law Department Senior Legal Assistant
Ms.	SIRIWATANA Patcharamon	Thai	MFA International Economic Policy Division, Department of International Economic Affairs, Vienna - Second Secretary

List of Lecturers

	Name	Institution	Function
Mr.	ATKINSON Forest	U.S. Mission to the OSCE	Political Officer
Ms.	BADALYAN Lusine	Election Department of OSCE Office for Democratic Institutions and Human Rights (ODIHR)	Election Adviser
Mr.	BLOED Arie	Senior consultant for international organizations such as the OSCE, UN and EU	Director of the OSCE Summer Academy
Mr.	DAVIDSON Douglas	U.S. Department of State	Special Envoy for Holocaust Issues
Ms.	DIMITROVA Galya	OSCE Secretariat Department of Human Resources (DHR)	Training Officer
Mr.	FARKAS Laszlo	Szombathely University	Professor
Mr.	HÖYNCK Wilhelm	Panel of Eminent Persons on Strengthening the Effectiveness of the OSCE	Former Secretary General of the OSCE (1993 - 1996)
Ms.	KARLSREITER Ana	OSCE Office of the Representative on Freedom of the Media	Senior Adviser
Mr.	KÜHN Ulrich	Institute for Peace Research and Security Policy at the University of Hamburg (IFSH/CORE)	Researcher
Mr.	MASLIN Valery	Permanent Mission of the Russian Federation to the OSCE	Senior Counsellor
Mr.	MCGREEVY Sean	OSCE Secretariat Conflict Prevention Centre (CPC)	Associate Project Co-ordination Officer
Mr.	MORAN Brendan	Office of the OSCE High Commissioner on National Minorities (HCNM)	Director of the Office of the OSCE HCNM
Mr.	PERLOT	Netherlands Institute of International Relations Clingendael	Training and Research Fellow

	Wilbur		
Mr.	PUHOVSKI Zarko	University of Zagreb	Professor
Mr.	RAKHMETULLIN Akan	Permanent Mission of Kazakhstan to the OSCE	Deputy Head to the Kazakh Chairmanship of the OSCE
Ms.	SAKEMBAEVA Saltanat	OSCE Secretariat	Senior Political/Administrative Assistant
Mr.	STODIEK Thorsten	Strategic Police Matters Unit (SPMU)	Police Affairs Officer/Adviser on Research and Analysis
Mr.	SVILANOVIC Goran	OSCE Economic and Environmental Activities (OCEEA)	Co-ordinator
Mr.	SZÜCS Laszlo	OSCE Action against Terrorism Unit (ATU)	Programme Officer