

OSCE

Office for Democratic Institutions and Human Rights

BULLETIN

CONTENTS

A Note from the Director

ARTICLES

- | | |
|--|--|
| Opening Statement at the OSCE Ministerial Council Meeting | H.E. Laszlo Kovacs |
| The Contribution of "Transfrontier Co-operation and Institutions" to the Reduction of Ethnic Tension in Border Areas | Dr. Yvo J.D. Peeters |
| The Multi-Faceted Role of the ODIHR | Stefano Guerra |
| The Prince, the Merchant, the Citizen.. and the Romany | Andras Biro |
| La Paix et la Tolerance | Agnieszka N. Szlendak
Joanna M. Lojek |

ODIHR REPORTS

- | | |
|--|--|
| ODIHR Mandate: | Information |
| Report on the Republic of Bosnia-Herzegovina | |
| Elections: | Kazakhstan, Russian Federation, Kyrgyzstan |
| News from the ODIHR: | Review of Activities for the Past Three Months |
| High Commissioner on National Minorities | |
| NGO Pages | |
| ODIHR's Personnel | |

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WARSAW

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A Note from the Director

Dear Readers,

To mark the end of the Hungarian Chairmanship, we have reproduced the opening statement made by the Foreign Minister of Hungary, Laslo Kovacs, at the Ministerial Council last year. Dr. Yvo Peeters has produced an interesting article about the contribution of trans-frontier co-operation in the reduction of tension in border areas. There is also an informative, unsolicited article about the ODIHR which emphasises the contribution of the office to peace and security. Finally we have a thought provoking article which Andraso Biro has given us about Roma.

Last year we ran an essay writing competition in High Schools in Warsaw to commemorate the 20th Anniversary of the OSCE. The essay's topic was "Tolerance." We have the pleasure to publish the two winning articles in this issue.

This edition also outlines the contribution of the ODIHR to the reconstruction in Bosnia-Herzegovina. The other recent activities of the office are also recorded.

Since we have had additions and changes in staff recently, we thought that it would be interesting for you if we explained the structure of the office. We very much hope that during the course of this year you will have the opportunity to meet as many of us as possible. One of the first occasions might be the Seminar on Constitutional, legal and administrative aspects of the freedom of religion which will be held in Warsaw from 16 to 19 April, 1996.

In response to your suggestions we have started publishing our Bulletin in two languages - English and Russian. We are always pleased to receive any ideas that you might have, not only relating to the Bulletin and our other publications, but also about our work in general and what we are trying to achieve.

Opening Statement at the OSCE Ministerial Council Meeting

Budapest, 7 December 1995

LASZLO KOVACS

**H.E. Hungarian Foreign Minister
OSCE Chairman in Office**

It is my great pleasure to welcome you to Budapest for this Meeting of the Ministerial Council. 1995 has been a historic year for OSCE: in its first year as an organisation, the OSCE built upon its impressive record, broke new ground in many areas, increased its quick reaction capabilities and consolidated its organisational structures. While extending its activities in the field and keeping a close eye on current issues in its area OSCE has begun to look to the future with its efforts to design a security model for the next century. Reviewing the implementation of the OSCE commitments has become a regular feature of OSCE activities. Steps have been taken to give practical meaning to openness and co-operation and in that context OSCE's dialogue and co-operation with international organisations and NGOs has improved. Just a few months ago we celebrated the twentieth anniversary of signing of the Helsinki Final Act which has become a standard in our community. The OSCE since the time of its inception has changed tremendously and has become a unique all-European security organisation. The OSCE's importance as an international body was most recently confirmed by the invitation in the Dayton agreements for the OSCE to play a key role in building democracy, respect for human rights and regional stability in former Yugoslavia. This stands before us as the greatest challenge in the history of the Helsinki process. In meeting that challenge we will each need to draw on all the political will our individual States can muster to ensure that this operation is provided with the substantial resources that it requires. I will return to this matter in a few moments.

Over the past year the OSCE has continued to be active in many areas through its field missions and has established some new operations. New developments of particular importance in 1995 included the establishment of a long-term OSCE presence in Chechnya and, as part of the OSCE activities in Bosnia and Herzegovina, the appointment of the Ombudsmen of the Federation. The successful functioning of the Ombudsmen was made possible, in part, by useful and much needed support of the OSCE Mission in Sarajevo. The Ombudsmen and the Chechnya Assistance Group both broke new ground for the OSCE. In Chechnya the Assistance Group took a role in mediating between the warring parties. Despite having its work subject to the fluctuations of an ongoing conflict the Assistance Group achieved considerable success through the development of a framework for negotiations between the parties and through playing the role of facilitator in the subsequent military agreements. Its continued involvement in human rights monitoring will be critical in the coming period. Support for Ombudsmen, whose work has been highly praised, represents a new kind of OSCE involvement in the promotion of human rights. It will be important to build upon the experience gained by the Ombudsmen in the OSCE's future operations in Bosnia.

OSCE Missions continue to provide important expert advice on the drafting and implementation of new constitutions, as in Georgia and Tajikistan. In some cases this work has provided helpful input on questions of regional status, ensuring autonomy or other forms of local self-government in nation legislation. The Missions in Ukraine and Moldova have been particularly active on such matters in the past year. The Missions in Latvia and Estonia are providing assistance with issues of implementing legislation. Missions are also involved in assisting with the implementation of bilateral agreements. One case in which such assistance has been welcomed by all parties concerned is the Scrunda Radar agreement between Latvia and the Russian troops from the eastern part of Moldova, which we hope will soon enter into force. A decision was reached this morning by the Permanent Council that should provide, with the assistance of the Mission, for increased transparency regarding all aspects of the withdrawal process. The Chairmanship views this as important progress towards creating an environment conducive to a long-awaited political settlement. The Mission in Skopje helps to serve as a confidence building instrument and is at the host government's disposal in coping with issues ranging from education to minorities and economic development. All field operations are active in

promoting inter-ethnic harmony, some through round -tables and other mechanisms. All Missions are also committed to monitoring human rights and fostering democratic development, with input from the ODIHR and drawing on the expertise of the High Commissioner on National Minorities.

We hope to be able to establish a long-term presence in Croatia in the near future, as foreseen in Foreign Minister Granic's invitation to do so which participating States continue to support. Two OSCE missions have visited Croatia and based on their recommendations discussions are underway in Vienna. The Objective of OSCE involvement in Croatia would be to assist central and local authorities in democracy building, protection of human and minority rights and promoting the safe return of refugees. Through these efforts the OSCE can help promote the peaceful reintegration of formerly occupied territories .

The OSCE continued to focus its attention on Kosovo, Sandjak and Vojvodina on a regular basis, and received a steady stream of alarming reports concerning the general situation and in particular the human rights abuses in those areas. These reports indicate that the situation in Kosovo is particularly grave and should therefore, be addressed as a priority. Developments in the region underline the urgent need for the return of the OSCE missions of long- duration.

One area in which the OSCE has long taken an interest is Nagorno-Karabakh. Let me share with you briefly the Chairman's perception of where we now stand. Agreement on basic principles for the resolution of the conflict continues to prove elusive. The Minsk Group, which continues to be the sole forum for resolving this conflict, encouraged the parties to make progress on substantive issues, including, recently, commitments to release POWs and other detainees. Despite the considerable efforts of the Minsk Group and the work of the recently dispatched Personal Representative of the Chairman-in-Office and his field assistants the deployment of an OSCE peacekeeping operation to the area does not yet appear to be sight .

The High -Level Planning Group Completed some outstanding work on the planning for an operation which would enable an OSCE deployment shortly after the necessary conditions are created. The Co-Chairman of the Minsk Conference will present their assessment shortly. OSCE 's field activities remain an important innovation in providing flexible and creative approaches to complex problems via contacts from the grass roots level up to the heads of state.

Last Year's Budapest Summit Completed the process of institutional change that began in Paris five years ago, and transformed the Helsinki process into an organisation with strengthened institutions. Since then the Senior Council has met three times, including once as the Economic Forum, holding important, high-level discussions focusing on major policy issues, such as on a common and comprehensive security model for Europe, and on the OSCE's future role in Bosnia. The Permanent Council has fulfilled with distinction its role as the regular decision making body of the OSCE, and has efficiently conducted much of the organisation's work . The informal ad hoc group meetings in Vienna have provided a forum for ongoing, in-depth discussion on the activities of our resident missions, enabling participating States to have face-to-face dialogue with each of the Heads of Mission and to provide them with political guidance and support .As Chairman-in-Office, my staff and I have made extensive use of the executive action granted to the Chairman by the Budapest Summit Decision. This authority enabled us to take rapid action in response to a number of developments and is, in my opinion, one of the most important innovations resulting from OSCE structural changes.

The High Commissioner on National Minorities has continued to fill his busy schedule with important activity throughout 1995. His quiet diplomacy has won wide praise from participating States, and he continues to be viewed as among the most important parts of the OSCE's preventive diplomacy network. His involvement in round tables and the work of his experts groups have helped to building confidence and understanding in several participating States and could make important contributions in a number of others.

The Office for Democratic Institution and Human Rights has been strengthened in the past year with the addition of staff and has received increasing numbers of requests for its expertise by missions and participating States. Its work load continues to grow faster than the rate at which new resources are added, putting the ODIHR under considerable strain. To keep pace with these increasing demands, we will soon have to decide to give it substantially more resources or to lower our expectations about what it can provide. A piecemeal approach will not suffice, as ODIHR will be put in the position of perpetually trying to catch up with the requirements we set out for it. The ODIHR observed a record number of elections this year, and is preparing to play, together with the High Commissioner on National Minorities, an important and most challenging role in the OSCE's involvement in Bosnia. I believe it deserves our full support.

The OSCE Parliamentary Assembly at its Annual Meeting in Ottawa discussed many issues that are in the forefront of our attention. Their work has contributed to our debate in the Permanent Council.

The past year has also seen the development and strengthening of important inter-institutional links between the OSCE and other international organisations. We have had dialogue with key organisations on many occasions in various OSCE fora. We have improved our field co-operation with the UN, and look forward to developing strong co-operation with IFOR, EMM, the UNHCR, the ICRC and the other numerous organisations involved in Bosnia as we undertake our extensive operation there. In its often declared spirit of openness, in 1995 the OSCE initiated dialogue with NGOs in Vienna, including international groups like Human Rights Watch and the International Helsinki Federation, and national groups such as the Sandjak Democratic Action Party, the Bosnian Serb Civic Forum, and others. Work has also begun on study on enhanced co-operation with NGOs.

As with the Human Dimension, in 1995 steps were taken to integrate Economic Dimension issues into the daily work of the OSCE. In addition to a successful Economic Forum meeting a special Permanent Council meeting on the Economic Dimension, with the participation of the UN ECE, World Bank, the IMF, the EBRD, OECD, the REC, and the International Commission was held. Next month Switzerland will host an implementation review of the Bonn Conference Document, the first of its kind.

This year the European Stability Pact, with its Baltic and Central European Tables, was passed to OSCE. The OSCE will serve as the Pact's repository and will oversee the implementation of agreements reached under its auspices. Discussions continue in the OSCE on sustaining and, when possible, expanding the efforts initiated by the Pact. In the course of 1995, increased and regular dialogue and an OSCE seminar in Cairo contributed to the development of OSCE's relationship with our Mediterranean Partner for Co-operation.

One of the most intensive efforts of the year has been the work on a common and comprehensive security model for Europe for the 21st century, which will be a subject of discussion later today. Two sessions of the Senior Council devoted extensive attention to it, a Security Model ad hoc group has been meeting in Vienna since March, and the Chairmanship drafted a paper on risk and challenges to security based on input from participating States that has been widely discussed and recently updated. One OSCE seminar was held on the subject which drew representatives from key international organisations, academics and high-level representatives from many foreign ministries for very informative presentations. The Russian Federation also hosted a successful seminar on a Security Model.

Presentations by representatives of regional and transatlantic organisations contributed to the Security Model discussions. Experts meetings were held on a Security Model on the margins of the Warsaw Human Dimension Implementation Review Meeting. The Chairmanship has prepared a progress report on the work done on a Security Model in 1995 for presentation to this Council in accordance with the Budapest Summit Decisions. I look forward to discussing this Project with you over lunch and in this afternoon's session.

Our work on a security model is not merely a theoretic exercise. Basic guidelines of this work are already being applied as we and other organisations implement the Dayton agreement to bring peace to Bosnia. For

Example, the UN, the OSCE, NATO, the EU, the Council of Europe and others are working together to restore stability and democracy there after four years of bloody conflict .In addition to these organisations this effort involves all OSCE participating States. It is a concrete example of how organisations and states can act together in a complementary and mutually reinforcing way.

1995 can rightfully be regarded as a crucial year in arms control. Let me refer to the CFE Treaty which remains a cornerstone of European Security. With its detailed information exchanges, intrusive verification and specific limitations it repeatedly proves its worth in promoting transparency and predictability, thereby increasing confidence and security. We are now at a critical point in the Treaty 's implementation .Parties to the Treaty completed the destruction of over 50,000 tanks and other heavy weapons. However, problems of implementation persist. I welcome the agreement recently reached by the parties to the Treaty on elements of a solution to the flanks issues which preserves the integrity of the Treaty .

Throughout the year the OSCE Forum for Security Co-operation worked on an Arms Control Framework, outlining future arms control priorities. In spite of expectations that the framework would be concluded by this meeting further negotiations are required.

As the OSCE looks to the future, arms control stands out as an important way to build or improve stability and security at regional and sub-regional levels. The OSCE will have a special role to play in arms control in Bosnia and south-eastern Europe .

I will not speak at length on Bosnia, as we have ample opportunity to discuss it tomorrow, but let me say this. Never has the CSCE or OSCE been faced with so daunting a challenge. The Dayton agreements call on us to help put back together one of the most badly frayed societies in modern history. Our contributions to elections, and thereby to the future of democracy, to human rights, and thereby to the ability of all residents to live without the fear that has plagued them for years, and to arms control and confidence and security building measures can make an enormous difference to the people of Bosnia, to European security, and to this chapter in the history of Europe.

Much of the work will fall to the next Chairman-in-Office, Switzerland. We are pleased to pass the torch of OSCE leadership into such able hands, and wish Minister Cotti and his staff all success in the year to come. We will remain at his disposal as part of the Troika. I would also like to welcome the interest in the 1997 Chairmanship of Denmark.

At the September 1994 meeting of the CSCE Committee of Senior Officials I described the Chairmanship as an important maturity test for Hungary. It is my hope that our work as Chairman-in Office has convinced all our partners that Hungary is not only willing but also capable of meeting the highest standards of the co-operation .

I look forward to working with each of you over the next two days to ensure that we meet the considerable challenges before us, and that we meet them well.

The Contribution of “Transfrontier Co-operation and Institutions” to the reduction of ethnic tension in border areas

Yvo Peeters

1. Introduction

The Helsinki Final Act of 1975 and subsequent documents from the CSCE Process contain some apparently contradictory statements about borders. On the one hand the inviolability of existing borders is confirmed. On the other hand peaceful and negotiated change of borders is not excluded.

The experience of the last decade shows that most - if not all - participating states only stress the first principle. The second one has never been genuinely considered. There is moreover a third way, which is - as far as we know - not taken into consideration in any CSCE document up to now and that is simply rendering political borders obsolete.

The border issue is particularly important for a great number of so-called minorities.

Indeed a considerable amount of situations giving ground for discrimination on the basis of national, ethnic or linguistic criteria is due to the existence of political borders, which totally disregard the ethnic realities on the ground and thus create the so-called national minorities. Although language legislation, the recognition of minority rights and forms of local and regional autonomy are ways and means to handle ethnic matters, these measures seldom meet up with expectations of border area minorities. In addition to the aforementioned rights and structures, which organise their position in the state of which they are citizens, those minorities usually want to be able to establish particular links to their kin nation in the neighbouring state, vice versa - many governments and other authorities want to be able to develop a supporting policy for their respective minorities in the surrounding states. These aspirations usually lead to suspicion of irredentism and the deterioration of inter-state relations. In the new Europe of the end of the century however, the decline of the importance of borders and the existence of new mechanism of Transfrontier co-operation should be used to accommodate those situations. In western Europe, the gradual integration process of the European Union and the co-operation in the framework of the Council of Europe on the level of the national states have been accompanied by a huge development of regional autonomy, inter-regional co-operation in general (Assembly of European Regions) and Transfrontier co-operation in particular the population of multinational states can greatly benefit from this integration. Through the Benelux and the European Union, the three communities of Belgium (Flanders, Wallonia and the German minority) can freely interact and co-operate with the Netherlands - France and Germany respectively, without even realising the very existence of the border.

Euro-regional structures which cover almost all of Belgium's borders are also helpful in this respect.

This situation is however not existent everywhere, even in Western Europe. Although many minorities, particularly those I have defined in earlier writings as overflow minorities find themselves at the periphery of the national states territory, thus at their borders and even in many cases are the result of the vary drawing of the borders as they are, the minorities. The issue was up to recently, not a prominent theme on the agenda of those who dealt with Transfrontier co-operation. At the first and second European Conference on Transfrontier Co-operation, 1972 in Strasbourg and 1975 in Innsbruck, the topic was barely touched upon.

Undoubtedly the leadership of many overflow minorities, such as the Germans in Belgium and Denmark, the Alsations in France, the South Tyroliens, Slovenes and Valdostans in Italy and the Galicians in Spain, as well as the leadership of peoples divided by state borders such as the Basques and the Catalans, were and are acutely aware of what the border means to them and thus equally convinced of the importance of reducing its standing. On the occasion of the third Conference in Borke, 1984 a paragraph on the importance of Transfrontier co-operation for minorities was included: Die Teilnehmer "weisen auf die Notwendigkeit eines ungehinderten grenzüberschreitender kulturellen Austausch zugunsten nationale Minderheiten und Ihrer kulturelle Identitat, um aus einer solchen Zusammenarbeit zusatzliche Krafte fur eine engere Verbindung der Europaischen Staaten zu schopfen."

However the issue was only clearly pointed out by the Southtyrolian Senator Karl Mitterdorfer, at the same time President of the Federal Union of European Nationalities in his intervention at the 4th European Conference on Transfrontier Co-operation I in Saragossa, (1987). Finally the 5th Conference on Transfrontier co-operation (Rovaniemi 1991) recognised the contribution of the Transfrontier co-operation for the protection of ethnic groups in its final statement: "Transfrontier co-operation is already contributing valuably to the protection of ethnic groups and minorities, which must however be developed and rapidly intensified." The theme was also on the agenda of the sixth Conference, meeting in Slovenia in October 1994.

Thus the dynamic expansion of Transfrontier co-operation resulting in the form of a string of so-called Euregios can in many places play a supplementary role for a great number of minorities and ethnic tension or nationalist demands. The downfall of the communist regimes in Central and Eastern Europe and the thereafter explosion of nationality conflicts gives even more importance to the promotion of Transfrontier co-operation to the benefit of minorities.

2. General Conditions for Effective Transfrontier Co-operation

Transfrontier co-operation cannot effectively be implemented if some general conditions are not met. As a general rule, effective trans-border structures have to be embedded in the local and regional structures on both sides of the border. This by itself means that in the respective states there must be regional authorities with sufficient consistence and powers to be the partners of the trans-border co-operation. Experience has shown that trans-border co-operational initiatives steered by central governments without the commitment of the people concerned usually has not been very successful. This means that Transfrontier co-operation on a regional level implies a certain degree of comparable structures on both sides of the state border. Of course other forms of co-operation can be envisaged on the municipal and provincial (departmental - "Kreise") level of which the political importance usually is more restricted but of which the concrete results may be considerable. The Council of Europe, through its political as well as normative work, has greatly advanced the operability of Transfrontier co-operation, i.a. through the already mentioned five European conferences of Transfrontier co-operation, which helped a great number of governments to overcome their reserve to allow decentralised authorities to "Cross the state border"/. A second important but often neglected factor for successful transborder co-operation is the level of economic development of the area concerned. Indeed, if the disparities in economic activities, infrastructure, standard of live, personal income, social conditions are very great, this will seriously hamper integrated action over the border. This point is of particular relevance today in respect of the former divide between the so-called capitalist and former so-called socialists economies. Thirdly, the political class of the border regions concerned must be convinced of the usefulness of the co-operation as well as of the benefits it will entail for all involved partners. Once these three conditions are duly taken account of, one will see that one of the first obstacles encountered in the effective implementation of trans-border co-operation for instance in the form of the creation of an Euroregio will be difficulties of understanding due to language problems. In many case, the neighbours' language is not seriously taught and many negotiations and trans-border activities have to be conducted in some half hearted

basic English. Promoting the neighbours language has thus been an important element of the co-operation process.

Not only can Transfrontier co-operation be a benefit to the minorities, but they themselves can in their turn play an important positive role in this respect. By virtue of their inclusion in a alloglot state almost all minority citizens are more or less forced to be bi-lingual (on "Multi-lingual" for that matter). This quality can thus be positively used in trans-border co-operation. On the other hand, the Transfrontier structure will allow the "mother country" to help and support its minority in the other state in a totally legal and official way so that apprehensions of expansionism or irredentism can be avoided. The ex-officio mutual recognition of school certificates and university diplomas can for instance be very helpful for minority citizens. Euro-regional radio stations and multilingual written media also can play an important role in the improvement of the minority citizens situation. Of course the multilingual qualities of minority citizens of border areas will generally be useful in the economic sector.

3. Eliminating Borders in Central and Eastern Europe

Since 1989, new perspectives are opened after the downfall of the socialist systems and the overcoming the Iron Curtain. In view of the paramount significance of borders in those autocratic regimes, any policy to reduce and make relative their role is an enormous challenge. Of course, the political, administrative and economic problems are of such a dimension that such topics as language and ethnic aspects may be somewhat marginal. On the other hand, the experience of the last three years has shown that especially those aspects related to ethnicity and minority are still of a potential explosive nature. The period is still too short to speak about concrete realisations, so that only the possible future projects can be presented.

3.1. Russian-Norwegian-Finnish border: Nordkalotten/Lapland

The only stretch of border between NATO and Russia. The strategic importance of this area has made it for many decades totally secluded. Transfrontier co-operation will be of great importance to break 70 years of total isolation of Russian Lapps/Saami from their borders in the other Scandinavian countries. A Barentzsea co-operation council has just been set up in this area.

3.2. Russian-Finnish border

New relations are now possible with the Autonomous republic of Karelia, which is of Finnish language and culture, but irredentism upsurges might create some difficulties. In 1992 an agreement on cross-border co-operation was concluded which opens new perspective for future contacts

3.3.1. Polish-German border

Four "Euregio's" have been founded on this very sensitive border: Pomarania, Viadrina, Oder-Spree and Neisse-Nyssa. Suspicion on the Polish side is still going strong, since the initiative for all these structures came always from the German side. The Euregio Neisse-Nyssa not only is tri-lateral but also has the Sorbian people in its territory.

3.3.2. Czech-German Border

In a period of barely six months (December 9 - June 92) four Euregios were established along this border: the already above-mentioned Euregio Neisse/Nyssa which borders also on Poland, the Euregio Egrensis, Elbe/Iabe, and Erzgebirge. The same remark is valid as under the preceding paragraph. The strong advocacy of some "Sudeten-German" associations in four of those Euregios has induced great scepticism on the Czech side.

3.3.3. Czech-Austrian Border

In this area no real structures have been set up at this stage. Anyway all border areas between Germany/Austria and Poland/Czech have to acknowledge the historical events of the War and post-war period, in particular the expulsion of millions of Germans from those territories.

3.4 The Hungarian-Austrian Border

In this area a “Regional Forum” was established, which unites three Austrian “Lander” and three Hungarian “Komitats”. On both sides of the borders, minorities are living. Germans in Hungary, Hungarian in Austria. Particularly interesting are the small Croatian minorities on both sides of the border.

3.5 The Balkans

It may be obvious from the actual political situation that Transfrontier co-operation in this region is non-existent. The reasons are political instability excessive nationalism and chauvinism as well as irredentism claims.

This is most deplorable since the area is inhabited by an ethnic groups and minorities in all states which would greatly benefit from enhanced Transfrontier co-operation.

4. Central European View

The Euregion Carpatho-Tysa is without any doubt the most challenging transfrontier venture in Central Europe. It is formed by regions from Ukraine south-east Poland, Eastern Slovakia, Eastern Hungary and north-eastern Romania. In this very sensitive area the ethnic problems are quite important. Some of the borders which are only from the post war era are questioned. Proposals for regional autonomy are looked upon with great distrust by the several government of the concerned states. Since the Hungarians make out the largest part of the minorities some states are suspicious of hidden agendas from Budapest.

5. Conclusion

For the aforementioned very brief overview of some border-minority situations it may be evident that Transfrontier co-operation and structures can play an important role to ease tensions in all these area’s and to eliminate irredentism claims.

Therefore the Belgian Helsinki Committee would like to plead for the inclusion of an item on Transfrontier co-operation and structures as a means to overcome ethnic tensions in border areas in the basic documents for the OSCE, taking due account of the experience of the Council of Europe in this matter.

About the Author:

Yvo Peeters is a Vice-Chairman of the Belgian Helsinki Committee since 1978 and a member of the East-West Committee of the Assembly of the European Regions.

THE MULTI - FACETED ROLE OF THE ODIHR¹

Stefano Guerra

Introduction

Since the Helsinki Final Act, human rights have played a central role in the OSCE process. *Perestroika* and the end of the Cold War paved the way for the establishment of OSCE's human dimension, which consists of a set of standards, mechanisms, and an institution based in Warsaw, the Office for Democratic Institutions and Human Rights, previously called the Office for Free Elections (OFE). In its four years of life, the Office has accomplished an important and uncommon job. It is one of the most effective institutions of the OSCE.

The Office has moved from the outskirts to a central position in the OSCE human dimension. Created at the Paris Summit, the OFE had a limited function, that is to facilitate contacts and the exchange of information on elections within participating States. The initial mandate was amended at the Prague Council Meeting (January 1992) and at the Helsinki Follow-Up Meeting (March-July 1992). The OFE was renamed Office for Democratic Institutions and Human Rights (ODIHR). Its functions were broadened beyond elections and human rights to include the structural conditions necessary to their implementation: building of democratic institutions and the rule of law. Following the 1992 Helsinki Decisions the ODIHR was designated as the "main institution of the human dimension". Since then its work has been gradually integrated into the OSCE political and security framework, mainly on the basis of the Rome Council Meeting's decisions (December 1993), which were further confirmed by the 1994 Budapest Document. The evolution of ODIHR's role was controversial and provoked bitter discussions between States favouring a powerful ODIHR and those warning against the threat a powerful ODIHR would pose to the Council of Europe's leadership in the human rights field.

ODIHR's creation and evolution are linked to the changing nature of the human dimension. *Perestroika* and the collapse of communism provided the basis for a breakthrough in the OSCE process. The human dimension soon became one of the most important features of the new OSCE. This caused an expansion and an in-depth development of its normative commitments. The beginning of 1992 proved to be a watershed. Serious violations of human rights following the break-up of the former USSR and Yugoslavia provoked a recognition within participating States of the necessity for securing the implementation of human dimension commitments. The shift in emphasis from standard-setting to implementation gave way to an effort aimed at adapting human dimension mechanism and institution. Consequently, the ODIHR mandate was broadened and its activities were closely linked to the OSCE politico-security tasks.

This presentation does not provide a detailed account of the evolution of ODIHR mandate. Instead, it focuses on the four main functions ODIHR holds within the OSCE and their related activities. These are the assistance to the democratisation process, the monitoring of the OSCE human dimension's implementation, the co-operation with intergovernmental and non-governmental organisations, the integration of the human dimension into OSCE security activities.

¹ I am grateful to Professor GhebaLi, to Mr. Alexanderson at the ODIHR and to Rosa for their help.

The assistance to the democratisation process

The ODIHR is involved in several assistance activities for those States which are going through the transition process towards democracy. Beyond the election-monitoring tasks, an important share of the Office's work concerns the organisation of programs aimed at the building of democratic institutions and the modernisation of the judicial system. In this respect, the programs for newly admitted OSCE States and for the promotion of the rule of law are of particular significance. Through these activities, the Office does not limit itself to the promotion and monitoring of human rights. It also promotes the creation of the *structural conditions* necessary for their respect, i.e. of a broader order based on democratic institutions and the rule of law, following the provisions included in the OSCE documents since the *Charter of Paris*.

The election-monitoring is ODIHR's primary task. The Office was established with the purpose of facilitating contacts and the exchange of information on free elections.² The Rome Council Meeting's decisions, confirmed at the Budapest Review Conference, strengthened its role in comprehensive election-monitoring.³ Emphasis was put on the access to media and freedom of speech during elections as well as on the co-ordination between the various institutions monitoring the elections.⁴

The ODIHR co-operates with other institutions, especially the Council of Europe, and sets up assistance programs in countries holding elections. The Office's main task is to ensure that national and international electoral observers have free access to information and freedom of movement. Moreover, it co-ordinates electoral observers' work (logistical help, distribution of reports and documents, contacts between international delegations and central election authorities, etc.) and collects their final opinions on the election's development. It also considers if the concerned country would need further assistance at the next elections. Sometimes also recommendations are made. The ODIHR supplies a large number of countries with its election-monitoring activities, ranging from Central and Eastern Europe to the Republics of former USSR. It is growingly involved in Central Asia. Since the Helsinki Follow-Up Meeting the Office's election-monitoring activities have increased in a spectacular way. The table illustrates these points:

² *Charter of Paris for a New Europe*, 1990, Supplementary Document, paragraph G.

³ Rome Document, 1993, Chapter IV, paragraph 4, al. 2; Budapest Document, 1994, Chapter VIII, paragraph 12.

⁴ Following a request made at the Budapest Review Conference, the ODIHR prepared an Elections Monitoring Framework Document, which was released in May 1995. This framework aims at a better co-operation between various organisations in the field of election-monitoring. Cf. Speech by Ambassador Audrey Glover, Director of the ODIHR, presented at the Implementation Meeting on Human Dimension Issues, Warsaw, October 2-19, 1995, in: ODIHR, *ODIHR: What It Is and What It Does*, Warsaw, October 1995, p. 4.

ELECTIONS (1991-1995)

Bulgaria	National and local elections	13 October 1991
Poland	General elections	27 October 1991
Albania	General elections	10-25 March 1992
Yugoslavia	General elections	31 May 1992
Estonia	Parliamentary and residential elections	20 September 1992
Romania	Parliamentary and residential elections	27 September 1992
Georgia	Parliamentary elections	11 October 1992
Lithuania	Parliamentary elections	25 October 1992
Slovenia	Parliamentary elections	6 December 1992
Yugoslavia	Parliamentary elections	20 December 1992
Russian Federation	Referendum	25 April 1993
Latvia	Parliamentary elections	5-6 June 1993
Azerbaijan	Referendum	29 August 1993
Azerbaijan	Presidential elections	3 October 1993
Russian Federation	Referendum and Parliamentary elections	12 December 1993
Moldova	Parliamentary elections	27 February 1994
Kazakhstan	Parliamentary elections	7 March 1994
Ukraine	Parliamentary elections	27 March 1994
Hungary	Parliamentary elections	8 - 29 May 1994
Latvia	Local elections	29 May 1994
Ukraine	Presidential and local elections	26 June 1994
Belarus	Presidential elections	10 July 1994
Slovak Republic	Parliamentary elections	30 September 1994
Kyrgyzstan	Referendum and local elections	22 October 1994
Former Yugoslav Republic of Macedonia	Presidential and parliamentary elections	16 October 1994
Albania	Referendum on Draft Constitution	6 November 1994
Tajikistan	Presidential elections	6 November 1994
Hungary	Local elections	11 December 1994
Bulgaria	Parliamentary elections	19 December 1994
Uzbekistan	Parliamentary and local elections	25 December 1994
Kyrgyzstan	Parliamentary elections	2-19 February 1995
Moldova	Local referendum	5 March 1995
Estonia	Parliamentary elections	5 March 1995
Moldova	Local elections	16 April 1995
Belarus	Parliamentary elections (first round) and referendum	14 May 1995
Belarus	Parliamentary elections (second round)	28 May 1995
Armenia	OSCE/UN joint operation for the parliamentary elections	from 1 June until 31 July 1995
Latvia	Parliamentary elections	30 Sep.- 1 Oct. 1995
Croatia	Parliamentary elections	29 October 1995
Georgia	Parliamentary and presidential elections	5 November 1995
Georgia	Parliamentary and presidential elections (second round)	21 November 1995
Belarus	Parliamentary elections	30 November 1995
Azerbaijan	Presidential elections	21 November 1995
Kazakhstan	Parliamentary elections	9 December 1995
Belarus	Parliamentary elections (repeat round)	11 December 1995
Russian Federation	Parliamentary elections	17 December 1995

Source: ODIHR, *OSCE/ODIHR Activities in Participating States (1991-1995)*, Warsaw, December 1995.

The ODIHR's reports on elections and referenda give an interesting insight about the opportunities and obstacles these countries encounter on the way towards democracy. For the most part, elections and referenda were conducted with respect to the international standards and democratic procedures. Yet, in certain cases, elections proved to be affected by certain irregularities.⁵ The main problems were attributed to the countries' socio-political contexts, which were marked by war or social tensions and by the communist inheritance. Many elements were put forward to explain the lack of democratic procedures surrounding elections and referenda: media's role prior and during elections,⁶ the financing of the electoral campaign, candidates' registration, the lack of voters' education, complexity of the voting procedure, irregularities on election's day, etc.

The ODIHR's reports on election-monitoring reflect a consciousness of the growing complexity of this function. Recommendations made in these reports focus on the necessity of adopting a more comprehensive approach, which should take into account the various aspects of an election or referendum. The ODIHR's election-monitoring efforts should be considered in the context of a broader and long-term support to democratic institution building. Ms. Audrey Glover, the Office's Director, puts the problem in these terms: "With the advent of second-generation democratic elections, newly emerging democracies have more sophisticated needs in elections assistance and observation (...). CSCE-ODIHR will increasingly concentrate on the period just prior to an election and the crucial follow-up phase. While the presence of international observers is a powerful psychological and political tool in ensuring the fairness of the electoral process, election day observation alone has a limited impact. It was a feature of the first wave of fresh democratic elections, but now the international community's desire to assist newly-emerging democracies is best served in assuring fair and adequate conditions for political parties/candidates to compete in elections. This includes the important issues of access to media, free speech in an electoral context, and how parties/campaigns are financed. Finally, the ODIHR will provide CSCE States with advisory services on how to improve election laws and practices."⁷

In addition to the election-monitoring activities, assistance supplied by the ODIHR to newly emerging democracies also includes the organisation of specific programs for democratic institution building and the rule of law. The "Program for Co-ordinated Support for Recently Admitted Participating States" is addressed to these States admitted in the OSCE since 1991, which would benefit from diplomatic, academic, legal and administrative expertise supplied by the ODIHR through the organisation of smaller meetings and seminars which would take place, if possible, in newly admitted States making a request.⁸

The Office conducted studying and training programs and arranged several seminars on constitutional law, citizenship and language laws, freedom of association, etc. Through this program, the ODIHR has the opportunity to address more specific problems and to provide more focused responses to assistance requests appearing in newly participating States. This regional and country-oriented assistance helps

⁵ Cf. the following ODIHR reports: "Elections in Georgia", 16-10-1992; "Final report of the CSCE elections mission to Yugoslavia (Serbia and Montenegro)", 20-12-1992; "ODIHR report on the observation of the referendum held in the Azerbaijan Republic on August 29, 1993", 02-09-1993; "International observation of the constitutional referendum and parliamentary elections in the Russian Federation", 12-12-1993; "International observation of the parliamentary elections in the Republic of Kazakhstan", 11-03-1994; "International observation of the parliamentary and local elections in Uzbekistan", 25-12-1994.

⁶ Media is an important component of ODIHR's mandate. The Office's activities with relation to media goes beyond the observation of the media campaign prior and during elections. They also focus on: raising awareness on the Human Dimension issues, including media issues, through seminars; collecting information on the implementation of the OSCE commitments with relation to media; running a Media Clearing House of organisations - governmental and non-governmental - working in the States of OSCE to enhance the free media. Cf. ODIHR: *ODIHR: What It Is and What It Does*, Warsaw, October 1995, p. 21.

⁷ ODIHR, *Toward Helsinki 20*, Warsaw, November 1994, p.15.

⁸ Helsinki Document, 1992, Chapter XI.

promoting their successful integration in the OSCE, and as such it could represent one of the most important tasks for ODIHR's future work.

The rule of law is a subject of major concern for the ODIHR. The reform of the internal legal structure of participating countries in accordance with the provisions included in the OSCE's documents is considered as an essential pre-condition for the respect of human rights. It is important, as the former director of the Office stated, to "(...) underscore the importance of an independent judiciary and the strengthening of judicial institutions for, without them, the most comprehensive human rights charters are powerless literary documents void of applicability (...)".⁹ To this end, the Office is involved in various activities, such as: provision of human and documentary resources; analysing of constitutions and of draft laws on media, citizenship, minority rights, and elections; conducting of training programs and seminars for jurists, lawyers, journalists, and the public (for example the two Warsaw Judicial Symposiums, June 1994 and June 1995); organisation of several Rule of Law Conferences; monitoring of human rights trials. Moldova, Georgia, Armenia, Kazakhstan, Kyrgyzstan, and several other countries benefited from the services supplied by the ODIHR.

The monitoring of the OSCE Human Dimension's implementation

The OSCE human dimension's implementation is of paramount importance in the post-Cold war era European political landscape. The ODIHR is given the responsibility of monitoring States' compliance with OSCE human dimension commitments. In this respect, the Office's activities consist of the management of the Human Dimension Mechanism, the organisation of Human Dimension Implementation Meetings (HDIM) as well as of Human Dimension Seminars.

At the Prague Council Meeting, the Moscow Mechanism's management was entrusted to the ODIHR. The Moscow Document defined ODIHR's responsibilities, that is to manage a resource list from which experts for the missions' staff would be chosen, to serve as a communication channel between the inviting State and participating States at the different stages of the Mechanism, to distribute missions of experts and Rapporteur reports.¹⁰ The Rome Document provided for an expansion of the resource list.¹¹ ODIHR lend its services for the establishment of missions sent to Croatia, Estonia, Moldova and Serbia/Montenegro.¹²

The ODIHR also supervises the implementation of OSCE human dimension commitments through Implementation Meetings (HDIM), which are organised biannually in Warsaw every year when a Review Conference does not meet. These meetings should allow an in-depth discussion on the implementation of human dimension commitments and a review of the existing procedures.¹³ The functions of these meetings were clearly circumscribed at the Helsinki Follow-Up Meeting. Implementation Meetings should not produce a negotiated document.¹⁴ They may simply draw to the attention of the CSO measures to improve implementation which it deems necessary.¹⁵ The Rome

⁹ "Report of Ambassador Luchino Cortese to the 25th CSCE CSO", *ODIHR Bulletin*, Vol. 2, No. 2, Spring/Summer 1994, p. 28.

¹⁰ Moscow Document, 1991, Chapter I.

¹¹ Rome Document, 1993, Chapter IV, paragraph 4, al 1.

¹² ODIHR, "Seminar on Early Warning and Preventive Diplomacy: CSCE Missions under the Moscow Mechanism", Support Document, Warsaw, 18-21 January, 1994.

¹³ Helsinki Document, 1992, Chapter VI, paragraphs 9, 9a and 9b.

¹⁴ *Ibid.* paragraph 11

¹⁵ *Ibid.* paragraph 10

Document insisted on the follow-up by the political bodies of the OSCE based on summaries of meetings and seminars in the human dimension.¹⁶

The first HDIM was organised in Warsaw between September 27 and October 15, 1993. The second HDIM took place in Warsaw between October 2 and 19, 1995. The experience of these meetings shows how important human dimension issues can be raised, not only by the representatives of participating states, but also by the many non-governmental organisations, which were present in large number and contributed in a significant manner to the debate. Thus, Implementation Meetings represent an important chance for NGOs to be closely associated with OSCE human dimension work at intergovernmental meetings and to assume a more active role in OSCE human dimension's future activities.¹⁷ Moreover, Implementation Meetings allow for a regular and comprehensive supervision of States' compliance with human dimension standards and provide an opportunity to make suggestions about the revision of the existing monitoring procedures.

Experience shows that recommendations formulated by the working groups can contribute with improvements to the human dimension. This was the case of the first HDIM, when recommendations were made and these constituted the basis of the Rome Council Meeting's decisions. These decisions, along with those taken at the Budapest Review Meeting, marked a major advance in the OSCE's human dimension. One would hope that a similar follow-up could be given to recommendations made at the second HDIM. In the view of crises affecting the post-Cold War Europe, Implementation Meetings are of great significance, and will have a considerable importance in the human dimension's field, both for a comprehensive review of States conduct and the further development of OSCE's procedures for monitoring it.

Although human dimension seminars do not have an explicit monitoring function, in certain circumstances they could offer a chance for raising some cases of non-compliance with human dimension commitments in the OSCE's area. The Prague Council Meeting decisions, confirmed in the 1992 Helsinki Document, entrusted the organisation of the human dimension seminars to the ODIHR. However, it has to be noted that its responsibilities were clearly limited by the provisions that the CSO would have an exclusive competence in the definition of the subjects, and that the human dimension seminars should not produce a negotiated document.¹⁸

In accordance with the Helsinki and Budapest decisions, the ODIHR organised large-scale human dimension seminars on the following topics: Tolerance (November 1992), Migration, including Refugees and Displaced Persons (April 1993), Case Studies on National Minorities Issues: Positive Results (May 1993), Free Media (November 1993), Migrant Workers (March 1994), Local Democracy (May 1994), Roma in the CSCE Region (September 1994), Building Blocks for Civic Society: Freedom of Association and NGOs (April 1995), Rule of Law (November 1995).¹⁹ Despite a possible exploration of some ways to improve their effectiveness, a positive assessment can be given to the human dimension seminars. These gatherings offer NGOs an opportunity to participate at OSCE meetings. Furthermore, they represent a means for the spreading of OSCE human dimension commitments. Nevertheless, these large human dimension seminars seem to be losing importance in the ODIHR's work. The 1994 Budapest Document sanctioned this relative decline and emphasised the

¹⁶ Rome Document, 1993, Chapter IV, paragraph 6, al.1 and 2.

¹⁷ Thomas M. Buchsbaum and others, "The First Human Dimension Implementation Meeting: Analysis of the Informal Recommendations", *Helsinki Monitor*, Vol. 5, No. 2, 1994, p. 80; Lord Lucas of Chilworth, *The Human Dimension of the CSCE: Principles, Mechanisms and Implementation*, AL 72, CC/CSCE (94) 3, mai 1994, p. 13.

¹⁸ Helsinki Document, 1992, Chapter VI, paragraphs 17 and 20.

¹⁹ The ODIHR was also involved in the preparation of the International Seminar on Tolerance (Bucharest, 23-26 May 1995), organised by the OSCE and the Council of Europe in co-operation with UNESCO.

necessity for the organisation of smaller, regional and more focused seminars. These would eventually be carried out under the Programme of Co-ordinated Support.²⁰

The co-operation with intergovernmental and non-governmental organisations

As Thomas M. Buchsbaum noted, "(...) during the confrontational phase of the CSCE, when the CSCE was, by its nature, a conference of states and, by its character, a framework for East-West negotiations, there was no necessity or basis for a meaningful involvement of international organisations (let alone NGOs) in that intergovernmental exercise."²¹ The end of the Cold War rendered OSCE more transparent. Intergovernmental and non-governmental organisations have been growingly involved in OSCE's different meetings, thus subduing its strictly intergovernmental nature. Since the *Charter of Paris for a New Europe*, OSCE documents have repeatedly stressed the need for ODIHR to further develop the co-operation with these organisations. ODIHR acts like a sort of contact-point within the OSCE for the activities in the human dimension field. The Office co-operates with different United Nations bodies and other intergovernmental organisations, especially the Council of Europe. However, special emphasis should be drawn to ODIHR co-operation with non-governmental organisations, which is one of the most interesting features of its work.

OSCE documents since the end of the Cold War acknowledge the increasing importance of NGOs role. The 1992 Helsinki Decisions, together with those taken at the Copenhagen and Moscow meetings, constitute a considerable improvement in OSCE-NGOs relations.²² Among others, the Helsinki Document widened NGOs access to OSCE review conferences, ODIHR's seminars and workshops, the Economic Forum, human dimension implementation meetings and expert meetings.²³ The Rome Council Meeting's decisions put the emphasis on NGOs relations with the ODIHR. It was decided that OSCE decision-making bodies should consider human dimension issues on regular basis. ODIHR would provide information in support of these discussions and, in this respect, could rely upon NGOs having relevant experience in the human dimension field.²⁴ At the Budapest Review Meeting, the importance of NGOs was further confirmed by the invitation that participating States made to the Secretary General to prepare a study on the prospects for the enhancement of NGOs' participation.²⁵

Since 1991, the ODIHR has worked closely with several NGOs. The Office gives a precious help to NGOs in election-monitoring activities. NGOs may contact ODIHR through reports and recommendations in relation to the implementation of human dimension commitments in the OSCE's area. They participate actively in Human Dimension Seminars organised by the Office, as well as in the Implementation Meetings.

The Human Dimension Seminar on "Building Blocks for Civic Society: Freedom of Association and NGOs" (Warsaw, April 4-7th, 1995) was a successful event in this respect, for it gathered the representatives of 123 NGOs. An important presence of NGOs was also registered at seminars ODIHR organised in 1994 in Kazakhstan and Kyrgyzstan. Moreover, the Office holds workshops to help

²⁰ Budapest Document, 1994, Chapter VIII, paragraphs 14 and 15.

²¹ Thomas M. Buchsbaum, "The Future of the Human Dimension of the CSCE", *Helsinki Monitor*, Vol. 4, No. 2, 1993, p. 20.

²² Ritva C. Gronick, "The CSCE and Non-Governmental Organisations", in: Michael R. Lucas, ed., *The CSCE in the 1990's. Constructing European Security and Co-operation*, Baden-Baden, Nomosverlagsgesellschaft, 1993, p. 233.

²³ Helsinki Document, 1992, Chapter IV, paragraph 15.

²⁴ Rome Document, 1993, Chapter IV, paragraph 3, al.1, and paragraph 4, al. 4.

²⁵ Budapest Document, 1994, Chapter VIII, paragraph 17.

groups forming themselves as NGOs. Regional NGO training workshops are planned in the future. The co-operation between the ODIHR and NGOs is increasing and assumed a more stable structure with the appointment by the Office, in September 1994, of an NGO Liaison Advisor.

Through its activities with NGOs, the ODIHR successfully contributes to the promotion of OSCE's human dimension standards and the creation of an active civic society. As an increasing numbers of NGOs are forming throughout the former communist countries, new challenges as well as major opportunities are arising for the OSCE in the promotion of democratic rules, practices and institutions. However, some ways should be explored for the enhancement of NGOs participation in OSCE political and security consultations. This should be achieved mainly through an increasing openness of the Permanent Council sessions to NGOs and through regular and ad hoc meetings between the latter and the Chairman-in-Office.²⁶

The integration of the human dimension into OSCE security activities

ODIHR is not merely a human rights body. In addition to the "classical" human rights functions, the Office contributes to the implementation of a comprehensive conception of security, in which human dimension concerns are of great importance for conflict management as well as for conflict prevention. This function represents the most original element of the ODIHR and gives it a relatively unique character.

The Helsinki Final Act recognises that the respect of human rights and fundamental freedoms is essential for peace and security in Europe. As Alexis Heraclides stated, "It was in the CSCE, more than in any other intergovernmental forum, where it was eventually established that human rights questions were not exclusively an internal affair, but also a legitimate international concern. (...) the individual, and his/her well-being, were to become a component of international politics, a factor for co-operation, peace and security. This was the antithesis of the traditional state-centric approach to international relations (...)".²⁷ As a result of the post-Cold War crises in Europe, human rights concerns have been closely associated to OSCE security activities, both for conflict prevention and for conflict management. This is demonstrated by the growing involvement of the ODIHR in OSCE's political consultations. In fact, the 1994 Budapest Document provides that the Chairman-in-Office would have the responsibility of raising human rights issues in the Permanent Council, on the basis of information from the ODIHR or from the High Commissioner for National Minorities (HCNM).²⁸ This opportunity for a fast and flexible handling of human dimension's issues represents one of the future challenges of the OSCE.²⁹

ODIHR's role in the integration of the human dimension in the OSCE security activities can be recognized at two levels.

²⁶ See ODIHR, "Human Dimension Seminar on Building Blocks for Civic Society: Freedom of Association and NGOs. Consolidated Summary.", Warsaw, 4-7 April, 1995, pp. 19-20, and the intervention of M. Nicolas Mettra, the Head of the French delegation, speaking at the seminar on behalf of European Union (4th April), in: *ODIHR Bulletin*, Vol. 3, No. 2, Spring 1995, pp. 9-10.

²⁷ Alexis Heraclides, "Helsinki-II and the Human Dimension: Normative Commitments, the End of an Era?", *Helsinki Monitor*, Vol. 3, No. 4, 1992, pp. 65-66.

²⁸ Budapest Document, 1994, Chapter VIII, paragraph 6.

²⁹ Audrey F. Glover, "The Human Dimension of the OSCE: From Standard-Setting to Implementation", *Helsinki Monitor*, Vol. 6, No. 3, 1995, p. 38.

Firstly, the ODIHR closely co-operates with the HCNM. The 1992 Helsinki Document defined the HCNM mandate in a vague way, by giving the HCNM the tasks of providing an "early warning" and, as appropriate, an "early action" at the earliest possible stage in regard to tensions involving national minority issues that have not yet developed beyond an early warning stage, but, in its judgement, have the potential to develop into a conflict within the CSCE area, affecting peace, stability or relations between participating states.³⁰ Arie Bloed noted that "Although the mandate is rather vague, it is important to stress that the HCNM has been designed as an instrument of conflict prevention at the earliest possible stage and explicitly not as a human dimension instrument or an ombudsman for national minorities. Nevertheless, the relation of the HCNM's work with the human dimension is self-evident."³¹ HCNM's relations with the human dimension were implicitly recognized in the Helsinki Document by the fact that it is the ODIHR, and not the Centre of Prevention of Conflict, that would provide the HCNM the facilitation for the accomplishment of his tasks.³² The ODIHR acts as an important support for the HCNM's conflict prevention efforts, essentially by providing him documentary resources related to national minorities issues and human resources for his missions, i.e. experts of the Office's database. Furthermore, the HCNM has participated at various ODIHR's human dimension seminars, and has organised jointly with the Office and the Council of Europe the Human Dimension Seminar on Roma in the CSCE Region (September 1994).

Secondly, ODIHR's human dimension activities play an important role in the OSCE's long-term missions. Although long-term missions must be distinguished from the missions under the HDM, the former also have a strong connection with human dimension's concerns. In this respect, the Rome Council Meeting decisions are of great importance, as they provide for a better integration of human dimension issues in mandates of OSCE missions as well as in the mission reports' follow-up. To this end, the ODIHR should have enhanced responsibilities in the preparation of OSCE missions, *inter alia*, by providing information and advice to missions in accordance with its expertise.³³ For example, the mandate of the OSCE long-term mission in Moldova included, *inter alia*, arrangements for the respect of human rights and national minorities, the transition towards democracy and the repatriation of refugees.³⁴ The long-term mission in Moldova represented an interesting and positive case of ODIHR's contribution to OSCE's security activities. The Office sent a human dimension mission prior to the long-term mission. Recommendations were formulated, which particularly concerned minority rights issues and legal and constitutional reforms. Then, the ODIHR examined the case of the Ilascu Group,³⁵ and finally the Office monitored the parliamentary elections which took place in February 1994. Other OSCE long-term missions (Estonia, Latvia, Georgia, Former Yugoslav Republic of Macedonia, Ukraine, Tajikistan, Chechnya) also have a close relation with the human dimension. This is demonstrated by the appointment by most missions of an officer responsible for the human dimension, as well as by other activities ODIHR carries on in States hosting a long-term mission (briefings for the missions' members, seminars, legal advice, etc.). Informal recommendations made at the second HDIM further underscore the importance of human dimension within OSCE long-term missions. Particularly, it is suggested that all OSCE missions should receive training before their departure on field operations from ODIHR and other appropriate institutions.³⁶

³⁰ Helsinki Document, 1992, Chapter 2, paragraph 3.

³¹ Arie Bloed, "The CSCE Conflict Prevention Mechanisms and Procedures", *ODIHR Bulletin*, Vol. 2, No. 3, Fall 1994, p. 32.

³² Helsinki Document, 1992, Chapter 2, paragraph 10.

³³ Rome Document, 1993, Chapter IV, paragraph 3, al. 2.

³⁴ CSO Vienna Group, Journal No. 7, Annex 1,1 I March 1993.

³⁵ Mister Ilie Ilascu and five other companions have been sentenced to death by a tribunal of the Transnistrian Moldovan Republic for a "politically motivated assassination". International legal experts recommended to reopen the process because of systematic judicial errors and substantial human rights violations.

³⁶ ODIHR, "OSCE Implementation Meeting on Human Dimension Issues", Warsaw, 2-19 October 1995, Rapporteur's Report from Subsidiary Working Group 2, p. 2.

Conclusion

The end of the Cold War opened new opportunities to the OSCE in the human dimension field. Standard-setting assumed a far-reaching, even "penetrating" character, which is illustrated by both the emphasis that was put on the structural conditions necessary for human rights' protection, i.e. democratic institutions and the rule of law, and by the virtual dilution of the non-intervention principle.³⁷ In the light of the unfolding crises in Europe since the end of 1991, a change in the perception of the human dimension occurred among participating States, which led to a shift in importance from standard-setting to implementation. This development paved the way for an improving of existing procedures and institutions. ODIHR functional promotion cannot be understood unless we put it in relation with the broader development of OSCE human dimension and with the changing role of OSCE in the post-Cold War Europe.

As the assistance requests from former communist countries increased in number and complexity, ODIHR's work became more intense and varied. By now, it is clear that the ODIHR is no longer a mere administrative body. Through the years, the Office gained a certain autonomy and embraced all issues of the human dimension. Its political role developed as well, especially in respect with its monitoring role in the field of human rights.³⁸ A successful implementation of human dimension commitments requires an enhancement of its financial and human resources.

Evaluating the record of ODIHR's activities since 1991 is not an easy task. However, several elements can be put forward to give a positive assessment of the Office's work. In addition to the broadening of the *scope* of its activities, one has to emphasise its *originality*. Most of all, the fact that ODIHR's work does not limit to a narrow human rights activity should be underlined. The Office's role in deepening the relationship between the human and security dimensions of the OSCE is of paramount importance, not only for conflict management, but also for conflict prevention. As M. Max Van der Stoel noted, "(ODIHR) through its human dimension activities greatly contributes to creating a situation in and between participating States which is democratic and peaceful and thus essential to the prevention of conflict."³⁹ In fact, within the OSCE, an interesting practice developed through the years, in which ODIHR played a central role. Activities such as the building of democratic institutions, the promotion of the rule of law, the protection of human rights, were not merely seen as post-conflict means to consolidate the peace, but as an integral part of OSCE conflict prevention efforts as well. This aspect of *preventive* peace-building, in addition to M. Boutros-Ghali's *post-conflict* nature of peace-building efforts,⁴⁰ is a peculiarity for the ODIHR. Moreover, other priorities of ODIHR's work in the next years could be identified, such as the close co-operation with NGOs and the assistance supplied to newly

³⁷ Arie Bloed, "Monitoring the CSCE Human Dimension: In Search of its Effectiveness", in: Arie Bloed, ed., *Monitoring Human Rights in Europe: Comparing International Procedures and Mechanisms*, Dordrecht; Boston; London, M. Nijhoff, 1993, pp. 48-51.

³⁸ Arie Bloed, "The Human Dimension of the OSCE: Past, Present, and Prospects", *ODIHR Bulletin*, Vol. 3, No. 3, Fall 1995, p. 21.

³⁹ Intervention of M. Max Van der Stoel, in: ODIHR, "CSCE Seminar on Early Warning and Preventive Diplomacy. Consolidated Summary", Warsaw, 19-21 January, 1994, p. 6.

⁴⁰ The UN Secretary General, M. Boutros Boutros-Ghali, first proposed the concept of "post-conflict peace-building", which was conceived as complementary to peace-making, peacekeeping and preventive diplomacy. He made clear that peace-building efforts should have to identify and support structures aimed at consolidating peace, thus emphasising their post-conflict nature. Cf. Boutros Boutros-Ghali, *An Agenda for Peace*, UN Doc. A/47/277, S/24111, June 17, 1992, Chapter VI.

participating States through the "Program for Co-ordinated Support for Recently Admitted Participating States".⁴¹

However, it is clear that ODIHR perspectives are inextricably connected with the importance that human dimension will have in OSCE's future commitments. Are participating States ready to politically support the implementation of human dimension standards? Will they allow human dimension to have a major role in conflict prevention and conflict management efforts? Will they assume greater responsibility in the management of future crises in Europe? OSCE's search for a stable role in European security structure is likely to go on for a long time, unless these questions are addressed and the participating States respond positively to them.

Lausanne, November 1995

⁴¹ Following a recommendation made at the CSCE Human Dimension Seminar on Roma in the CSCE Region, at the Budapest Review Conference a provision was adopted on the establishment of a contact point for Roma and Sinti (Gypsies) Issues within the ODIHR (Budapest Document, 1994, Chapter VIII, paragraph 23). This is another important task of the Office's work, which is carried on in strict co-operation with NGOs and the Council of Europe.

THE PRINCE, THE MERCHANT, THE CITIZEN... AND THE ROMANY

Andras Biro

My friends say I am exaggerating and contest my view whereby if there is a single issue that evokes a consensus within Hungarian society, it is the negative judgement of the Romany. In my experience, even groups which could theoretically be expected to show tolerance, understanding and solidarity are repugnant discard or, at best, assume a kind of paternalistic charitable attitude vis-a-vis this community.

It is a banal statement that conflicts involving Romany in various ways have become increasingly "hot" daily news items. The choice is wide: parading "Molotov cocktails" and beer tankards, watchman's rifle and policeman shooting at a Romany driven car, and racial hooliganism of skinheads resulting in the occasional fatality. All these are manifestations of society's growing enervation and are at the same time ways of venting tension at the cost of the "coloured" minority, particularly outside Budapest. With due respect to the exception, public reaction including liberals and socialists, is none. We are light years from responses of, for instance, neighbouring Austria, where the President of the Republic together with representatives of the government and the Churches attended the funeral of the four Romany victims of the incident in Oberwart.

To support my position, let's call on stage the actors of the play, all of them major characters of the city-state of the late Middle Ages and early Modern Age: the prince, the merchant and the citizen. The *prince* is different from what he used to be five hundred years ago. His princely gown reveals now modern parties, parliament and government - the entire state machinery. What is the attitude of today's political power towards the Romany? At best it is utilitarian. The *parties* notice the Romany only when they are preparing for elections. Most of their programs make no reference to this group, which constitutes 5 per cent of the Hungarian society. It's not a sexy topic, nor is it a winning one. If they took a firm stand in support of the Romany (I may be naive but not to the extent of expecting this much), but at least appreciated the seriousness of the issue and formulated some ideas of handling it, budgetary consequences would ensue and they would lose "white" voters.

The *Committee of Minorities and Religious Affairs of the Parliament*, which has a single Romany member (the only one among the 386 Parliament Members) operates under the hypocritical concept whereby there are twelve national and one ethnic minorities in Hungary, which have to be treated equally in the spirit of democracy. This is a fiction not only because of quantitative reasons (the Romany alone are twice as populous as all the other minority groups together), but also for sociological ones.

While members of the twelve national minorities are part of the social web in the same way as the majority, the Romany, as it is commonly known, are at the bottom of the social pyramid. The only difference between the twelve national minorities and the majority is that minorities have a different mother tongue and they foster somewhat different traditions and religions. Their linguistic, educational and cultural autonomy is limited solely by the Budget rather than discrimination. They are also protected by the governments of their respective "native countries". In all, they belong to the "white side".

The Committee of Minorities and Religious Affairs should set up a standing subcommittee of Romany affairs, which would keep a watchful eye on what is happening about the most sizeable minority group in Hungary. It would challenge the government and its agencies to implement the government policy and would keep the Romany issue on the agenda by demanding an approach and treatment which are in

conformity with its severity. Such a proposal has been circulating in the labyrinth of Parliament for months. No progress has been made to date.

No doubt *the government* program formulated the necessity of dealing with this issue. It is likewise undoubted that financial and institutional resources available lag far behind the needs. The Office of National and Ethnic Minorities is captive of the same fiction as the Parliament. The only difference is that office seems to have paid more attention to the issue, as the fund it manages has for years dished out support to Romany organisations on the basis of political preferences instead of merits. After a long and painful labour the Romany Crisis Management Office was set up with a couple of staff but instead of providing a crisis management program it is struggling with its own crisis. The establishment of a public foundation which disposes significant resources to be acquired through international support, which is not prone to political manipulations and which specifically promotes Romany crisis management is an evident necessity.

The Romany issue involves also non-pecuniary aspects. For instance the police force. True, there has been a significant progress in his area. Today Rosenberg's concept of Romany crime is no longer used. Today it is the special task force, the SWAT team grit that prevails, barging in houses on the Gypsy row without a search warrant and harassing children and women, not to mention interrogation techniques. Liberal as the Hungarian minister of interior and socialist the supreme guard of justice may be, it seems to be impossible to enforce legal actions against violent cops. Apparently the *esprit de corps* prevailing, our newly appointed ministers have taken to covering up for their men.

The *merchant's* case seems to be simplest. The principle of market economy flying high, those who are not competitive are out of the game. Company janitors are instructed to tell Romany job seekers that the job advertised has already been taken. Similarly, prospective employers contacting job centres often specify that no Romany are wanted. There have been cases when banks rejected the loan application of Romany entrepreneurs although they managed to provide appropriate guarantee. Have the various commercial or industrial chambers put Romany unemployment on their agenda? Have they formulated any strategy to attenuate it?

It is the *citizen*, in other words, civil society and its institutions that have failed the most deplorably in my opinion. There are less than half a dozen civil organisations that do something positive for Romany survival or human rights. Less than a hundred non-Romany participated at a demonstration against racist attacks in Gyongyos, a small town some forty miles of Budapest. How can it be that the Democratic Charta, which could stir hundreds of thousands of people has never raised its voice in the matter of police brutality and murders of Romany, particularly since May 1994? Has it occurred to any of the trade unions that their former Romany members are hit by a 48 per cent unemployment compared to the national average of 10 to 12 per cent? What is the Romany policy of the Churches? Apart from the missionary and scarce charitable activities, where are the examples of Christian solidarity, the denouncement of flagrant injustice? Why is the Jewish community silent when the Romany, fellow sufferers fifty years ago, are maltreated now? No one can complain nowadays of lack of information.

What can we do? Let's find it out together. Let's think and debate, but not without involving the Romany in the dialogue. When it goes about them we shouldn't ask ourselves whether we like them or not. They have been living here with us for centuries and will remain here, so the right question is what can we do to ease their exclusion, to enhance their cultural and professional skills and to promote the implementation of their democratic rights? What can we, the majority, do for them, in our own enlightened self interest?

(Translated from Hungarian, published in MAGYAR HRLAP May 30, 1995)

LA PAIX ET LA TOLERANCE

Note from the Editor: On the occasion of 25 Anniversary of the signing of the CSCE Helsinki Final Act, ODIHR organised an Essay Competition in one of the secondary education schools from Warsaw. The conditions for the competition were that (I) the essay was to be written in one of the OSCE languages, (ii) on the topic of tolerance and (iii) not longer than 1,000 words. Below we publish two best essays submitted.

Agnieszka Nina Szlendak

Mon pays, la Pologne, demande le rattachement ... la Communauté européenne. Nous voulons adhérer ... un grand pays - l'Europe. Autrefois, l'idée d'une Europe unie était considérée comme une utopie ou une perspective très lointaine. Aujourd'hui elle semble tout ... fait raisonnable. Pour les pays européens, c'est très attrayant de faire partie de la Communauté européenne. Nous rêvons du marché commun, d'un espace européen sans frontières. Nous voulons en tirer profit. Mais pour cela, il est d'abord indispensable d'instaurer un climat de paix et de tolérance. Est-ce que nous sommes donc prêts ... appartenir ... cette noble organisation? Est-ce que nous sommes assez tolérants?

En Pologne, où un grand pourcentage de la population est de nationalité polonaise et où les gens se distinguent peu en ce qui concerne la religion (la plupart des Polonais sont catholiques), il ne devrait pas y avoir des problèmes d'intolérance. Cependant, chez nous il est très fréquent de ne pas admettre chez les autres un comportement différent de celui qu'on soi-même; surtout s'il s'agit de différents styles de vie. Les homosexuels et les lesbiennes sont obligés de diminuer la visibilité de leurs vies afin d'éviter les reproches du reste de la société. Ils deviennent l'objet de brimades et de chicanes. Ils souffrent de la solitude et parfois ils n'ont plus la force de s'opposer aux discriminations. Ils ressentent un grand besoin d'être acceptés. Et nous les catholiques, fréquentant la messe chaque dimanche, nous qui avons appris l'amour d'autrui depuis l'enfance, nous les rejetons de la société ... cause de leurs moeurs, de leur vie sexuelle.

Ces problèmes sont particulièrement sensibles pour les personnes malades du SIDA ou celles atteintes du virus VIH. Elles sont considérées comme des gens mauvais et des pécheurs. Pendant les cours d'éducation religieuse, les prêtres disent que le SIDA est une punition pour les pécheurs. Nous avons créé des différentes organisations pour lutter contre la propagation des malades - en vain. Dans la conscience de notre société, le malade est toujours une personne sans aucune valeur.

En Pologne, le SIDA n'est pas aussi développé que dans d'autres pays en Europe. Les homosexuels mènent leur vie plutôt en clandestinité. Ils sont en grande peur de sortir de l'ombre et de manifester leur préférence. À cause du grand nombre des crimes dans notre pays, nous n'avons pas beaucoup de graves conflits religieux. Pendant les années, la Pologne n'était pas attrayante économiquement pour les étrangers; c'est pour cela qu'il y a moins d'étrangers en Pologne que dans les pays de la Communauté européenne.

Les conflits ouverts dont la source est le racisme ne sont peut-être pas ... la ordre du jour. Mais si de jour au lendemain la Pologne deviendrait membre de l'Union européenne, saurions-nous faire face à cette nouvelle situation avec des gens tellement différents autour de nous? Comment nous comporterions - nous face à deux lesbiennes manifestants leurs sentiments ou à nos voisins dont la peau est noire? Est-ce que nous serions capables de respecter la liberté d'autrui en matière de liberté religieuse ou d'opinion?

L'intolérance et le manque du respect des autres sont les causes de conflits et de tensions sur notre continent, mais pas seulement en Europe. Dans le monde entier les jeunes chantent "Que la paix soit avec nous" et "Give peace a chance". Nous avons un grand besoin de la paix. Bien que notre gouvernement ne connaisse pas la guerre, nous rendons compte du malheur qu'elle apporte. Nous n'avons pas d'aversion contre les autres nations. Les différences entre les peuples ne devraient pas nous diviser mais nous enrichir et nous élargir notre connaissance sur la culture des autres nations. Nous sommes capables de jeter dans l'oubli les conflits nos ancêtres. Nous sommes ouverts à des contacts avec les étrangers et nous voulons vivre en paix.

Mais la paix entre les États ne nous suffira pas; il nous faut aussi la paix de l'âme qui n'est troublée par aucun conflit et aucune inquiétude. C'est pour cela que l'on observe le retour de l'homme à la nature. C'est là que l'on peut chercher l'origine du grand succès et de la popularité, de l'écologie. Au premier abord, cela peut paraître d'une moindre importance: la paix de l'âme. Mais ce n'est pas vrai. Il n'est pas possible de construire la paix dans le monde entier si l'on est inquiet; on a toujours peur de quelque chose; on se sent aliéné, rejeté par la société.

La paix est bien liée à la tolérance. L'intolérance, la haine et l'appât de pouvoir sont les facteurs qui empêchent les gens de maintenir la paix. Ils engendrent toujours des antagonismes et constituent les sources des conflits mondiaux. J'ai parlé de l'intolérance en prenant comme exemple mon pays, la Pologne. Mais ce n'est pas un cas exceptionnel: les problèmes dont j'ai fait mention sont les problèmes de tous les pays y compris ceux associés à la Communauté européenne. Nous devons donc essayer de les résoudre. Pour que l'avenir du monde ne soit pas menacé par des conflits armés, il faut éliminer le phénomène de l'intolérance. Il faut mener une lutte acharnée (sans utiliser des moyens violents) en faveur de la paix et de la tolérance.

Joanna Maria Lojek

Les notes courent impatientement comme les gouttes de pluie pendant un orage. Les forts accords mineurs sement une sourde menace dans la musique. Une vague d'effervescence traverse les notes de la première partie de l'Étude révolutionnaire de Chopin. Quel contraste saillant fait l'œuvre de Chopin avec la mélodie douce et calme de la "Dance des esprits" (Orphée et Euridyce) de Gluck; mélodie pleine de poésie et d'émotions lyriques.

La musique est comme une bande qui enregistre tous les faits de la vie humaine: l'histoire, les tensions, les moments de la gloire, les larmes et les sourires. Aujourd'hui, à la fin du XX^e siècle, on observe un phénomène qui touche les jeunes gens; des personnes qui dans quelques années seront notre monde: ils ne sont plus capables d'écouter ou d'accepter la musique classique. Le lieu de l'harmonie divine est envahi par le bruit et la société de masse. L'homme moderne vit sans cesse en quête de l'argent, sans toucher le fond de l'être humain. Nos besoins naturels de vivre près de la nature sont étouffés par les hurlements et la vacarme, pleine d'impatience et de haine, du hard rock.

Pourquoi a-t-on du mal à comprendre la musique classique? Elle met en cause toutes les conventions classiques: d'ailleurs, selon l'opinion des jeunes, elle est trop difficile. Mais cette musique, elle nous parle aussi de notre monde. Peut-être que nous ne sommes pas capables de l'accepter car notre époque est tellement désolée et illogique? L'harmonie du XX^e siècle cherche toujours une réponse à la question du savoir où est la paix et la sécurité - en somme elle cherche une méthode de survivre. Penderecki dans ses œuvres remonte à la source biblique. Il affirme les principes les plus simples ("Tu es responsable de la paix") de façon compréhensible et claire pour l'homme de notre temps (par exemple dans "Le requiem polonais" ou "Les psaumes de David").

Bien sûr, il est plus facile de s'identifier avec la formule proposée par les auteurs de la musique pop, car la combinaison de trois notes et trois mots n'exige pas de flexion ni d'engagement personnel. C'est pourquoi on voit s'affirmer le goût pour ce bruit immense qui en réalité ne fait que remplir le vide intellectuel. Cette "musique" est lourde et noire; elle ne construit rien de bien, ne nous procure aucun refuge, ne fait pas naître la paix.

La paix, en simplifiant, signifie l'absence de guerre, mais pas seulement: dans son aspect strictement humain, la paix est l'état d'une femme équilibrée. Le XX^e siècle a, par ailleurs, la certitude des hommes en les privant de points de repères. Les gens cherchent un sens à leur existence dans les ersatz de valeurs: les drogues et les cigarettes. La musique peut aussi devenir un dieu, mais dans la majorité des cas non pas celui de l'amour, mais celui d'anxiété.

Alors pourquoi ne se tourne-t-on pas vers "Les quatre saisons" de Vivaldi par exemple, ou vers le "5^e concerto pour piano" (Es-major) de Beethoven? Ces compositions possèdent un si grand caractère d'optimisme et un calme remarquable dans les parties lentes qui fait renaître la femme. En scrutant ces œuvres, on peut se demander si le hachiche est vraiment nécessaire pour être heureux.

La tolérance est un sujet "... la mode", particulièrement maintenant dans les années 1990. Remarquons que les termes "tolérance" et "indifférence" recouvrent à peu près la même réalité, et que l'un et l'autre sont inutiles pour définir l'art. Prenons comme exemple "Le sacre, du printemps" de Stravinski. Les sons mordent, crient et balbutient; les dissonances blessent les oreilles des auditeurs de sorte que les opinions étaient extrêmement partagées pendant la première représentation (et ils le sont encore aujourd'hui). Les uns, comme par exemple Debussy et Ravel, étaient fascinés par le ballet; les autres voulaient mettre à l'index. Personne ne resta indifférent!

Si la mort est une reproduction de notre vie et de nous-mêmes, et si nous ne pouvons pas rester insensibles à la mort, est-ce que la vraie tolérance - à savoir l'indifférence totale - existe?

La musique suscite les sentiments les plus intimes cachés à l'intérieur de l'homme: le bien, le calme, la sérénité, de la femme, l'acceptation du monde et d'autrui. La vraie paix mondiale dépend seulement de nous-mêmes; elle vient de nos femmes et c'est ... nous de la maintenir. L'art classique, dans laquelle le compositeur engage tous ses sentiments, est comme une forteresse près de la route de la concorde. Peut-être, même, n'est-elle d'être aimée, et après tout?

ODIHR MANDATE - INFORMATION

Note from the Editor: After presenting in the OSCE ODIHR Bulletin our office mandate with respect to Roma, Media, Migration issues, we want to proceed to the Mandate in the field of information.

The Warsaw Office for Democratic Institutions and Human Rights was established in 1990, as an Office for Free Elections, mainly for the purpose of exchanging information on elections within participating States.

The year 1992 brought major changes such as that which occurred during the Prague meeting of Ministers, in which the name of the Office was changed from the Office for Free Elections to the Office for Democratic Institutions and Human Rights (ODIHR). More importantly, the ODIHR became responsible for sharing and exchanging information not only on election issues, but also on available technical assistance, expertise, and national and international programmes aimed at assisting the new democracies in their institution-building activities.

The 1993 the Rome Council of Ministers meeting charged the ODIHR with the responsibility of serving as a point of contact for information for the participating States in accordance with CSCE commitments; and disseminating general information on the human dimension, and international humanitarian law.

Additional tasks given to the ODIHR during the Review Conference in Budapest in 1994 were to provide information to the participating States on implementation issues and to act as a clearing house on media issues.

*6. They [participating States] encourage the Chairman-in-Office to inform the Permanent Council of serious cases of alleged non-implementation of human dimension commitments, **including on the basis of information from the ODIHR**, reports and recommendations of the High Commissioner on National Minorities (HCNM), or reports of the head of a CSCE mission and information from the State concerned.*

(...)

*8. The ODIHR, as the main institution of the human dimension, in consultation with the Chairman-in-Office, will, acting in an advisory capacity, participate in discussions of the Senior Council and the Permanent Council, by reporting at regular intervals on its activities and **provides information on implementation issues**.(...)*

(Toward a Genuine Partnership in a New Era, Budapest 1994)

The ODIHR collects and actively seeks information regarding the alleged non-compliance with the commitments of participating States in the human dimension areas, and works with OSCE Missions and other international organisations, mostly the Council of Europe and the United Nations in this endeavour. All of the data collected is stored in a database, out of which the ODIHR provides regular reports of its findings in particular areas of implementation to the Chairman-in-Office, with recommendations concerning further measures to be taken, including possible distribution to the Permanent Council. In addition, the ODIHR is ready to provide States with material for discussion on particular issues in the Permanent Council, as it was the case with the problems in the area of elections and free media. The ODIHR also maintains its traditional role of providing information on the human dimension issues by responding to requests for information. With the assistance of the Missions ODIHR gives early warning of potential crises.

The contact person within the ODIHR is Paulina Merino, Information Management Adviser

REPORT ON THE REPUBLIC OF BOSNIA-HERZEGOVINA

Note from the Editor: The importance of the human dimension issues in the Republic of Bosnia-Herzegovina for the ODIHR cannot be underestimated. We would like to keep you updated on the activities of the Office of Democratic Institutions and Human Rights related to the Human Dimension problems of Republic of Bosnia-Herzegovina. For those who are not familiar with the role of the OSCE given to it by the Dayton Agreement, we have published in this first Report fragments of the OSCE Newsletter which summarised them.

The Dayton Agreement: The OSCE Role in Implementing Peace (fragments of the article published in OSCE Newsletter Vol.3 No.1) January 1996

On the 7-8 December 1995 Ministerial Meeting in Budapest, Foreign Ministers from OSCE States accepted the request of the parties to the Dayton Peace Agreement to play a key role in building peace, democracy and stability in Bosnia and Herzegovina, and decided:

- That the OSCE will supervise the preparation, conduct and monitoring of elections in Bosnia and Herzegovina, certifying when conditions will permit elections to take place;
- That the OSCE will closely monitor human rights throughout Bosnia and Herzegovina and will appoint an international human rights Ombudsmen; and
- That the OSCE will assist the parties in their negotiations on arms control a confidence-and security- building measures. It will help in the implementation and verifications of resulting agreements, with the aim of promoting long-term stability through lower and verified levels of armaments.

The OSCE opened its Mission in Sarajevo. In addition to its headquarters in Sarajevo, the Mission is establishing Regional Centres in Mostar, Tuzla, Bihac, Banja Luka and Visegrad. Ambassador Robert Frowick of the United States had been nominated Head of the OSCE Mission. He is supported by four Senior Deputies working respectively on elections, human rights, regional stabilisation and operational matters.

Electoral Code Working Group Republic of Bosnia-Herzegovina January 11 - February 12, 1996 *Rapporteur: Robert M. Buergenthal*

As a follow-on activity to ODIHR's Election Assessment Missions in December and January, the Rule of Law Programme and the International Foundation for Electoral Systems (IFES), developed an Electoral Code Working Group (ECWG) to support the OSCE Mission to Bosnia-Herzegovina. The objective of the ECWG was to assist the Provisional Election Commission (PEC) prepare a series of analyses to address on-going legal discussions, existing electoral codes and election-related regulations.

Experts from Canada, Denmark, Germany, Switzerland and the United States submitted papers for consideration by the PEC on six key topics: technical analysis of the law on elections, definition of OSCE

legal authority and citizenship, certification of elections, voter registration, citizen and voting issues and electoral systems, districts and political parties. In addition, IFES, in co-ordination with the ODIHR Rule of Law Programme and the ECWG, has also produced several code analyses and additional material including: a glossary of election terms based on existing legal documents and the Dayton Agreement, an index of articles to be considered for amendment or regulatory clarification, and an absentee voter analysis with respect to the displaced population of Bosnia-Herzegovina.

As a second phase to the ECWG, the ODIHR Elections Unit and IFES will develop a nation wide voter education project to advance the PEC's capacity to serve as the public information source on the electoral codes and to expose the public to PEC legal codification activities.

Report from Bosnia-Herzegovina Co-ordinator

February 29, 1996

Co-ordinator: Donald Holder

I am very pleased to be seconded from the British Foreign and Commonwealth Office to assist specifically with the co-ordination of ODIHRs work in the run-up to the elections in Bosnia-Herzegovina.

In the three weeks I have been doing this job, I have already had a chance to pay a familiarisation visit to Sarajevo where I sat in at the first meeting with the Provisional Election Commission (PEC). The PEC is being advised by an Electoral Code Working Group which is being funded by ODIHR and is part of ODIHR's activities in support of reconstruction and redevelopment in Bosnia-Herzegovina. Some of the Working Groups proposals on the electoral roll were under discussion and were favourably received by the parties present.

I have also had my first chance to meet human rights experts from the former Yugoslavia at a 2 day workshop in Budapest which was organised by the British Institute for Human Rights (BIHR). The participants were mainly drawn from human rights institutes, NGOs and universities. The primary objective of the workshop was to discuss how to set up a project on teaching human rights, drawing not only from the expertise of those attending, but also from the BIHR which has run several successful courses in Romania. The workshop brought together many people who had lost contact with one another during the war and I am hopeful the BIHR will be able to put forward some proposals for human rights training which could merit ODIHRs financial support.

My first impressions are that a lot of people from the region are pessimistic about the environment in which democratic elections can take place. But there is clearly so much expertise within ODIHR which can be made available to the OSCE Mission in Sarajevo.

Ambassador Glover has offered me the interesting challenge of ensuring that we are kept in the picture. This is especially important given that there is such a wide range of organisations working in the region.

ELECTIONS

PARLIAMENTARY ELECTIONS

Republic of Kazakhstan

December 9, 1995

Rapporteur: Gerald Mitchell

A representative of the ODIHR observed the election campaign and the balloting during the period 2-9 December 1995. The representative facilitated also an OSCE Observer Group which attended meetings with the President of the Republic, the Central Election Commission, the Ministry of Justice, a broad range of political parties and public associations and the Confederation of Free Trade Unions.

The overall conclusion of the observation is that despite the generally efficient organisation of the elections in the polling station, there were several outstanding concerns that if not corrected in future elections could seriously compromise Kazakhstan's commitments to a democratic election process. The problems were: an insufficient level of voter education, lack of campaign activity prior to election day; on the election day - proxy and ambulant voting, obstruction of ballot boxes, unauthorised assistance in voter administration; after the election day - difficulties with the vote count process. The recommendations included: further training of election officials, a review of the threshold requirements, an enlarged voter education campaign, a review of the vote count procedures.

PARLIAMENTARY ELECTION

in Russia

December 17, 1995

Rapporteur: Helene Lloyd

On October 29, 1995, ODIHR established its offices in the former premises of the former EU delegation in Moscow. On December 17, four hundred and thirty four observers from 32 member states of the OSCE, including the European Union, observed the elections of the State Duma. The Office for Democratic Institutions and Human Rights, with the support of the European Union Electoral Unit, set up a task force to co-ordinate the efforts of the embassies and other organisations observing the Russian State Duma elections.

The long-term observers noted a remarkable degree of institutional stability: despite many rumours to the contrary the constitutional guidelines were respected, the elections were held as scheduled and in accordance with the law.

During the run-up to the election, the Central Electoral Commission decided not to register a few important parties for the election campaign due to their failure to submit the required number of signatures by October 22. However, the Supreme Court overruled this decision, and 43 parties eventually took part in the Duma elections.

With the exception of Chechnya, where the situation did not favour regular elections, the electorate could express its preferences in 94,000 polling stations without any noticeable interference.

The observers noted however that many voters seemed overwhelmed by the choice offered at the ballot: 43 different parties and blocs and up to 24 candidates in many of the constituencies, made a decision difficult, especially as most of the parties were recently created around political leaders and few had a distinctive political programme.

PRESIDENTIAL ELECTION

Republic of Kyrgyzstan

December 24, 1995

Rapporteur: Gregory Koldys

On December 24, the Kyrgyz Republic held its first multi-party presidential elections. A representative of the OSCE ODIHR arrived in Kyrgyzstan on November 19 to co-ordinate a delegation of thirty-seven international observers and monitor pre-election and election day activities. This operation was carried out in conjunction with the UN.

The Joint Operation found that activities on election day itself were generally free and fair. However, some legal and constitutional concerns were raised regarding the process of registering candidates and revoking their registration, and the conduct of the election campaign. Eleven days before election day three of the six candidates had their registration revoked by the Supreme Court. Despite some “family voting” and a few irregularities concerning control of the mobile ballot boxes (normally used to allow old and sick people the chance to vote at home), the overall results seem consistent with the will of the voters. For the most part, the Joint Operation found the presidential elections to be a step forward from the election to the Parliament held in the Kyrgyz Republic earlier this year.

NEWS FROM THE ODIHR

EXPERT MISSION

Republic of Georgia

January 15-19, 1996

Rapporteur: Robert M. Buergenthal

In response to discussions with the OSCE Mission and representatives of the Georgian Government, the ODIHR Rule of Law Programme prepared an expert mission to assess the Georgian criminal justice system and to develop a blueprint for future Rule of Law activities. The Mission followed the promulgation of the new Georgian Constitution which enunciates broad new powers and responsibilities for the judiciary .

Following in-depth meetings and discussions with representatives of all legal bodies and ministries, the expert mission produced a report recommending a series of activities designed to assist the Georgian judicial system. The report recommends technical assistance, material support, institutional development activities and a legislation drafting programme designed to address the structural changes required by the new Constitution.

CPRSI WORKSHOP ON VIOLENCE AGAINST ROMA

Warsaw, 19 January 1996

Rapporteur: Jacek Paliszewski

An International "Workshop on Violence against Roma" took place on 19 January 1996 in Warsaw. The meeting was organised by the Contact Point for Roma and Sinti Issues (CPRSI) within the ODIHR and was attended by 35 representatives of Roma and Sinti associations and NGOs. Representatives of the Council of Europe and the UNHCR were also present.

In the course of discussion the participants reconfirmed that special attention should be paid to discrimination and violence against Roma in the activities of the CPRSI. In this context, a specific need for prompt and reliable information about all cases of violence should be made available to the CPRSI. Such information would facilitate substantially the preparation of a special report on cases of violence against Roma and Sinti which will be made available to the OSCE Chairman-in-Office.

While addressing the situation of Roma and Sinti in different countries several common levels of violent and racist actions against Roma and Sinti were identified: individual citizens committing criminal offence; skinheads or extreme-right groups; collective actions of an ethnic nature at the community level; police and other law enforcement institutions.

Participants came to the common conclusion that violence against Roma and Sinti is an all-European phenomenon. It has been manifested in many areas of public and social life in various countries, i.e. inter-ethnic relations in the society, functioning of governmental institutions and administration, practice applied in the system of justice, education, behaviour of police, attitude of media, language used to describe the main characteristics of violence. The view that there was an interrelationship between violence against Roma and general living standards in the society was commonly shared.

Participants also focused their attention on the issue of legal assistance to Roma and Sinti in view of the growing numbers of violent attacks and ethnic tensions around Roma refugees and displaced persons. Better co-ordination of different existing legal assistance programmes dedicated to Roma as well as education and training were strongly recommended to be intensified in this field.

The participants furthermore indicated the need for the effective continuation of the liaison function of the CPRSI and its co-operation on Roma and Sinti issues with the Council of Europe and European Commission. Several proposals were made to strengthen the CPRSI, in terms of its staff and resources. An expectation was expressed that it might be examined at the OSCE review conference later this year. During an exchange of views on the urgent need for increasing prevention of violence, the CPRSI proposal for convening a "Workshop on Roma and Sinti and the Media" was welcomed.

The participants recommended also that future workshops on violence against Roma take place in other countries.

PRISON TRAINING INITIATIVE

Tbilisi, Georgia

January 24-26, 1996

Rapporteur: Robert M. Buergenthal

A four-part pilot programme was inaugurated in Tbilisi with the training of over forty senior and intermediate level prison staff officers. The program entitled, "The Theoretical and Legal Basis for the Reform of the Georgian Prison System," followed the recommendations of a joint assessment mission by ODIHR and Penal Reform International. The training programme featured presentations by the ODIHR Rule of Law Programme and three Polish law professors and prison reform specialists. Featured in the programme was a review of the application of international standards to the Georgian penal system and the practical implications of penal reform. The second phase of the project will entail the training of Georgian Prison officials in Polish prisons through an apprenticeship programme designed with the assistance of Warsaw University Law School.

UNHCR/ODIHR JUDICIAL TRAINING WORKSHOP

Minsk, Belarus

January 30 - February 1, 1996

Rapporteur: Robert M. Buergenthal

An ODIHR/UNHCR pilot programme to train judges on Humanitarian and Refugee Law and Refugee Status Determination was initiated in Minsk. The three day agenda was formally initiated by Ivan Mironichenko, Vice-President of the Supreme Court of Belarus, and featured presentations by the ODIHR Rule of Law Programme, the UNHCR, the UN Centre for Human Rights and the State Migration Service. The workshop was attended by representatives from city, district and regional courts, the Supreme Court, and the Academy of Sciences.

The objective of the workshop was to train judges on the practical application of refugee law and the procedures for determining refugee status and stems from ODIHR's partnership in the UNHCR/IOM/OSCE "Regional Conference to Address the Problems of Refugees, Displaced Persons, Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States" (CIS Conference). The agenda provided a review of international standards, group case studies, and an overview of the Law on Refugees of the Republic of Belarus. The specific lectures by four refugee law experts included an introduction to the international protection of refugees, human rights and refugees, the principle of "non-refoulement", an overview of the law on refugees of the Republic of Belarus, procedures for determining refugee status, inclusion, exclusion, and cessation clauses.

In addition to providing participants with a targeted training session on refugee law and procedures, the activity resulted in an increased awareness of the ODIHR's engagement in the preparation of the CIS Conference and co-operation with other concerned international organisations as well as contributed to

the development of a foundation for upcoming Rule of Law programmes with the Supreme Court of Belarus and the International Humanitarian and Human Rights Department of the Ministry for Foreign Affairs.

WORKSHOP IN WARSAW

January 30, 1996

Rapporteur: Elizabeth Winship

Fifteen participants from the "Workshop for Dispute Managers, Bridge Builders, and Community Developers in Ethno-Political Conflicts from Eastern Europe and the CIS," organised by the Berghof Centre for Conflict Management, taking place in Warsaw, came to the ODIHR for a briefing on the OSCE and the work of the ODIHR. Guests from the Helsinki Foundation were also invited. The participants who attended the briefing included NGOs representatives from Germany, Vojvodina (Serbia), Romania, Bulgaria and Moldova.

INTERNET RULE OF LAW RESOURCE DIRECTORY

Warsaw, January 1996

Rapporteur: Robert M. Buergenthal

In an effort to improve its ability to offer research and technical assistance, the Rule of Law Programme completed a research project designed to identify the international legal resource sites currently available through the INTERNET. Although developed for use by ODIHR Programme Advisers, the guide is available upon request.

PROFESSIONAL TRAINING PROGRAM FOR RUSSIAN JUDGES

Moscow, Russia

February 13-16, 1996

Rapporteur: Robert M. Buergenthal

An Independent Judiciary in a Democratic State was the introductory seminar of a four-part series of training activities developed jointly with the Russian Federation Supreme Court and the Russian Legal Academy. The Seminar marked the first Rule of Law Programme activity in the Russian Federation and the formal inauguration of a long term partnership. The seminar was presided by V. Lebedev, Chairman of the Russian Federation Supreme Court, V. Ershov, President of the Russian Law Academy and Ambassador Audrey F. Glover, Director ODIHR.

During the four day activity, approximately one hundred judges selected from throughout the Russian Federation and the Supreme Court participated in a mixed methodology training activity which featured lectures and working groups by thirteen jurists from eleven OSCE participating States. The objective of the activity was to expose Russian jurists to international human rights principles and norms, and to prepare them to assume regional training activities in order to multiply the impact of ODIHR Rule of Law Programme.

Prepared jointly by the Russian Supreme Court and ODIHR, the agenda and working programme initiated with lectures on OSCE Commitments and their implementation, the United Nations System and Human Rights, and European Standards and Mechanisms of Judicial Protection of Human Rights. In later sessions, visiting jurists lectured on a range of topics including: Judicial reform in the Russian Federation, the judicial system in a federal state, the parameters of an independent judiciary, the court as a source and interpreter of law and the international standards of judicial proceedings on criminal matters. The seminar also featured presentations by Russian jurists on the status of judicial reform as well as four working groups on international standards, judicial independence and judicial review.

The success of the seminar was due largely to the internationally recognized experts who delivered prepared remarks and led the group in lively discussions concerning the Russian judiciary and legal reform: Viscount John Mark Alexander Colville of Culross, Member House of Lords and United Nations Human Rights Committee (UK); Madame Marie-Odile Wiederkehr, Deputy Director of Legal Affairs, Council of Europe (France); Michael O'Boyle, Head of Division, European Court of Human Rights (UK); Dr. Frederick Quinn, Federal Judicial Centre (USA); Professor Phillip Geoffrey Alston, European University Institute (Australia); Professor Elizabeth DeFeis, Seton Hall University (USA); Justice Eilert Stand Lund, Supreme Court (Norway); Judge Johannes Riedel, Vice-President Landgericht Koln (Germany); Justice I.H. Wildeboer, Supreme Court (Netherlands); Dr. Guy Goulard, Commissioner for Federal Judicial Affairs (Canada); Dr. Viktor Masenko-Mavi, Hungarian Human Rights Centre (Hungary); Judge Jean Luc Spahr, Palais De Justice Sion (Switzerland) and Graham T. Blewitt, Deputy Prosecutor, United Nations International Criminal Tribunal for the former Yugoslavia (Australia).

HUMAN RIGHTS IN PRISONS
Workshop of Centre for Democracy and Human Rights
Yerevan, Armenia
16-19 February
Rapporteur: Elizabeth Winship

The ODIHR sponsored the participation of two experts at the workshop, "Human Rights in Prisons," held at the Centre for Democracy and Human Rights in Yerevan. Mrs. Clare Gordon (Independent Consultant) spoke on "The Purpose of Prison" and "Prisoners and the Outside World," and Professor Stephen Livingstone (University of Nottingham) presented an address, "European Conventions on Human Rights and Prisoners" and a second paper, "Mechanisms for the Protection of Human Rights in Prison." About 90 participants attended the Workshop, including representatives of the Armenian Ministry of Foreign Affairs, the Ministry of the Interior, Prosecutor's Office, Ministry of Justice, Supreme Court, and administrators of penal institutions. As part of the Workshop's programme, participants were invited to visit two prisons. An additional meeting was held for Armenian NGOs concerned with human rights. The ODIHR is now exploring ways in which to co-operate further with the Centre for Democracy and Human Rights and the Armenian Ministry of Foreign Affairs within the Rule of Law Programme.

UPDATE ON THE CIS MIGRATION CONFERENCE
February 1996
Rapporteur: Vladimir Shkolnikov

In preparation for the UNHCR-IOM-OSCE CIS Migration Conference, the first Sub-Regional Meeting for Central Asia was convened in Ashkabad in July 1995 where the ODIHR was represented by Mr. Jacques Roussellier, the Human Dimension Adviser. At the second Sub-Regional Meeting, which took place at the same venue in January 1996, the Central Asian States took steps to build on the results of the first meeting, where they had put forth concrete recommendations to facilitate the implementation of the goals of the Conference Process. Mr. Vladimir Shkolnikov, the ODIHR Migration Adviser and a member of the CIS Conference Secretariat attended that meeting.

In the first meeting, the Central Asian States concluded that a group of experts from the CIS be convened to harmonise national legal principles in the area of population movements. Additionally, they called on experts to review existing and future regional agreements to ascertain whether or not they correspond to accepted legal standards. The Kyrgyz delegation recommended that a sub-regional centre be created to monitor existing and potential populations movements, facilitate consultation amongst

states of the region, assist in the drafting of legislation, training of officials, and serve as a centre for the collection and dissemination of information.

At the second Sub-Regional Meeting, each Central Asian State reported on the progress that had been made towards the fulfilment of these commitments. The Tajik delegation provided a short overview of the steps undertaken by the Government to normalise the situation in the Republic, which include, *inter alia*, voluntary repatriation programmes for refugees and IDPs. The Kyrgyz delegation indicated that since the last meeting Kyrgyzstan has established an inter-departmental commission, headed by the Deputy Prime Minister of Kyrgyzstan, to deal with migration matters. A temporary decree has been passed providing protection to people who fled conflict areas, and a UNHCR Office has been opened in Bishkek. The Kazak delegation stated that a number of amendments aiming to bring national legislation into accordance with international standards have been adopted, and Turkmenistan is in the process of drafting a bilateral agreement with the Russian Federation on the protection of minorities and migration matters. All States indicated their readiness to ratify all relevant international instruments to which they have not yet acceded, and they agreed to bring national legislation into line with international instruments.

The delegations stressed the need for training national personnel and requested international organisations to provide assistance in this regard. As this issue had been addressed in the first Sub-Regional meeting by the Kyrgyz delegation in their proposal to establish a regional centre for migration management in Bishkek, the Kyrgyz delegation elaborated on the idea and provided a detailed explanation of the centre's objectives. Along with training of personnel working in the field of refugees and migration in Central Asia, the centre could provide technical assistance to governments trying to implement national migration programmes. The centre could also collect and analyse information for the Central Asian region, and could compile a single regional database. The delegations agreed in principle to the creation of the centre, but pointed out that the decision has to be taken at the governmental level, and sources of funding for the implementation have to be identified.

Besides the regional centre in Bishkek, the Kazak and Kyrgyz delegations pointed out the need to establish national structures to address early warning and monitoring. In Tajikistan, UNHCR transferred operations to the OSCE, which may lead to the application of OSCE human rights monitoring mechanisms. Kazakhstan, Kyrgyzstan and Tajikistan stressed the importance of implementing a human rights monitoring systems. The establishment of democratic institutions is also seen as a critical element for upholding international human rights norms. One of such institutions is an independent human rights Ombudsman. Tajikistan is co-operating with ODIHR on the establishment of a human rights Ombudsman position in that country. Kazakhstan and Kyrgyzstan agreed to examine the possibilities of establishing a Human Rights Ombudsman position.

The Kyrgyz delegation further pointed out the need for collecting information on possible ecological disasters, as well as the importance of the role of mass media in dissemination of information on the migration situation in the region. The Kazak and the Tajik delegations called for annual regional meetings to discuss the implementation of the Programme of Action of the CIS Conference, and the Uzbek and Turkmeni delegations suggested that the reports resulting from the meetings focus on the countries of the region. Kyrgyzstan stressed that in case of emergencies, meetings should be convened to address the situation as soon as possible.

HIGH COMMISSIONER ON NATIONAL MINORITIES

Since October 1995, the OSCE High Commissioner on National Minorities, Mr Max van der Stoel, has paid visits to Croatia, Estonia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, the former Yugoslav Republic of Macedonia, Romania, Slovakia and Ukraine.

BOSNIA AND HERZEGOVINA

On 29 January 1996, the High Commissioner met in The Hague with the Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina, Mr Muhamed Sacirbey, to discuss the possible role of the High Commissioner in the post-conflict settlement process in the Republic.

CROATIA

On 14-17 December 1995, the High Commissioner paid a visit to Croatia. The purpose of his visit was to get acquainted with the situation of the national minorities in that country. In Zagreb, the High Commissioner had talks with the Deputy Prime Minister and Foreign Minister, Mr Mate Granic, with the Speaker of the Parliament, Mr Vlatko Pavletic, and with other parliamentary officials. He also met with representatives of the Serbian minority in Croatia. Also in Zagreb, the High Commissioner met with Mr Kofi Annan, Special Representative of the UN Secretary General; Mr B. Suk Min, Chief of Mission, UNCRO; Mr Pierre Jambor, Chief of the UNHCR Mission to Croatia; and Mr J.M. Rodriguez Cordon, Acting Head of the ECMM.

The High Commissioner visited a refugee camp near the Bosnian border at Kupljensko, where about 14,000 refugees, followers of the rebel Muslim leader Mr Fikret Abdic, are living in very difficult conditions. He also visited Knin in the Krajina area. There the High Commissioner had meetings with the local civilian authorities, including Mr Petar Pasic, Commissioner of the Croatian Government in Knin, and with the military authorities under the Acting Military Commander, Major Marko Gojevic. He also met with the ECMM Team--Knin.

The High Commissioner returned to Croatia for another visit on 4-8 February 1996. He spent the first two days in Zagreb and the following days in Osijek and the region of Eastern Slavonia. In Zagreb, the High Commissioner met with a number of Croatian Government officials, including Deputy Prime Minister Kostovic, Minister of Justice Separovic, and Interior Minister Jarnak. He also had talks with parliamentarians representing minorities and with international organisations and diplomatic representatives in Croatia.

The main topics of conversation were the problems linked with the process of bringing Eastern Slavonia back under Croatian control and matters relating to the possible return of refugees to the former sectors North and South. Both subjects have a number of problems in common, relating specifically to legal aspects of citizenship and residence permits.

The High Commissioner also visited Osijek and the Baranja region. There he held talks with local authorities, including Mr Ivica Vrkic, head of the Croatian Government's Office for Transitional Administration. He also met with representatives of the Serbs in Baranja. The High Commissioner was informed about the preparation and deployment of the UNTEAS operation by General van de Weghe, commander of the Belgian Battalion, which forms the core of the UNTEAS military component, and by representatives of the UN civilian police force and the UN civilian matters office.

ESTONIA

On 1-2 December 1995, the High Commissioner visited Tallinn to attend a seminar entitled "The Role of Advisory Bodies in Policy-Making on Minority Issues." The two-day seminar, which was opened by Mr Lennart Meri, President of the Republic of Estonia, was jointly organised by Estonia's Presidential Roundtable on Minorities and the Foundation on Inter-Ethnic Relations. It brought together governmental, parliamentary and minority representatives from Estonia, Kazakhstan, Kyrgyzstan, the former Yugoslav Republic of Macedonia, Romania and Slovakia with the aim of evaluating the work of the various minority councils now in existence in the OSCE area and of identifying ways of strengthening such councils as forums for dialogue between governments and national minorities. International experts in the field of inter-ethnic relations also attended the proceedings.

The High Commissioner used the opportunity of his stay in Estonia to meet a number of Estonian officials. The Head of State, President Lennart Meri, received the High Commissioner at his official residence. The High Commissioner also had a meeting with Mr Siim Kallas, Minister for Foreign Affairs of Estonia, and extensive discussions with Mr Märt Rask, Minister of the Interior, and Mr Andras Kollist, Head of the Citizenship and Migration Board. The main subject of these conversations was the situation of the over 300,000 Russian-speakers in Estonia who have not acquired Estonian citizenship.

HUNGARY AND SLOVAKIA

On 8-10 January 1996, the High Commissioner visited Slovakia, together with the team of experts on minority issues appointed by the OSCE. In Bratislava, they met with ministers and other public officials, leaders of political parties (including the Hungarian parties), representatives of cultural organisations and of the association of towns and communities of Slovakia (ZMOS), and members of the State Cultural Fund Pro Slovakia and of its commission for minority cultures. The High Commissioner was received by the President of the Republic, Mr Michal Kovac; the Prime Minister, Mr Vladimír Meciar; and the Foreign Minister, Mr Juraj Schenk. The High Commissioner and the experts also travelled to Galanta, Nové Zámky and Komárno. Discussion focused on the implementation of alternative instruction in state schools in the ethnically mixed territories and of the new act on the state language. Other topics addressed were the preparation of a law on the use of minority languages, the Government's cultural policy toward minorities, the planned administrative reform and the new territorial division of Slovakia.

On 11-13 January 1996, the team of experts was in Hungary and held a number of meetings in Budapest with state officials, members of parliament, and representatives of Slovak organisations and of the Slovak national self-governing body. They also met members of the newly-established Public Foundation for National and Ethnic Minorities in Hungary and the newly-appointed Parliamentary Commissioner for National and Ethnic Minority Rights. Discussions concentrated on several issues: the functioning and financing of self-governing bodies of the Slovak minority at local and national level, the status of Slovak education in the state school system and the question of Slovak teacher training, the promotion and development of Slovak culture, the work of the Public Foundation, and the role of the minority ombudsman. Earlier, on 6 December 1995, the High Commissioner had meetings with the Parliamentary Commissioner for National and Ethnic Minority Rights and with representatives of Slovak organisations.

KAZAKHSTAN

In October 1995, the High Commissioner made his third visit to the Central Asian part of the OSCE area. On 16-18 October, the High Commissioner was in Almaty. There he met with the Deputy Prime Minister of Kazakhstan, Mr Nagashybai Shaikenov; the Minister for Foreign Affairs, Mr Kasymzhomat Tokaev; State Counsellor Mr Marat Tazhin; State Counsellor Mr Kairat Suleimenov; Deputy Minister for Foreign Affairs Mr Boulat Nourgaliev; Mr Alikhan Baimenov, Deputy Chairman of the Assembly of the Peoples of Kazakhstan and Deputy Minister of Labour; Mr Pavel Atrushkevich, Deputy Chairman of the Assembly of the Peoples of Kazakhstan, and other leading officials. He also met with leaders of the Russian movement "Lad." The talks concentrated on the organisation early next year of a seminar on interethnic relations.

KYRGYZSTAN

On 12-15 October 1995, the High Commissioner was in Bishkek. During his visit, the High Commissioner met with the President of the Republic, Mr Askar Akaev; the Deputy Prime Minister, Mr Osmonakun Ibraimov; the Minister for Foreign Affairs, Mrs Roza Otunbaeva; First Deputy State Secretary Mr Kubanychbek Jumaliev; Deputy Minister for Foreign Affairs Mr Talgat Chinotov; Mrs Alevtina Pronenko, Deputy Chairwoman of the Upper Chamber of the Parliament of Kyrgyzstan; Mr Bahtiar Fattakhov, Deputy Chairman of the Lower Chamber of the Parliament; Mr Sopubek Begaliev, Chairman of the Assembly of the People of Kyrgyzstan, and other leading officials. The High Commissioner also held meetings with representatives of the Belarussian, Uighur and Uzbek communities. The main topic of his talks was the current state of interethnic relations in Kyrgyzstan and provision of assistance to the Assembly of the People of Kyrgyzstan.

LATVIA

From 21-23 January 1996, the High Commissioner visited Latvia. During his visit, he met with the new Prime Minister, Mr Andris Skele; the Minister of the Interior, Mr Dainis Turlais; the Speaker of Parliament, Ms Ilga Kreituse; and the State Secretary for Foreign Affairs, Mr Maris Riekstins. The principal subjects of discussion concerned naturalization and language issues.

FORMER YUGOSLAV REPUBLIC OF MACEDONIA

On 7-9 November 1995, the High Commissione paid a visit to the former Yugoslav Republic of Macedonia. He met with Minister of Education Ms Emilia Simoska, Minister of the Interior Mr Ljubomir Frckovski, and leaders of three Albanian political parties. He discussed with them a number of questions relating to national minorities.

ROMANIA

From 14-19 January 1996, the High Commissioner paid a visit to Romania. The purpose of the visit was to follow the implementation of the Law on Education which was adopted in 1995 and, specifically, its consequences for education in minority languages. The High Commissioner was invited by the Prime Minister, Mr Nicolae Vacaroiu, to visit a number of minority language schools to assess the consequences of the new law at first hand. He visited two German language schools in Brasov County and a total of six Hungarian language schools in Covasna County. During these visits, the High Commissioner had extensive talks with teachers and headmasters. He also met with local community leaders and minority representatives.

In Bucharest, the High Commissioner was received by the President, Mr Ion Iliescu. He also had meetings with Prime Minister Nicolae Vacaroiu; the Foreign Minister, Mr Teodor Melescanu; the Minister of Education, Mr Liviu Maior; the State Secretary, Mr Romulus Pop; the Secretary General

of the Government and Coordinator of the Council for National Minorities, Mr Viorel Hrebenciuc; the Chairman of the Chamber of Deputies, Mr Adrian Nastase; the Chairman of the Senate, Mr Liviu Gherman; and with a delegation of parliamentarians. He also held talks with the leadership of the Union of Democratic Hungarians of Romania (UDMR) and representatives of the Greek and Roma minorities.

UKRAINE

From 24-27 January 1996, the High Commissioner visited Ukraine. During his visit, he met with representatives of the Government and Parliament of Ukraine, including the Deputy Prime Minister of Ukraine, Mr Ivan Kuras; the Foreign Minister, Mr Hennadiy Udovenko; the Minister for Minorities and Migration, Mr Vladimir Yevtukh; and the Deputy Speaker of the Parliament of Ukraine, Mr Oleksandr Tkachenko. He also met the Acting Prime Minister of the Autonomous Republic of Crimea, Mr Arkadiy Demidenko; the Speaker of the Crimean Parliament, Mr Yevgeniy Suprunyuk; and the three Deputy Speakers, Mr Refat Chubarov, Mr Anushavan Danelyan and Mr Yuriy Podkopaev. The main subject of discussion was the Constitution of the Autonomous Republic of Crimea that was approved by the Crimean Parliament on 1 November 1995.

HOW TO OBTAIN FURTHER INFORMATION

The recommendations of the High Commissioner that have been made public are available, as are other documents of the OSCE, free of charge from the Prague Office of the OSCE, Rytířská 31, 110 00 Prague 1, Czech Republic. When possible, please quote the relevant CSCE/OSCE Communication number.

Documents may also be accessed over the Internet by sending an E-mail message to: listserv@cc1.kuleuven.ac.be and adding the following text: sub osce Firstname Lastname. Data concerning the High Commissioner's activities are also available on gopher: URL://gopher nato.int:70/1

A bibliography of speeches and publications relating to the High Commissioner's work has been compiled by the Foundation on Inter-Ethnic Relations. Copies may be obtained, free of charge, by writing to The Foundation on Inter-Ethnic Relations, Prinsessegracht 22, 2514 AP The Hague, The Netherlands.

NGO PAGES

Over the past several months the ODIHR has participated in several programmes - workshops, conferences, meetings - of importance and relevance to its work with non-governmental organisations. Reports follow below on those activities...

**LEGAL SERVICES WORKSHOP:
STRATEGIES IN SUPPORT OF HUMAN RIGHTS
Budapest, Hungary
2 - 4 November, 1995**

Co-sponsored by: The Constitutional and Legislative Institute, Budapest; International Helsinki Federation, Vienna; PHARE TACIS Democracy Programme, Brussels; International Human Rights Law Group, Washington.

This workshop was designed to serve as a forum for exchange of information and experience between NGOs from the CIS and from Central and Eastern Europe on the subject of the provision of legal services. Among the panellists were also a number of American experts who shared their ideas and suggestions with participants. By the end of the workshop, panellists and participants together (about 80 persons in total) recognized that they were divided by levels of experience that fell into three groups: Western NGOs having Western concepts and approaches (some of which do not translate to the East); Central and East European NGOs with a modicum of experience and some successes; CIS-based NGOs which have neither experience nor favourable political climate in which to begin providing legal services. This last group no doubt benefited the most from the workshop, as it provided an excellent opportunity for learning new ideas, approaches, and for making useful contacts with NGOs in post-Soviet bloc countries which may offer the most relevant experience and have the most pertinent lessons to share.

The workshop was divided into several panels and discussion sections: *Scope and Nature of Legal Services Provided; Organisation and Structure; Recruitment of Human Rights Lawyers; Strategies for Co-operation Between; Lawyers and NGOs; Guidelines for Selecting Cases; - International Mechanisms for the Protection of Human Rights; Investigation / Relationship with Authorities; Lobbying Government and Parliament; Networking.*

As no time had been allotted for discussions devoted specifically to the question of providing legal services for members of Roma/Sinti communities, the ODIHR began preliminary discussions with relevant NGOs a joint proposal to hold, within the framework of its CPRSI, a separate workshop focusing just on these issues.

**NGOs AND CIVIL SOCIETY:
THE ROLE OF NON-GOVERNMENTAL ORGANISATIONS
IN PROMOTING SOCIAL COHESION
AND STRENGTHENING CIVIL SOCIETY IN EUROPE"
Vilnius, 23 - 24 November**

The Council of Europe convened a large conference in Vilnius on "NGOs and Civil Society," which was attended by members of local and regional governments from Central and Eastern Europe and by Lithuanian NGOs. A few non-Lithuanian NGOs were also in attendance, most notably one NGO each from Belarus and Georgia. Workshop discussions covered a broad range of topics, organised around two themes: a) the ranking of priorities in present-day democracy: economics - politics - ethics and b) present challenges to the

cohesion of European society. The final plenary session addressed the ways in which NGOs and political authorities may co-operate on strengthening civil society.

ITALIAN ASSOCIATION FOR THE DEVELOPMENT OF WOMEN, ROME

Rome, Italy

15 December 1995

The ODIHR NGO Liaison Advisor held a meeting with AIDOS to discuss programmes of mutual interest and to explore areas for possible future co-operation. AIDOS has supported* a project in Russia, the "Womens Innovation Fund, East-West" together with the Mediterranean Centre for Womens Studies in Greece. The program, which has its focus on women's rights, elections, human rights law and disadvantaged groups, was launched in March 1995. Plans are now underway to open a documentation and information centre on women's rights in Russia, with a central office in Moscow and two smaller regional offices. This Russian NGO is connected telematically to a network of 10 other women's organisations in the Russian Federation.

In the Ukraine, there are plans to assist a local NGO, the All Ukrainian Women's Society, in establishing a resource centre, as soon as funding can be allocated. There is already a Women's Press Centre in Kiev, established in conjunction with the Ukrainian government. The AIDOS office has stressed that its resource centre would remain independent from the government.

CONFIDENCE BUILDING MEASURES - COUNCIL OF EUROPE

NGO Informational Meeting

Warsaw, 18 January

The ODIHR, upon the request of Mr. Alfredo Miccio, Head of the Confidence-building Measures programme of the Council of Europe, convened a meeting with Mr. Miccio for Polish NGOs interested in minority questions to discuss the background, purpose and application procedures to the Confidence-building Measures Programme, which has been designed to facilitate projects that increase tolerance and understanding between peoples. More than 20 participants exchanged information on the mandates and programmes of their organisations and benefited from a thorough and informative presentation given by Mr. Miccio. The meeting also served to put in touch several Polish NGOs of similar profile that previously had been unaware of one another's work.

ECRE/ICVA* REFERENCE GROUP ON FORMER YUGOSLAVIA

5-6 February 1996, Frankfurt

The ECRE/ICVA Reference Group held its fifth joint meeting, and the first since the signing of the Dayton Framework Agreement for Peace. The meeting brought together members of the two networks, ECRE and ICVA, several non-member organisations having interest and relevant experience in refugee matters, representatives of UNHCR, International Federation of the Red Cross, the ODIHR, and humanitarian NGOs from Bosnia-Herzegovina, Croatia, and the Federal Republic of Yugoslavia (Serbia and Montenegro). The discussions served to provide all participants with up-to-date information on developments in Bosnia-Herzegovina and provided ample time and opportunities for exchanges of views.

*European Council on Refugees and Exiles International Council of Voluntary Agencies

Report on the HUMAN RIGHTS TASK FORCE MEETING

Office of the High Representative, Brussels
22 February 1996

The meeting of the Human Rights Task Force (HRTF), chaired by Dame Pauline Neville-Jones, Senior Political Advisor to the High Representative, and assisted by Ms. Gro Nystuen, Legal Advisor to the High Representative, took place Thursday afternoon, 22 February at the Office of the High Representative in Brussels. This particular HRTF Meeting, while including as usual representatives of international organisations, also featured the presence and participation of representatives of international human rights non-governmental organisations having interest in or programmes of relevance to post-conflict reconstruction efforts in Bosnia. Following introductory remarks (apologies from Mr. Carl Bildt, who was unable to join the meeting due to situations of higher priority in Bosnia), participants were invited to brief the Meeting on the latest activities of their organisations, beginning with Ms. Mona Sutphen (OHR, Sarajevo) and Ms. Peggy Hicks (UNPF, Sarajevo) who reported on the development of a Joint Human Rights Implementation Centre in Sarajevo. Following a *tour de table*, discussions focused on areas for co-operation between NGOs and IGOs in the region. Most organisations in attendance circulated copies of documents describing their programmes and activities of relevance to post-conflict reconstruction in Bosnia.

Of greatest interest to all was the announcement of plans to initiate a **Joint Human Rights Implementation Centre (JHRIC)** in Sarajevo which will function as an information clearinghouse and focal point for all activities connected with the civil component of Bosnian reconstruction. The Centre will co-ordinate the work of two Teams: a) Human Rights Action Team, which will work closely with the international police forces; and b) Legal Resource Team, which will monitor cases, monitor detention centres, observe judicial proceedings, conduct trial observation. The Centre will hold weekly meetings which will be open to NGOs. A specific agenda will be determined for each meeting. The Centre will nominate an NGO Liaison officer. The Centre's first area of priority will be Serb Sarajevo. Expansion is expected later to other areas of Sarajevo, other cities and regions. All organisations present at the HRTF meeting were urged to encourage their representatives in Bosnia to establish contact with the JHRIC. All participants agreed that further meetings of the HRTF should take place in Sarajevo, not in Brussels. The High Representatives advisors agreed, and announced one week following Brussels a successive HRTF meeting scheduled for Friday, 8 March, in Sarajevo.

**"NATIONALITE ET CITOYENNETE, RETOUR DES REFUGIES, ACTION DU TRIBUNAL
PENAL INTERNATIONAL AU REGARD DES ACCORDS DE PAIX DE DAYTON SUR L'EX-
YUGOSLAVIE: QUELLES STRATEGIES D'ACTION COMMUNE?"**

Maribor, Slovenia
23-25 February

The Federation Internationale des Ligues des Droits de l'Homme convened an international conference in Maribor as a follow-up to their conference held last May in Skopje. The same questions of nationality and citizenship were examined, this time against the background of the Dayton Agreement. The ODIHR NGO Liaison Advisor reported to the conference on the activities of the ODIHR and the OSCE Mission in Bosnia and on the proceedings of the Human Rights Task Force meeting held just one day earlier, in Brussels. Mr. Jean Pierre Getti, magistrat, presented participants with ideas, suggestions and strategies for working with the International War Crimes Tribunal. Mr. Pierre Herbecq, Secretary General of the Belgian League for Human Rights addressed the principles inherent to NGOs active in the field of human rights. Ms. Maggie Nicholson of the Council of Europe's Human Rights Directorate provided an explanation of the European institutions and procedures available to NGOs for pursuing individual human rights cases.

ODIHR'S PERSONNEL

As the Office for Democratic Institutions and Human Rights has grown substantially within the recent months, we would like to present here briefly the structure of our office.

The ODIHR is headed by Director Ambassador Audrey F. Glover. Her Deputy, Mr. Gilles Breton is dealing mainly with the Personnel, Administrative and Financial aspects of the ODIHR's operations. The Office consists of three Departments, divided further into Units. An additional special Unit was recently created to deal with new tasks in Bosnia-Herzegovina. It is headed by the Co-ordinator, Mr. Donald Holder.

1. Department of Human Dimension Issues

- 1.1. Election Unit
 - 1.1.1. Election Adviser, Gerald Mitchell
 - 1.1.2. Election Assistant, Helene Lloyd
- 1.2. Human Dimension Unit
 - 1.2.1. Human Dimension Adviser, Jacques E. Rousselier
 - 1.2.2. Human Dimension Assistant, Martin Alexandersson
- 1.3. Rule of Law Unit
 - 1.3.1. Rule of Law Adviser, Robert M. Buergenthal
 - 1.3.2. Rule of Law Expert, Anatoly Kobzev
- 1.4. Migration Conference Unit
 - 1.4.1. Migration Expert, Vladimir Shkolnikov
- 1.5. Secretary, Joanna Pietrzak

1.1. Department for Public Affairs, Seminars and Information Services

- 1.1.1. Information Management Adviser, Paulina Merino
- 1.1.2. NGO Liaison Adviser, Elizabeth Winship
- 1.1.3. Conference Services Adviser, Jacek Paliszewski
- 1.1.4. NGO/Information Assistant, Ilya Belkin
- 1.1.5. Conference Services Assistant, Irek Stepinski
- 1.1.6. Secretary, Anna Sierant

1.2. Finance and Administration

- 1.2.1. Financial Adviser, Joanna Porczynska
- 1.2.2. Financial Assistant, Barbara Jedlinska
- 1.3. Administrative and Personnel Assistant, Maryla Lukawska
 - 1.3.1. Senior Secretary, Beata Dobrowolska
 - 1.3.2. Archivist, Beata Klimkiewicz
 - 1.3.3. Computer Specialist, Zenon Pomagalski
 - 1.3.4. Communicator, Grzegorz Kolakowski
 - 1.3.5. Receptionist, Agnieszka Mizgalska
 - 1.3.6. Driver, Krzysztof Marzec