



**Organization for Security and Co-operation in Europe
Review Conference**

RC.GAL/175/99
10 November 1999

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Conference Services

1999 OSCE REVIEW CONFERENCE

Vienna, 20 September to 1 October 1999
Istanbul, 8 to 10 November 1999

FINAL REPORT

TABLE OF CONTENTS

Page

I.	REPORT OF THE CHAIRMAN-IN-OFFICE TO THE ISTANBUL SUMMIT.....	1
II.	PERMANENT COUNCIL DECISION No. 307 (PC.DEC/307).....	3
III.	INDICATIVE WORK PROGRAMME FOR THE WORKING SESSIONS OF THE REVIEW CONFERENCE IN VIENNA (RC(99).DEC/1) AND WORK PROGRAMME FOR THE ISTANBUL REVIEW CONFERENCE	11
IV.	REVIEW OF THE IMPLEMENTATION OF ALL OSCE PRINCIPLES AND COMMITMENTS	
(A)	Report of the rapporteurs on the review of the implementation of all OSCE principles and commitments in the human dimension.....	21
	Rule of law	23
	Exchange of information on the question of the abolition of capital punishment.....	23
	Democratic institutions, citizenship and political rights, civic education.....	24
	National minorities	26
	Roma and Sinti	28
	Freedom of thought, conscience, and religion or belief.....	30
	Freedom of expression, free media and information.....	31
	Freedom of association and the right of peaceful assembly.....	33
	Freedom of movement	33
	Prevention of torture.....	34
	International humanitarian law.....	35
	Culture and education, cultural heritage, human contacts, treatment of citizens of other participating States	37
	Equality of opportunity for men and women	38
	Tolerance and non-discrimination.....	39
	Migration, refugees and displaced persons, migrant workers.....	40
	Role of NGOs.....	42

(B)	Report of the rapporteur on the review of the implementation of all OSCE principles and commitments in the economic dimension.....	45
	Challenges pertaining to economies in transition and their integration in the European and world economy.....	47
	Regional, subregional and transfrontier co-operation in various areas.....	48
	Interaction and co-operation of the OSCE with relevant international organizations in the economic dimension.....	49
	Interaction and co-operation of the OSCE with NGOs.....	50
	Integration of the economic dimension into OSCE tasks.....	50
(C)	Report of the rapporteur on the review of the implementation of all OSCE principles and commitments relating to the politico-military aspects of security.....	53
	Current status of the Vienna Document 1994 and assessment of implementation.....	55
	Review of current adaptation of the Vienna Document.....	56
	Perspectives and future developments.....	57
	Code of Conduct on politico-military aspects of security.....	58
	Combating terrorism.....	61
	Stabilizing Measures for Localized Crisis Situations.....	61
	Security dialogue.....	62
	Global Exchange of Military Information (GEMI).....	63
	Conventional Arms Transfers.....	63
	Principles Governing Non-Proliferation.....	64
V.	REVIEW OF OSCE ACTIVITIES, INSTITUTIONS, STRUCTURES AND INSTRUMENTS, INCLUDING CONSIDERATION OF PROPOSALS DESIGNED TO ENHANCE THE ROLE OF THE OSCE AND FURTHER STRENGTHEN ITS CAPABILITIES	
	Report of the rapporteur on OSCE activities, institutions, structures and instruments.....	67
	Mediterranean Partners for Co-operation and Partners for Co-operation.....	69

The OSCE's co-operation with other international organizations, institutions and entities.....	70
The OSCE Parliamentary Assembly.....	71
The decision-making process.....	71
The role and effectiveness of OSCE institutions and structures.....	72
Capacity building through training	73
Lessons learned from field activities	73
Administrative, financial and other technical aspects of the Organization.....	74
VI. CHAIRMAN'S SUMMARY	75

I. REPORT OF THE CHAIRMAN-IN-OFFICE TO THE ISTANBUL SUMMIT

The 1999 Review Conference of the OSCE took place from 20 September to 1 October 1999 in Vienna and from 8 to 10 November 1999 in Istanbul, on the basis of Decision No. 307 (1 July 1999, see Section I) of the Permanent Council, establishing the agenda, the organizational framework as well as the timetable and other modalities.

The participating States, the Mediterranean partners for co-operation and the partners for co-operation took part in the Review Conference. International organizations, institutions and entities, namely the Barents Euro-Arctic Council, Black Sea Economic Co-operation, Central European Free Trade Agreement, Central European Initiative, Commonwealth of Independent States, Council of the Baltic Sea States, Council of Europe, Energy Charter Secretariat, European Bank for Reconstruction and Development, European Environment Agency, European Investment Bank, European Parliament, International Atomic Energy Agency, International Committee of the Red Cross, International Criminal Tribunal for the Former Yugoslavia, International Energy Agency, International Fund for the Aral Sea, International Labour Organization, International Maritime Organization, International Monetary Fund, International Organization for Migration, Interstate Council of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, North Atlantic Assembly, North Atlantic Treaty Organization, Office of the High Representative for Bosnia and Herzegovina, Office of the Special Representative of the United Nations Secretary-General in Kosovo, Organisation for Economic Co-operation and Development, Parliamentary Assemblies of the Council of Europe, the Western European Union and the Commonwealth of Independent States, Southeast European Cooperative Initiative, South-Eastern Europe Cooperation Process, United Nations, United Nations Development Fund for Women, United Nations Development Programme, United Nations Economic Commission for Europe, United Nations Educational, Scientific and Cultural Organization, United Nations Environment Programme, United Nations Framework Convention on Climate Change, United Nations High Commissioner for Human Rights, United Nations High Commissioner for Refugees, United Nations Industrial Development Organization, United Nations Office in Vienna, Western European Union, World Bank, World Health Organization and the World Trade Organization, participated in the Review Conference in the Plenary and in appropriate working sessions in the context of relevant agenda items. A considerable number of non-governmental organizations attended and contributed to the working sessions open to them.

The Review Conference held five plenary meetings and proceeded in 28 working sessions in four areas both to a thorough review of implementation of all OSCE principles and commitments and to a review of OSCE activities, institutions, structures and instruments, including consideration of proposals designed to enhance the role of the OSCE and further strengthen its capabilities.

The present report sets out the main findings and recommendations of the Conference. Inevitably, not all points of view could be reflected in this report. However, there is a wealth of documents that have been circulated during the Review Conference and that can, in addition, serve as a complement.

The Chairman-in-Office suggests that points commanding wide support be taken up by the Permanent Council and other organs and institutions of the OSCE.

The Chairman-in-Office finally wants to thank the rapporteurs, Ms. Ann Marie Bolin Pennegård and Mr. Govert Jan Bijl de Vroe (Human Dimension), Mr. Olivier Zehdner (Economic Dimension), Mr. Peter Zöllner (Politico-Military Aspects of Security) and Mr. Öemer Tüzel (OSCE Activities, Institutions, Structures and Instruments), for their efforts to report on the essential points covered in working sessions.

Chairman-in-Office of the OSCE

H.E. Knut Vollebæk
Minister for Foreign Affairs of Norway



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.DEC/307

1 July 1999

Original: ENGLISH

237th Plenary Meeting

PC Journal No. 237, Agenda item 4

DECISION No. 307

**AGENDA, ORGANIZATIONAL FRAMEWORK, TIMETABLE AND
OTHER MODALITIES OF THE 1999 REVIEW CONFERENCE
AND THE PREPARATORY MEETING TO THE ISTANBUL SUMMIT**

I. AGENDA

- (A) Review Conference in Vienna (20 September-1 October 1999)
1. Formal opening
 2. Statement by Mr. Knut Vollebæk, OSCE Chairman-in-Office
 3. Reports by:
 - (a) the Secretary General
 - (b) the President of the OSCE Parliamentary Assembly
 - (c) the High Commissioner on National Minorities
 - (d) the Director of ODIHR
 - (e) the OSCE Representative on Freedom of the Media
 - (f) the President of the Court of Conciliation and Arbitration
 - (g) the Chairman of the Forum for Security Co-operation
 - (h) the Chairman of the Security Model Committee
 4. General debate
 5. Contributions by:
 - (a) Mediterranean Partners for Co-operation (Algeria, Egypt, Israel, Jordan, Morocco and Tunisia)
 - (b) Partners for Co-operation (Japan and the Republic of Korea)
 - (c) the United Nations
 - (d) other international organizations, institutions and entities
 6. Review of implementation of OSCE principles and commitments, including a focus on recommendations for future action and greater co-operation among participating States:

- (a) Review of the implementation of all OSCE principles and commitments
 - (b) Review of OSCE activities, institutions, structures and instruments, including consideration of proposals designed to enhance the role of the OSCE and further strengthen its capabilities
7. Reports by the Rapporteurs and the Chairman's Summary
 8. Formal closure
- (B) Review Conference in Istanbul (8-10 November 1999)
1. Formal opening
 2. Statement by a representative of the OSCE Chairman-in-Office on the results of the proceedings at the part of the Review Conference held in Vienna
 3. Working sessions
 4. Chairman's Summary
 5. Formal closure
- (C) Preparatory Meeting, in Istanbul (11-17 November 1999)
1. Formal opening
 2. Preparation of a document/documents to be adopted at the Meeting of the Heads of State or Government of the participating States, to be held in Istanbul on 18 and 19 November 1999
 3. Formal closure

II. ORGANIZATIONAL FRAMEWORK, TIMETABLE AND OTHER MODALITIES

1. Items 1, 2, 3, 4, 5, 7 and 8 of the agenda for the Review Conference in Vienna will be dealt with in plenary meetings. The part of the Review Conference held in Istanbul will consist of plenary meetings and working sessions. Those making reports or contributions under agenda items 3, 4 and 5 of the Review Conference in Vienna are encouraged to submit them in writing. Oral presentations under agenda item 3, 4, 5 and 6 at the Vienna part of the Review Conference and agenda item 3 at the Istanbul part should not exceed five minutes.

Under agenda item 3, at the Review Conference in Vienna, the Chairman of the Joint Consultative Group (JCG) may provide information on the functioning of the CFE regime. Similarly, the Chairman of the Forum for Security Co-operation (FSC) and the Chairman of the Security Model Committee (SMC) will be invited to report to the plenary on Monday, 20 September 1999.

2. The Mediterranean Partners for Co-operation (Algeria, Egypt, Israel, Jordan, Morocco and Tunisia) are invited to attend the Review Conference and to make their contributions to the Review Conference in plenary and in the appropriate working sessions, in the context of the relevant provisions of the Final Act and other OSCE documents, with respect to the realization of the objectives concerning security and co-operation in the Mediterranean area as well as co-operation and closer links with the OSCE as set out in those documents.

Japan is invited to make its contributions in plenary and in the appropriate working sessions, in conformity with the relevant provisions of the Helsinki Document 1992.

The Republic of Korea is invited to observe the proceedings in plenary and in the appropriate working sessions of the Review Conference and to make its contributions in plenary.

3. OSCE field presences are encouraged to designate a representative to participate in the Review Conference.

4. Agenda item 6 of the Review Conference in Vienna will be dealt with in working sessions. An indicative work programme for the working sessions will be decided upon at the first plenary of the Review Conference, after open-ended informal consultations that are to be concluded prior to the opening of the Review Conference. For practical and organizational reasons, the deliberations will be organized according to the three traditional areas of OSCE activity; at the same time, sessions will be organized in such a way as to permit a discussion of OSCE activities, institutions, structures and instruments:

Human Dimension

Review of the implementation of all OSCE principles and commitments in the human dimension

Chair: Representative of the Chairman-in-Office
(12 sessions)

Economic Dimension

Review of the implementation of all OSCE principles and commitments in the economic dimension

Chair: Representative of Austria
(4 sessions)

Politico-military aspects of security

Review of the implementation of all OSCE principles and commitments relating to the politico-military aspects of security

Chair: Representative of Poland
(4 sessions)

OSCE activities, institutions, structures and instruments

Review of OSCE activities, institutions, structures and instruments, including consideration of proposals designed to enhance the role of the OSCE and further strengthen its capabilities, of OSCE co-operation with the Mediterranean Partners for Co-operation and of lessons learnt from field activities

Chair: Representative of the Chairman-in-Office
(4 sessions)

5. The plenary of the Review Conference will provide direction to the deliberations in the working sessions. The plenary, in closed session, may also give guidance on preparatory work to be undertaken on the Summit document.

6. In keeping with the increasing openness of OSCE activities, representatives of non-governmental organizations (NGOs) with relevant experience in the area under discussion are free, on the basis of the procedures set out in the Annex, to attend and contribute to the working sessions of the Review Conference dealing with the human and the economic dimension and the part of OSCE activities, institutions, structures and instruments dealing with lessons learnt from field activities.

7. Other subsidiary working bodies of the Review Conference may be set up by the plenary to deal with specific questions.

8. The plenary meetings of the Review Conference will be open unless otherwise decided.

9. Agenda items 1 and 3 of the Preparatory Meeting will be dealt with by the Committee of the Whole of the Preparatory Meeting. Agenda item 2 will be dealt with by the Committee of the Whole and drafting groups established for this purpose by the Preparatory Meeting.

10. The plenary meetings and working sessions of the Review Conference and the Preparatory Meeting will be held in accordance with the meeting schedule contained in this document. The meeting schedule will be subject to constant review and possible readjustment by the respective plenary or Committee of the Whole.

11. The representatives of the following international organizations, institutions and entities will be invited to make their contributions to the Review Conference in plenary:

United Nations, Council of Europe, United Nations Economic Commission for Europe, North Atlantic Treaty Organization, Western European Union, Organization for Economic Co-operation and Development, European Bank for Reconstruction and Development, European Investment Bank, United Nations Educational, Scientific and Cultural Organization, United Nations Environment Programme, International Atomic Energy Agency, Energy Charter Secretariat, International Energy Agency, Commonwealth of Independent States, Council of the Baltic Sea States, Barents Euro-Arctic Council, Black Sea Economic Co-operation, Southeast European Cooperative Initiative, Central European Initiative and South-Eastern Europe Cooperation Process.

In view of their active involvement in OSCE field activities, the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the International Criminal Tribunal for the Former Yugoslavia, the International Organization for Migration and the International Committee of the Red Cross will also be invited to make their contributions in plenary.

The above international organizations and institutions, and any others that are agreed upon, may be invited to make contributions at appropriate working sessions of the Review Conference in the context of relevant agenda items.

12. The rules of procedure and the working methods of the OSCE will be applied, *mutatis mutandis*, at the Review Conference and the Preparatory Meeting.

13. The Chair at the plenary meetings will be a representative of the Chairman-in-Office. The discussions during the working sessions will be chaired by a representative of the OSCE Chairmanship Troika countries; Poland, Austria and Norway.

The representative of the Chairman-in-Office will, after consultations with the participating States, appoint rapporteurs for the working sessions. One rapporteur should be designated for each of the following: the economic dimension, the politico-military aspects of security, and OSCE activities, institutions, structures and instruments. Two rapporteurs should be designated for the human dimension. The reports of the rapporteurs, which will not be regarded as binding documents, will be presented in the last plenary meeting of the Review Conference in Vienna, and will serve as a basis for subsequent deliberations at the Review Conference in Istanbul.

During the Review Conference in Istanbul, there will be one working session on the economic dimension, one working session on OSCE activities, institutions, structures and instruments and two working sessions on the human dimension. The work programme for the Review Conference in Istanbul will be established on the basis of the deliberations taking place during the Review Conference in Vienna.

14. The Chair of the Committee of the Whole of the Preparatory Meeting will be a representative of Turkey.

15. The Review Conference in Vienna will be opened on 20 September 1999 at 10 a.m. and closed on 1 October 1999. The Review Conference in Istanbul will be opened on 8 November at 10 a.m. and closed on 10 November 1999.

16. The Preparatory Meeting will be opened in Istanbul on 11 November 1996 at 10 a.m. It will be closed on 17 November 1999.

Meeting Schedule

REVIEW CONFERENCE

1. Vienna

Working hours: 10 a.m. - 1 p.m.
3 p.m. - 6 p.m.

Week 1	Monday 20 September	Tuesday 21 September	Wednesday 22 September	Thursday 23 September	Friday 24 September
Morning	Opening Plenary	HD 1 ED 1	HD 3 ED 3	NGO	HD 6 AISI 1
Afternoon	Plenary	HD 2 ED 2	HD 4 ED 4	HD 5 -	HD 7 -

Week 2	Monday 27 September	Tuesday 28 September	Wednesday 29 September	Thursday 30 September	Friday 1 October
Morning	HD 8 PMS 1	HD 10 PMS 3	HD 12 AISI 2	NGO	Plenary
Afternoon	HD 9 PMS 2	HD 11 PMS 4	AISI 3 -	AISI 4 -	Plenary

2. Istanbul

Working hours: 10 a.m. - 1 p.m.
3 p.m. - 6 p.m.

Week 3	Monday 8 November	Tuesday 9 November	Wednesday 10 November
Morning	Plenary	HD 13	ED 5
Afternoon	AISI 5	HD 14	Closing Plenary

HD	Human Dimension	14 sessions
ED	Economic Dimension	5 sessions
PMS	Politico-military aspects of security	4 sessions
AISI	OSCE activities, institutions, structures and instruments	5 sessions

PREPARATORY MEETING IN ISTANBUL

Working hours: 10 a.m. - 1 p.m.
3 p.m. - 6 p.m.

	Thursday 11 November	Friday 12 November	Monday 15 November	Tuesday 16 November	Wednesday 17 November
Morning	COW	DS	DS	DS	DS
Afternoon	DS	DS	DS	DS	COW

COW Committee of the Whole
DS Drafting session on the Istanbul Summit Document

Concerning Section II, paragraph 6:

Representatives of NGOs are invited to make written presentations through the OSCE Secretariat in close co-operation with the ODIHR, on the basis of which they may address specific questions orally as appropriate. NGOs will have equal access to the list of speakers to allow them to make their contributions under each agenda item addressed by the meeting as specified below. Contributions should not exceed five minutes each.

All NGOs wishing to attend the working sessions of the Review Conference dealing with the human and the economic dimension and the part of OSCE activities, institutions, structures and instruments dealing with lessons learnt from field activities will be admitted subject to the provisions contained in Chapter IV, paragraphs 15 and 16 of the Helsinki Document 1992. Prior to the meetings, the OSCE Secretary General, in consultation with the ODIHR, will distribute to all participating States a list of the NGOs intending to participate. The Secretary General, in close co-operation with the ODIHR, will keep participating States regularly informed of additional NGOs wishing to attend the working sessions and plenary meetings. Should questions arise concerning the application of Chapter IV, paragraph 16 of the Helsinki Document 1992, the Secretary General, assisted by the ODIHR, will undertake consultations to ensure that any decision on the matter is in conformity with the said provisions and is based on the views of the interested participating States.



**Organization for Security and Co-operation in Europe
Review Conference**

RC(99).DEC/1
20 September 1999

Original: ENGLISH

1st Plenary Meeting

RC(99) Journal No. 1, Agenda item 1

DECISION No. 1

In accordance with paragraph 4 of Section II of the agenda, organizational framework, timetable and other modalities of the 1999 Review Conferences (PC.DEC/307), the Review Conference adopts the indicative work programme for the working sessions enclosed in the Annex.

REVIEW OF THE IMPLEMENTATION OF OSCE COMMITMENTS

INDICATIVE WORK PROGRAMME FOR THE
HUMAN DIMENSION

Chair: Norway

Session 1

Tuesday
21 September
10 a.m.
Redoutensaal

Rule of law, including:

- Legislative transparency
- Independence of the judiciary
- Right to a fair trial

Exchange of information on the question of the abolition of capital punishment

Democratic institutions, including:

- Free and fair elections
- Democracy at the national, regional and local levels

Citizenship and political rights

Civic education

Session 2

Tuesday
21 September
3 p.m.
Redoutensaal

Continuation

Session 3

Wednesday
22 September
10 a.m.
Redoutensaal

National minorities

Roma and Sinti

Session 4

Wednesday
22 September
3 p.m.
Redoutensaal

Continuation

Session 5
Thursday
23 September
3 p.m.
Redoutensaal

Human rights and fundamental freedoms, including:

- Freedom of thought, conscience, and religion or belief
- Freedom of expression, free media and information
- Freedom of association and the right of peaceful assembly
- Freedom of movement
- Prevention of torture
- International humanitarian law

Session 6
Friday
24 September
10 a.m.
Redoutensaal

Continuation

Session 7
Friday
24 September
3 p.m.
Redoutensaal

Continuation

Session 8
Monday
27 September
10 a.m.
Redoutensaal

Continuation

Session 9
Monday
27 September
3 p.m.
Redoutensaal

Culture and education
Cultural heritage
Human contacts
Treatment of citizens of other participating States

Session 10
Tuesday
28 September
10 a.m.
Redoutensaal

Tolerance and non-discrimination, including:

- Equality of opportunity for men and women
- Preventing aggressive nationalism
- Ethnic cleansing
- Racism
- Chauvinism
- Xenophobia
- Anti-Semitism

Migration, refugees and displaced persons
Migrant workers

Session 11

Tuesday

28 September

3 p.m.

Redoutensaal

Continuation

Session 12

Wednesday

29 September

10 a.m.

Festsaal

Role of non-governmental organizations, including:

- Contribution of NGOs to the human dimension
- Co-operation between relevant NGOs and OSCE institutions and instruments
- Strengthening dialogue between governments and NGOs
- Training, capacity building

REVIEW OF THE IMPLEMENTATION OF OSCE COMMITMENTS

INDICATIVE WORK PROGRAMME FOR THE
ECONOMIC DIMENSION

Chair: Austria

Session 1
Tuesday
21 September
10 a.m.
Neuer Saal

Implementation of commitments contained in relevant OSCE documents within the economic dimension, including, *inter alia*:

- Challenges pertaining to economies in transition
- Regional, subregional and transfrontier co-operation in various areas, such as environmental problem-solving
- Integration in the European and global economic system

Session 2
Tuesday
21 September
3 p.m.
Neuer Saal

Continuation

Session 3
Wednesday
22 September
10 a.m.
Neuer Saal

OSCE interaction and co-operation with relevant international organizations and institutions on the economic dimension

The role of NGOs

Session 4
Wednesday
22 September
3 p.m.
Neuer Saal

Integration of the economic dimension into OSCE tasks, including economic aspects of security

REVIEW OF THE IMPLEMENTATION OF OSCE COMMITMENTS

INDICATIVE WORK PROGRAMME FOR THE
POLITICO-MILITARY ASPECTS OF SECURITY

Chair: Poland

Session 1

Monday

27 September

10 a.m.

Neuer Saal

Implementation of the Vienna Document 1994

Session 2

Monday

27 September

3 p.m.

Neuer Saal

Measures in the politico-military field and specific regional security problems

Session 3

Tuesday

28 September

10 a.m.

Neuer Saal

Code of conduct on politico-military aspects of security
Combating terrorism
Stabilizing measures for localized crisis situations
Security dialogue

Session 4

Tuesday

28 September

3 p.m.

Neuer Saal

Global exchange of military information (GEMI)
Principles governing conventional arms transfers
Principles governing non-proliferation

REVIEW OF THE IMPLEMENTATION OF OSCE COMMITMENTS

INDICATIVE WORK PROGRAMME FOR
OSCE ACTIVITIES, INSTITUTIONS,
STRUCTURES AND INSTRUMENTS

Chair: Norway

Session 1
Friday
24 September
10 a.m.
Neuer Saal

Co-operation with others:
- Mediterranean Partners for Co-operation
- Partners for Co-operation
- International organizations, institutions and entities
- OSCE Parliamentary Assembly

Session 2
Wednesday
29 September
10 a.m.
Neuer Saal

The decision-making process
The role and effectiveness of the institutions
The role and effectiveness of OSCE structures
Capacity building, training

Session 3
Wednesday
29 September
3 p.m.
Festsaal

Lessons learned from field activities
(open to NGOs)

Session 4
Thursday
30 September
3 p.m.
Festsaal

Administrative, financial and other technical aspects of the
Organization

1999 OSCE REVIEW CONFERENCE IN ISTANBUL
8–10 NOVEMBER 1999

PROGRAMME

Monday 8 November 1999

10 a.m. – 1 p.m. Plenary

Chair: Mr. K. Eide

Opening statements by participating States and international organizations based on the reports from the proceedings of the Review Conference in Vienna.

Lunch break

3 p.m. – 6 p.m. 5th Working Session on OSCE activities, institutions, structures and instruments (AISI)*

Chair: Mr. K. Eide

Address by Secretary General Ján Kubis on lessons learnt from large-scale OSCE missions

Statements by participating States, international and non-governmental organizations on the above-mentioned and other issues discussed at the Review Conference in Vienna

Tuesday 9 November 1999

10 a.m. – 1 p.m. 13th Working Session on the Human Dimension (HD)*

Chair: Mr. L. Mevik

Address by Mr. Claude Nicolay, Member of the ODIHR Advisory Panel for the Prevention of Torture

Statements by participating States, international and non-governmental organizations on the above-mentioned and other issues discussed at the Review Conference in Vienna

Lunch break

3 p.m. – 6 p.m. 14th Working Session on the Human Dimension (HD)

Chair: Mr. L. Mevik

* Previous working sessions were conducted in Vienna on 20 September – 1 October 1999.

Address by Mr. Olara Otunnu, Special Representative of the
United Nations Secretary-General for Children and Armed Conflict

Statements by participating States, international and non-governmental
organizations on the above-mentioned and other issues discussed at the
Review Conference in Vienna

Wednesday 10 November 1999

10 a.m. – 1 p.m. 5th Working Session on the Economic Dimension (ED)*

Chair: Ms. J. Stefan-Bastl

Address on good governance including the fight against corruption by
Ms. Danuta Hübner, Deputy Executive Secretary, United Nations
Economic Commission for Europe

Statements by participating States, international and non-governmental
organizations on the above-mentioned and other issues discussed at the
Review Conference in Vienna

Lunch break

3 p.m. – 6 p.m. Closing Plenary

Chair: Mr. K. Eide

Chairman's Summary

Final statements by participating States and international organizations

* Previous working sessions were conducted in Vienna on 20 September – 1 October 1999.

IV. REVIEW OF THE IMPLEMENTATION OF ALL OSCE PRINCIPLES AND COMMITMENTS

Review of the implementation of all OSCE principles and
commitments in the human dimension

Moderator: Mr. L. Mevik (Norway)

Rapporteurs: Mr. G. Bijl de Vroe (Netherlands)

Ms. A.M. Bolin Pennegård (Sweden)

Number of sessions: 12

Report of the Rapporteurs

Report of the Rapporteurs

Rule of law

Several participating States stressed the importance of the rule of law, a concept that was seen as underlying all OSCE human dimension commitments, and as being the legal foundation of democracy. As one State put it, human security required international humanitarian and human rights standards and the rule of law to be woven into a coherent web protecting the individual.

Some participating States addressed the issue of legislative transparency: laws should be drafted in a transparent process, open to public scrutiny and in conformity with constitutional provisions as well as international standards.

Considerable attention, including that of the NGOs, was devoted to the right to a fair trial. It was pointed out that this right was infringed upon in a number of States. Among the violations cited were lack of evidence, prevention of defendants from having access to a lawyer of their own choosing, and forced confessions. Problems were highlighted with respect to law enforcement practices, such as the planting of evidence, unlawful arrests and police brutality.

The independence of the judiciary was seen as pivotal in safeguarding a system governed by the rule of law. The Council of Europe gave an overview of its efforts to promote this.

One participating State asserted that the rule of law was violated when court decisions granting certain rights to nationals of the State concerned residing in third countries were not implemented and when this was condoned by other States belonging to the same group.

Recommendations from the discussion:

- OSCE States that lacked experience with legislative processes and legislative drafting were encouraged to seek appropriate technical assistance.
- OSCE States should ensure the independence of the judiciary through continuous training of judges and the recruitment of applicants from different social backgrounds.
- One group of States appealed to OSCE States to protect all human rights defenders.

Exchange of information on the question of the abolition of capital punishment

Many participating States, one NGO and one international organization expressed their support for worldwide abolition of capital punishment and pointed to what they saw as a positive trend towards this goal.

It was recalled that capital punishment, by one definition, was incompatible with the concept of human dignity and human rights, in particular the right to life and the right to protection against inhuman treatment. One group of States questioned the deterrent effect of capital punishment and pointed to the fact that judicial systems were not infallible.

It was recalled that several OSCE States had taken steps towards the abolition of capital punishment in the recent past: death sentences had been commuted, moratoria on executions established, the scope of capital crimes reduced and legislation introduced with a view to abolition. Also, some States had signed Protocol No. 6 to the European Convention on the Protection of Human Rights and Fundamental Freedoms; others had ratified it. Progress was also registered as to the signing of the Second Optional Protocol to the International Covenant on Civil and Political Rights.

One of the specific issues highlighted was the execution of juvenile offenders. One group of States recalled that Article 6 of the International Covenant on Civil and Political Rights (ICCPR) expressly forbade the execution of people whose crimes were committed when they were under 18 years of age.

One State argued that abolition would cause domestic problems; it was trying to counter a rise in crime and the majority of the population was in favour of maintaining the death penalty. That State said the possibility of reducing the scope of capital crimes was being considered.

Another State stated its view that opposition to the use of the death penalty represented a departure from established international norms. International law did not prohibit capital punishment. The death penalty for juvenile offenders was prohibited by the ICCPR, but the State concerned had made a valid and effective reservation to the relevant provision, contained in Article 6 of the Covenant. Due process was being observed, including protection of individuals with significant mental infirmity or disability.

Recommendations from the discussion:

- Many participating States, an NGO and an international organization called for the abolition of capital punishment, or at least the establishment of a moratorium with a view to complete abolishment.
- One participating State called upon those that still retained capital punishment to provide all OSCE participating States with information at each human dimension implementation meeting on its use, comprising the scope of capital crimes, the respect for due process, possibilities for appeal, the number of persons executed in the previous year, and other relevant data.

Democratic institutions, citizenship and political rights, civic education

The debate among participating States and NGOs served to underline the importance of developing and maintaining democratic institutions. Organizing free and fair elections was considered an important element in this, fulfilling a role central to the functioning of a healthy democracy. Respect for the rule of law, freedom of association, the right to peaceful assembly and the freedom of media and expression were considered necessary to ensure that elections were truly free and fair. It was reaffirmed that free and fair elections were the concern of all OSCE participating States.

The ODIHR outlined its present approach to election observation missions: full-fledged missions could be undertaken in States meeting, or making progress towards, minimum electoral standards: limited operations should be launched when the electoral

framework fell short of the minimum requirements. In extreme cases of non-compliance, the ODIHR might decide not to undertake an observation mission at all.

Participating States commended the ODIHR on its efforts in that field. One participating State reaffirmed the need for universal standards for election observation. One NGO urged the ODIHR to articulate its standards for election monitoring and implement them consistently.

Many participating States and NGOs addressed specific situations, especially those concerning States where elections were to be held in the near future. Concern was expressed about deficiencies in electoral legislation, voter registration, free access to the media, registration of candidates, freedom of association and assembly, and a pluralist electoral environment. At the same time, progress was registered in a number of participating States where elections had been held recently.

As to elections in Kosovo, one participating State stressed the need for thorough preparations; another urged that these preparations go ahead so as to allow for early and credible elections.

Enhancement of the right of local self-government in the OSCE area was deemed essential by many participating States in order to secure and strengthen democracy. In this regard, a group of States and an international organization referred to the European Charter of Local Self-Government as being the only legal instrument on an international level that recognized the basic principles of local self-government.

Citizenship was seen as an important means of protecting rights and freedoms. In order to achieve democracy and stability, an inclusive approach to citizenship was called for. One participating State provided detailed information on legislative steps taken to settle citizenship issues. It also referred to the need to balance the two aspects of citizenship, namely the rights of States and the rights of individuals, a theme also taken up by the Council of Europe.

Some participating States and NGOs expressed concern about citizenship issues in a number of countries, pointing to alleged deficiencies in existing legislation. At the same time, a number of positive steps concerning citizenship were reported. The United Nations High Commissioner for Refugees (UNHCR) and the Council of Europe gave an overview of their efforts to reduce statelessness.

The importance of civic education was highlighted in some comments. In this connection, it was observed that OSCE institutions and field presences played a useful role in educational activities on various issues: human rights, elections, legislation and institution building. The view was also expressed that education, by promoting tolerance among various groups within society, might serve to prevent conflicts.

Recommendations from the discussion:

- The Permanent Council and other OSCE institutions were urged to put more emphasis on the follow-up of OSCE recommendations concerning election observation. Participating States with weak democratic structures should, where necessary, be assisted in creating the right conditions for holding elections.

- The creation of a database on electoral legislation in OSCE participating States was suggested.
- The UNHCR and the Council of Europe called for closer co-operation between international organizations, including the OSCE, to reduce statelessness; they also called for the signature and ratification of important instruments in this field, notably the Convention on the Reduction of Statelessness and the European Convention on Nationality.

National minorities

Various participants pointed to the two main pillars supporting the protection and promotion of the rights of persons belonging to minorities: on the one hand, the normative standards of the United Nations, the OSCE, in particular the Copenhagen Document; and those of the Council of Europe, in particular the Framework Convention for the Protection of National Minorities and the European Charter on Regional and Minority Language and, on the other hand, the mandate and activities of the High Commissioner on National Minorities (HCNM). The existing standards needed to be further implemented in a number of OSCE participating States.

Several States pointed out how they had been helped by the HCNM in a way which took account of both their international commitments and obligations and their country-specific situations. Also, the valuable work in this area done by the Council of Europe, the UNHCR, the OSCE missions and also NGOs was stressed. The need to include the issue of national minorities high on the agenda of the Stability Pact for South-Eastern Europe was emphasized by many.

Many speakers pointed out that national minorities issues traversed the whole gamut of human dimension commitments and were closely linked to the questions of tolerance and non-discrimination.

Many States presented facts about the situations of national minorities on their territories and specific measures or programmes designed to improve their situations. Many emphasized that involvement of the minorities concerned in all matters affecting them was crucial for the success of such programmes. Various examples of consultative boards or mechanisms were presented. It was stressed that a comprehensive approach was needed involving national, regional and local levels.

NGOs and many States stressed the importance of the signals given and interest devoted by the highest leaders of a country when draft laws or policies affecting national minorities were discussed or acts of verbal or physical violence against minorities occurred. They called for leaders and officials to take a firm stand against forces within their countries supporting extreme nationalism or ethnic division. Examples of positive behaviour by presidents or ministers of some States were mentioned as well as examples of neglect and passivity, sometimes even amounting to condoning the failure to punish offenders, by the leaders of other countries.

Many participants emphasized that to find solutions to the many complex problems facing national minorities, one first had to have knowledge and facts about the country-specific situation, including the historical background. Solutions which addressed specific problems should be sought through dialogue between the governments and

minorities concerned. One group of States mentioned as an example the problem-solving approach used by the HCNM aimed at de-politicizing and concretizing issues on the basis of existing standards.

Several participants, both States and NGOs, presented overviews of positive as well as negative developments within the OSCE area. They stressed the need for a number of States to ensure that their national legislation and policies were in conformity with international standards. In addition, serious violations still occurred in many places. A large number of States and NGOs voiced their dissatisfaction with a few States that still failed to recognize and to develop special measures to ensure the needs and rights of persons belonging to minorities within their territory.

Many speakers stressed that important areas to address were educational rights, including those at tertiary level, linguistic rights, citizenship questions and ways to ensure effective participation of national minorities in public life. Several participants stated that the often poor socio-economic conditions of persons belonging to minorities and the often prevailing negative attitude of the majority towards minorities, which was sometimes supported by elected officials, police officers and the media, were other key areas to be addressed by the concerned States and by the OSCE.

The value of the three sets of general recommendations presented by the HCNM – The Hague Recommendations regarding the Education Rights of National Minorities (1996), the Oslo Recommendations regarding the Linguistic Rights of National Minorities (1998) and the Lund Recommendations on the Effective Participation of National Minorities in Public Life (1999) – was mentioned by many. The representative of the HCNM stated that these recommendations had been elaborated according to existing standards in order to address certain recurrent issues and themes that the HCNM found often confronted States. The HCNM's aim was to present States with a toolbox to draw from in their implementation of commitments relating to the rights of persons belonging to national minorities.

Recommendations from the discussion:

- Most speakers stressed the need for more efforts – including efforts to be made at the Istanbul Summit - by participating States, the OSCE and other international organizations and regional arrangements to raise awareness in societies about upholding the standards of human rights, including the rights of persons belonging to national minorities, as effective tools in the fight against discrimination, prejudice and intolerance.
- Many participating States and NGOs stressed that the OSCE should recognize that, in seeking solutions to the problems facing national minorities, each situation needed to be examined on its own merits, and solutions based on international standards and commitments should be found in dialogue between the governments and the minorities concerned.
- Many participants encouraged governments that had not already done so to create arrangements or mechanisms to ensure a continuing dialogue with their national minorities and to take a firm stand against forces within their societies that advocated extreme nationalism and ethnic hatred.

- Many participants urged all OSCE countries to co-operate closely with the HCNM, the ODIHR and other OSCE mechanisms and institutions, including OSCE missions, and also with the Council of Europe, for the protection and promotion of the rights of persons belonging to national minorities.
- Many participants welcomed the important work of the HCNM and urged that attention be paid to The Hague recommendations on educational rights, the Oslo recommendations on linguistic rights and the Lund recommendations on effective participation in public life, as a useful toolbox to assist States in their implementation of commitments regarding persons belonging to national minorities.
- One State underlined that more attention should be devoted to one of the HCNM's recommendations that "while situations vary greatly, ordinary democratic processes may, in some circumstances, be adequate to respond to the specific needs and aspirations of persons belonging to national minorities".

Roma and Sinti

The serious problems faced by the Roma and Sinti population in many OSCE countries were recognized and discussed. In some countries, the situation of Roma and Sinti had deteriorated to the extent that they were faced with violence, even murder, and persecution. Their socio-economic conditions were often deplorable. Many States and NGOs stressed that further consideration needed to be given to ways to secure the human rights of the Roma and Sinti people.

Examples were mentioned of situations where Roma and Sinti people were leaving their home countries in large numbers for other participating States. NGOs pointed to the negative responses of some of these receiving States, such as strengthening migration control or imposing sudden visa requirements for the countries the Roma and Sinti were emanating from.

The Representative of the UNHCR called on participating States to give careful consideration to and take individual decisions on Roma asylum applicants. He also emphasized that the most appropriate answer did not lie in migration but in working to ensure that Roma had a stake in their countries of origin and to eradicate discrimination against them.

The current perilous situation of the Roma in Kosovo was described by many as critical. It was proposed that a plan be drawn up urgently in a joint effort by the OSCE, the Council of Europe and the European Union to address the needs of the Roma population in Kosovo before the winter. In addition, those responsible for acts of violence against the Roma and Sinti in Kosovo, or elsewhere, had to be brought to trial.

The ODIHR Contact Point for Roma and Sinti Issues presented his work programme and the results of the Supplementary Human Dimension Meeting on Roma and Sinti that took place in Vienna in September. A representative of the HCNM presented some of the recommendations that would emerge from the report of the HCNM on Roma and Sinti, to be presented prior to the Istanbul Summit. These recommendations addressed such areas as stronger anti-discriminatory measures, concrete measures to ensure equality before the law, including training of law enforcement officials, anti-discriminatory policies in the areas of employment, housing and education, and measures to ensure effective participation. Many

participants stressed that measures needed to be taken not only at the national level but also at the local level.

Many speakers stressed the importance of the work done by the ODIHR Contact Point and by the HCNM and welcomed their efforts to address Roma and Sinti issues in a comprehensive manner. A few participants pointed in particular to the suggestions made by the HCNM to increase OSCE activity and render it more proactive, in particular by broadening the mandate of the ODIHR Contact Point for Roma and Sinti Issues.

All speakers voiced their satisfaction with the increased attention the OSCE had paid to the problems facing Roma and Sinti.

A recurrent theme was an appeal to governments to ensure the participation of Roma and Sinti in all matters affecting them. Also, the Roma and Sinti people needed to involve themselves in programmes and policies affecting them in order to promote their own situation and tackle problems within their societies. Many participants pointed to the importance of government leaders and public officials taking a firm stand against all racist and discriminatory treatment of the Roma and Sinti people, for example by reacting when individual cases of misconduct occurred. Several cases were mentioned where this had not happened. One State provided an explanation and an apology in one particular case.

The Deputy Foreign Minister of one State stated that one of the most important priorities for his Government was to improve the situation for the Roma and Sinti population in his country. He and delegates from other States presented a number of measures designed to address the situation of Roma and Sinti in regard to consultative boards for housing, employment and education, and to promote tolerance among the majority population towards Roma and Sinti. NGOs noted that some of the measures had produced a positive effect in some States while in others no significant impact could be noted. In some States the situation had, instead, further deteriorated.

Recommendations from the discussion:

- Several participants suggested that the OSCE should, in accordance with the recommendations of the HCNM, change the mandate of the ODIHR Contact Point for Roma and Sinti Issues into a more proactive one. Close co-operation between the efforts of the OSCE, the Council of Europe, and Roma organizations themselves was encouraged.
- Several participants voiced their support for the Representative on Freedom of the Media regarding his proposal to arrange a seminar focusing on the portrayal and coverage of Roma and Sinti in the media.
- NGOs called on the OSCE to continue to address the Roma and Sinti issues and to seek ways and means of promoting the recommendations from the Supplementary Human Dimension Meeting on Roma and Sinti, held in Vienna on 6 September 1999.
- Many speakers stressed that the report and recommendations of the HCNM on the situation of Roma and Sinti in the OSCE area, to be delivered prior to the Istanbul Summit, should be given adequate attention in the future work of the OSCE.

Freedom of thought, conscience, and religion or belief

A great number of participants made comments under this agenda item. Freedom of religion was seen as one of the most fundamental human rights. It was noted that human rights were indivisible; freedom of religion was closely linked to freedom of conscience, expression and association, and to the issue of minority rights. One group of States stressed the importance of freedom of religion in terms of conflict prevention, one of the core functions of the OSCE.

Many participating States and NGOs addressed the issue of new religious movements. One group of States expressed the view that those new faiths must be treated with tolerance. The state ought not to decide religious truth, but promote tolerance. People should be allowed to express their beliefs freely, within the limits stipulated in international human rights instruments.

In that connection, one NGO pointed to undue restrictions on proselytizing in several OSCE participating States.

Mention was made by one participating State - as well as some NGOs - of what it described as "anti-sect" agencies in a few western States. Each of them replied to this, explaining the exact nature of such entities and the administrative and legislative framework in which they functioned.

The registration of religious communities received a lot of attention. Several participating States and NGOs were of the opinion that some OSCE participating States applied such registration in a discriminatory fashion, sometimes with the effect of unduly favouring established churches.

Several participants pointed to persecution of individuals or groups on the basis of their religion. The OSCE participating States concerned used such methods as the planting of evidence, forced confessions and other violations of OSCE commitments.

Recommendations from the discussion:

- Participating States were encouraged to bring their national legislation in line with OSCE commitments governing freedom of religion or belief. In cases of discrimination or violation, legal remedies ought to be made available. Participating States were also invited to tackle the root causes of discrimination or violation.
- One NGO urged OSCE participating States to re-examine and, where necessary, adjust their legislation related to registration and proselytism. The NGO further recommended participating States to establish forums for dialogue with religious communities, and to consider signing and ratifying relevant Council of Europe conventions.
- The OSCE was urged to address freedom of religion in various ways. One participating State suggested organizing regular meetings under the aegis of the ODIHR and inserting language in the Charter for European Security.
- One NGO suggested writing an annual report on violations of freedom of thought, conscience, religion and belief. Another NGO recommended continuation of the

OSCE Expert Panel on Freedom of Religion, for which a budget line should be created in the OSCE budget. Another urged the OSCE, through its field presences, to monitor individual cases of religious persecution closely and to have the relevant reports regularly discussed in the Permanent Council.

- OSCE participating States were encouraged to find ways of permitting all individuals not only to choose a religion or belief, but also to manifest it. States should act cautiously in considering restrictions on illicit activities that were seen to be undertaken by religious communities, bearing in mind the inalienable nature of freedom of religion.
- The OSCE was asked by some participants to approach a number of participating States on their handling of religious communities; the OSCE might play a role in setting up dialogues.
- One participating State encouraged the promotion of a better understanding of the principal legal systems in the OSCE area and their potential for an effective promotion of religious freedom.
- Participating States were urged to promote the recommendations made in the report of the March 1999 Supplementary Meeting on Freedom of Religion and Belief.
- One NGO urged the OSCE to focus on the issue of conscientious objection to military service. The OSCE could serve as a framework to further measures on this issue in all OSCE participating States.

Freedom of expression, free media and information

Many participating States and NGOs stressed that freedom of expression was not only a right in itself, but also served to underpin other human rights. High standards had been set in various OSCE documents. A top priority for the human dimension of the OSCE should be to close the gap between agreed standards and actual practice through enhanced implementation.

Several States also emphasized that freedom of expression and free media were essential to the development and maintenance of democracy. One State pointed out that only those who feared what free speech might expose about their actions felt the need to restrain it. Restrictions on the freedom of expression were an effective early warning signal of upcoming conflicts.

One State pointed out that in a recent armed conflict in the OSCE area, a group of OSCE participating States used media for military aims and made media facilities the target of attacks in one country. There was a need to work on general principles for secure and reliable information exchange in tense situations in order to avoid false information, which could provide a basis for conflict. Several States and NGOs stated that the public media in the country in question were completely controlled by an authoritarian regime, which continued to use the media to present distorted pictures to a people in isolation. It had also severely curtailed possibilities for free media to operate, the curtailment including intimidation of journalists through violent attacks and harassment.

NGOs and States presented many examples of the unsatisfactory situation in many OSCE participating States with regard to the freedom of expression and free media. One State pointed out that it was a discouraging development that media freedom was being circumscribed in many countries where underground publications had contradicted official propaganda and played a key role in overthrowing tyranny just a decade ago.

Several examples of arrest and harassment of opposition politicians and journalists were presented. Also, many participants noted that unequal access by political parties to electronic and printed media seriously undermined the chances of upcoming elections in several countries being free and fair. Arbitrary dismissal of journalists and self-censorship in public broadcasting was characterized by NGOs as an effective means of silencing media and preventing them from being truly independent of government.

A large group of States called on another State to remove lengthy and cumbersome procedures for foreign journalists. Mention was made by some speakers of a doubtful use of the penal code in several OSCE participating States or a questionable distribution of resources in order to silence the press. Also mentioned were some positive examples of the elimination of such abuses in other countries. One country described its progress towards a free press.

The work of the Representative on Freedom of the Media was highly esteemed by many participating States and NGOs. He was said to play a key role in raising awareness of the OSCE standards and in monitoring and tackling violations. His efforts to tackle indirect forms of media censorship and to address the issue of "hate-speech" in conflict and post-conflict situations was appreciated. Several States and NGOs made concrete proposals as to how his work could be made more effective: for example, through consultation with OSCE field missions before visiting countries where such missions exist, and also through closer co-ordination between his Office and the ODIHR, the Council of Europe, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Stability Pact for South-Eastern Europe.

Recommendations from the discussion:

- Several speakers called on participating States and the OSCE, including its human dimension institutions and field presences, to extend their co-operation to the United Nations, including the mechanisms of the United Nations Commission on Human Rights and UNESCO, and to the Council of Europe, in order to ensure greater complementarity between all international human rights mechanisms.
- Many participants called on all concerned OSCE participating States to review legislative restrictions, *inter alia*, in their media laws, election laws and penal laws, that could impede the full exercise of the freedom of expression. These States should also co-operate and consult closely with the relevant OSCE institutions and field presences.
- One NGO called on the OSCE to undertake a contemporary analysis of the situation of freedom of expression, religion and association in all participating States in order to try to secure a more effective approach and response to remaining problems.
- The OSCE Representative on Freedom of the Media was encouraged by many to further expand his activities in co-operation and co-ordination with other OSCE

institutions, OSCE field missions, other international organizations and their human rights mechanisms and relevant NGOs.

Freedom of association and the right of peaceful assembly

It was stated that some of the most basic freedoms remained unfulfilled in some OSCE participating States and are still fragile or incompletely observed in others. Some OSCE participating States did not implement their OSCE commitments on freedom of association and assembly, claiming that stability was their prime consideration. It was pointed out that democratization would not succeed and stability would be endangered without genuine freedom of association and assembly.

One group of States underlined that these rights also applied to NGOs. In this connection, they recalled the importance of the “Declaration on Human Rights Defenders”, adopted by the United Nations General Assembly, which should help NGOs in defending human rights.

A number of NGOs and one participating State addressed specific violations in a number of States of the freedom of association and the right of peaceful assembly. These include violations of trade union rights, harassment of citizens and refusal to register NGOs, political parties and trade unions. It was said that freedom of association was simply unknown in one OSCE participating State.

Recommendations from the discussion:

- Some NGOs urged the OSCE to do more to protect trade union rights, in co-operation with NGOs. The OSCE should play its part in ensuring that social considerations, human rights and trade union rights were reflected in World Bank and International Monetary Fund guidelines for projects and loan programmes.
- One NGO asked the Chairman-in-Office, the ODIHR and participating States to protest against infringements against the freedom of association in some States in connection with elections. The ODIHR was urged to insist on specific, measurable and sustainable improvements in this field as a precondition to sending election observation missions.
- A group of States underlined that the freedom of association and the right of peaceful assembly should also be recognized for NGOs. One NGO urged the OSCE to denounce the harassment of human rights defenders; participating States were also asked to address this issue.

Freedom of movement

Freedom of movement was seen as a right closely linked to the concepts of security and justice. It would lose much of its meaning if it could not be enjoyed in a secure environment, backed by a justice system in which all citizens and residents had confidence.

It was observed that freedom of movement was widely respected in the OSCE area; nevertheless, violations persisted in a number of countries. In some cases, restrictions had been imposed on members of the political opposition and on human rights activists.

Possible restrictions of the freedom of movement included the requirement to obtain an exit visa in some States and the existence of cumbersome and often costly registration regimes (e.g., the *propiska* system).

One participating State, having given an overview of its own legislation concerning freedom of movement, pointed to visa restrictions undertaken against it by a number of participating States and said it would be compelled to reciprocate.

Recommendations from the discussion:

- One participating State urged those States that had not already done so to consider the elimination of exit visa requirements. Participating States were urged to respect the right to freely choose a place of residence.

Prevention of torture

Participating States and NGOs noted that important steps had been taken in a number of conventions and declarations, including some in major documents of the OSCE, to outlaw the practice of torture and ill-treatment.

General appreciation was expressed for the increased attention paid by the ODIHR to the subject and the work of the OSCE/ODIHR Expert Panel for the Prevention of Torture. The handbook for OSCE field staff on preventing torture was cited as an important recent contribution. A representative of the ODIHR emphasized that the ODIHR intended to continue paying attention to the fight against torture, for example, through integrating that concern into ongoing and planned projects.

The gap between national legislation and policies prohibiting torture and the actual situation in many OSCE participating States was a matter of great concern for many speakers. NGOs stated that, almost on a daily basis, they received reliable reports about the continued existence of torture and ill-treatment in many OSCE participating States. This sad fact called for more vigorous steps.

More political will had to be shown by governments to prevent ill-treatment, train all groups concerned, investigate all cases of alleged torture or ill-treatment and prosecute and punish perpetrators. Experience had shown that torture often occurred within the first 24 hours of detention and that in some States foreign nationals or persons belonging to minorities, including Roma and Sinti people, were especially prone to be victims of torture. The important work relating to the rehabilitation of victims of torture was also emphasized by several speakers.

Many States found the alarming conditions in police cells, prisons and other places of detention to be deplorable in several OSCE participating States, a situation which needed to be rectified urgently. A few States presented their ongoing efforts to combat torture and ill-treatment, including efforts to regulate interrogation procedures better and to improve the conditions of their penitentiary systems. One State briefly presented its policy of zero tolerance of torture.

The Council of Europe presented its work on combating torture, composed of both legal instruments and practical programmes, including the Programme on Police and Human Rights, 1997-2000. The preventive work of the European Committee for the Prevention of

Torture was highlighted in that statement, with emphasis on the Committee's wide supervisory powers and its mandate to visit any place of detention of States Parties in order to enhance, if necessary, the protection of persons deprived of their liberty. Its findings were followed up through dialogue between the Committee and the State Party concerned. Out of the now 41 Member States of the Council of Europe, 40 were parties to the Convention governing that Committee. Several States noted the effectiveness of the mechanism. It was mentioned that, according to an Additional Protocol to that Convention, non-Member States of the Council of Europe could be admitted to this Convention.

Many participants called on OSCE participating States to actively support the efforts within the United Nations Commission on Human Rights to finalize a draft Optional Protocol to the United Nations Convention against Torture, whereby a similar preventive mechanism at the global level would be established.

Recommendations from the discussion:

- NGOs called on all participating States to adopt and implement additional safeguards, where necessary, to prevent torture and ill-treatment and punish those responsible for such acts, *inter alia*, by training their law enforcement officials in their obligations under international law and OSCE commitments, and by improving regulations, methods and procedures governing detention and interrogation and the conditions in their police stations, prisons and other places of detention.
- Several NGOs called for improvements with regard to the way some OSCE participating States were treating illegal immigrants.
- One NGO called on an OSCE State to investigate several cases of disappearance in that State.
- Many called upon the Chairman-in-Office, the ODIHR and the Expert Panel for the Prevention of Torture to continue to propose ways and means by which the OSCE and participating States could undertake efforts aimed at eradicating torture and ill-treatment within the OSCE area, and also lend their support to efforts of others.

International humanitarian law

Several States and NGOs pointed out how the 50th anniversary of the 1949 Geneva Conventions had prompted serious reflection on the need to achieve an enhanced implementation of the rules contained in international humanitarian law, including the two Protocols of 1977 additional to the Conventions. A number of measures needed to be taken in order to ensure that those international legal instruments were better respected and applied in armed conflicts. The International Committee of the Red Cross (ICRC) outlined several measures it had already taken or envisaged in order to achieve that purpose, including a report to be issued on rules in international humanitarian law which should be considered as customary international law.

One State stressed that the concept of humanitarian intervention should not be used as a pretext for an improper and armed intervention by States in the internal affairs of other States. Instead, efforts should be made to utilize the mechanisms of international humanitarian law, such as the International Fact-Finding Commission established under Article 90 of Additional Protocol 1 (1977) to the Geneva Conventions, as well as those of the

OSCE. A group of States explained how, in an armed conflict within the OSCE area, the cruelties and grave breaches of international humanitarian law and violations of human rights had made it necessary, when all other means had been exhausted, for an alliance of States to make a united military intervention in order to restore the respect for these fundamental norms.

Many States and NGOs made remarks about the changing nature of war, where currently the most frequent conflicts were of an internal character. One State noted that a characteristic of these conflicts was that a large majority of the victims, up to 95 per cent, had been civilians. The OSCE needed to support all efforts to enhance the protection of civilians and displaced persons, including the safety of humanitarian aid workers, who in recent conflicts had often become targets of attack. Another State and the ICRC also stressed the need to find practical means for enhancing the protection of civilians in conflict situations.

The vulnerable situation of children in armed conflicts was highlighted in a number of comments. The OSCE was called upon to acknowledge its own pledge in the 1990 Copenhagen Document on the Human Dimension, “to accord particular attention to the recognition of the rights of the child”.

Several speakers stated, with reference to the role of the OSCE in early warning, crisis management and post-conflict rehabilitation and the negative effects on children both as victims of and participants in armed conflicts, that the OSCE should increase its efforts related to the protection of children in armed conflicts. The focus should be both on action on the ground and on efforts to strengthen international standards.

One NGO called on the one remaining OSCE country that had not ratified the Convention on the Rights of the Child to do so. Many speakers expressed the hope that the work on an Optional Protocol to the Convention on the Rights of the Child on Children in Armed Conflict would soon come to a successful conclusion. The Protocol aimed to raise the minimum age for recruitment and participation of children as soldiers.

Recommendations from the discussion:

- Many NGOs and States called on participating States and the OSCE to seek ways to reinforce, in times of tension and conflict, the application by all concerned of the humanitarian standards set out in international humanitarian law and human rights law and to enhance the protection of civilians.
- Several States and NGOs called on the OSCE to integrate its efforts and devote more attention in all its activities to the situation of children affected by conflicts in the OSCE area, including its activities in conflict prevention, crisis management and post-conflict rehabilitation. The ODIHR was requested to develop a methodology for the OSCE to follow in order to make a useful contribution in this regard to complement efforts being made by other organizations and mechanisms.
- One State and one NGO proposed that the OSCE consider setting a minimum age limit for the staffing of OSCE missions consistent with United Nations standards.
- Several States proposed that children in armed conflicts should be the topic of one of the Supplementary Human Dimension Meetings planned by the CiO for the

year 2000. One NGO asked the OSCE to include the rights of the child as an agenda item at all appropriate OSCE meetings.

Culture and education, cultural heritage, human contacts, treatment of citizens of other participating States

In the discussion, it was observed that culture and education had a vital role to play in promoting democratic stability. They could be used as a means of embedding democratic values and respect for human rights: education served to transmit cultural values; culture was a tool for teaching tolerance.

The Council of Europe provided participants with information on its activities in this field and on the topic of cultural heritage.

It was stated that discussing “best practices” concerning issues such as cultural policy and multicultural co-operation was useful, especially in the framework of the Review Conference.

The Chairmanship of the OSCE briefed participants on culture and conflict prevention, the subject of a recent seminar in Bergen, Norway and of a side meeting at the present Review Conference. One participating State was of the opinion that those meetings had given a new dimension to the concept of culture in the OSCE in so far as it had now been placed in the context of conflict prevention, and that it merited further work.

One group of States stated its policies on migrant workers and the treatment of citizens of other participating States.

In its contribution on the treatment of citizens of other participating States, one State focused on property restitution. In a number of States, property was not being restituted to people living abroad on the grounds that they did not have residency in, or citizenship of, the States concerned. States should not only enact non-discriminatory laws, but also implement them.

Recommendations from the discussion:

- The OSCE should make more use of cultural tools in preventing and resolving conflicts. OSCE field presences could play a useful role. Further study should be undertaken regarding the relationship between culture and conflict prevention.
- OSCE participating States were encouraged to stimulate international exchanges.
- One State recommended screening educational textbooks throughout the region of the former Yugoslavia, in order to study their treatment of ethnic, religious and racial topics.
- One participating State urged a number of States to eliminate restrictions in their legislation on property restitution and amend compensation laws that had the effect of discriminating against citizens of other participating States.

Equality of opportunity for men and women

Many States underlined that equality between women and men was to be seen as an objective affecting all policies, and activities of participating States and the OSCE in its day-to-day work. One group of States explained that gender mainstreaming was about providing equal opportunity, joint responsibility and common endeavours, and was necessary in order to achieve a more peaceful, stable and democratic Europe.

It was noted that the work on achieving *de facto* equality of opportunity for women and men in the OSCE area had implications affecting all dimensions of the work of the OSCE. Many participants stated that the task stemmed from commitments undertaken by participating States in the OSCE Moscow Document from 1991, from undertakings at the Fourth United Nations World Conference on Women in Beijing in 1995, and from obligations under legal conventions in the field of human rights.

It was noted that gender mainstreaming within the OSCE affected both the external and internal work of the Organization.

Many speakers, both for States and for NGOs, stressed that the OSCE should be more active in the promotion and protection of human rights of women in participating States, for example by addressing women's situation in conflicts and ensuring their participation in the planning and execution of post-conflict rehabilitation efforts. Kosovo was a case in point. OSCE needed to address means of enhancing the protection of women against violence, trafficking and discrimination; phenomena that are on the rise in a number of countries within the OSCE area. Examples of increased activities of the OSCE, including activities by the ODIHR and several field missions, in those domains were given and welcomed. Several States and the Council of Europe also presented measures they had taken in order to enhance equality between women and men.

One NGO stressed the need for the OSCE to put its own house in order. Many States and NGOs stressed that the current gender imbalance among OSCE staff must not be allowed to continue, both in the OSCE institutions and in the field missions. The responsibility of participating States to make a greater effort to second more women, also for higher positions, was pointed out.

Recommendations from the discussion:

- A large number of participants requested that the OSCE and participating States do more to address violence against women, including violence in conflict situations and domestic violence, as well as trafficking in women and discrimination against women.
- Sustained efforts must be made by all concerned to achieve equitable participation of women in the various ranks of the OSCE Secretariat, its other institutions and missions. Gender-specific data should form part of the regular dissemination of data relating to staffing.
- Several participating States and NGOs called on the OSCE to increase its efforts in gender mainstreaming, including the evaluation of efforts made so far, in order to address the need for change.

- It was proposed that the Charter for European Security and other documents to be prepared for the Istanbul Summit should constitute important occasions for participating States to give renewed political impetus and directives relating to the work on achieving equal opportunity for women and men.
- One group of States proposed that a gender approach should be regarded as a mandatory part of the field activities of the OSCE. Therefore, all field staff must be trained in handling women's human rights, monitoring and reporting on violations of them, and integrating gender aspects in their general work.
- The CiO and OSCE institutions were encouraged by one group of States to participate in and prepare contributions to the regional and global events during the year 2000 intended to review the implementation of the Beijing Platform for Action.

Tolerance and non-discrimination

A large number of States and NGOs voiced serious concern and gave many examples from within OSCE participating States of manifestations of aggressive and extreme nationalism, ethnic cleansing, racism, chauvinism, xenophobia and anti-Semitism as well as of discrimination based on sexual orientation. In the past year, the OSCE area had once again witnessed one of the most brutal episodes of ethnic cleansing, this time in Kosovo. In other countries, various forms of racism, anti-Semitism and intolerance against immigrants, refugees, asylum seekers or persons belonging to minorities, including Roma and Sinti, were on the rise. One NGO pointed out that discrimination and crimes against persons based on their sexual orientation still occurred in a number of countries.

A few speakers noted the problem of "institutionalized" racism. Several participants noted the worrying tendency to apply a "collective guilt" approach to certain nationalities and groups for injustices that may or may not have been committed by leaders or members of that group in the past. The rhetorical question was posed as to whether any OSCE country could claim that it was free from the scourge of racism, xenophobia and various forms of intolerance. Another speaker noted the difficulty of acquiring reliable facts and figures on racism, owing to the lack of a uniform statistical method and to high degrees of underreporting and underrecording in many countries. The role of churches in promoting tolerance and human rights was emphasized. Concern was raised as to how the Internet was being used by extremist groups and individuals to spread messages of racism and ethnic hatred.

It was pointed out that OSCE, from the very beginning, had identified various forms of intolerance and ethnic tension as serious threats to security within and between States. Commitments and mechanisms aimed at reducing and deterring these threats formed part of the OSCE *acquis*. Among the most successful ones were the activities of the High Commissioner on National Minorities, the ODIHR, the Representative on Freedom of the Media and the OSCE field missions. Several speakers stated that the work being done through the International War Crimes Tribunal on former Yugoslavia and the efforts aimed at the establishment of an International Criminal Court were to be regarded as important elements in building peace through justice and deterring leaders from committing acts of ethnic cleansing and serious violations of human rights and of international humanitarian law. Several NGOs stressed that the principles of sovereignty and territorial integrity could not be used as a pretext for leaders to commit atrocities against their own people.

The Council of Europe presented its multifaceted work in the area of tolerance and non-discrimination, including the work of the European Commission against Racism and Intolerance. It noted the same serious trends with regard to the persistence of racism and other forms of intolerance as had been already stated in a number of remarks. The Council of Europe announced that it would host a European conference against racism in October 2000 as part of Europe's contribution to the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

Recommendations from the discussion:

- Many participants called on the OSCE to continue to address, in its general work and at the field level, the question of how participating States could strengthen their national legislation, policies and practices aimed at combating racism and related forms of intolerance and discrimination and promote human rights, education and awareness-raising in every sector of society.
- Participating States were encouraged by many speakers to seek assistance from the OSCE, its institutions and, where relevant, its field missions in order to combat intolerance and discrimination and to counter the brewing of negative forces of extreme nationalism, racism and related forms of intolerance and discrimination in their societies.
- The OSCE and its participating States were called upon by several participants to support efforts by others, including the Council of Europe and the upcoming United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to address ways and means of combating these phenomena.
- A few participants recalled how peace through justice was an important element in the process of building confidence and trust after conflicts. Support should therefore be given by the OSCE to efforts aimed at bringing war criminals to justice.

Migration, refugees and displaced persons, migrant workers

The discussion served to remind participants of the scope of the displacement of people that had occurred in the OSCE area in the past ten years. While mention was made of some specific States, attention was focused on two larger regions, namely the former Yugoslavia and the former Soviet Union.

It was observed that the developments in Kosovo had served as a reminder of the link between security and refugees; people might flee their homes because they felt insecure, but in turn their displacement might create insecurity and instability.

This led one participating State to advocate a global approach towards problems of migration. Such an approach should be integrated, covering all stages of conflict, and should be both humanitarian and political in nature.

Several participants underlined the importance of the Commonwealth of Independent States (CIS) Migration Conference and its Programme of Action adopted in 1996. The OSCE could usefully contribute further to this process. One participating State, while thanking other OSCE States and international organizations for their assistance, maintained

that it carried most of the burden of migration in the area; it asserted that it served as the main barrier against uncontrolled migration towards western States.

Recommendations from the discussion:

- The discussion served to identify possible themes for next year's supplementary meetings on the human dimension. One participating State suggested migration as a theme and received support from another State. Another State proposed the situation of refugees and displaced persons as a topic.
- One participating State encouraged the OSCE to play a stimulating role on the issue of migration, in the context of the CIS Conference. The ODIHR, in particular through its migration adviser, was asked to accelerate its work.
- The involvement of the OSCE in the work of the CIS Conference was also welcomed by other participants; one participating State urged OSCE States to continue to support efforts to address population movements and displacement in this context.
- One participating State asked the OSCE to use all its resources to tackle the issue of internally displaced persons on its territory; the OSCE should fulfil the commitments undertaken in this regard at the Lisbon Summit of 1996.
- With regard to the former Yugoslavia, one participating State stressed the importance of fully implementing the provisions of the Dayton Peace Accord by all States concerned, including the provisions on the return of refugees and displaced persons. Another State urged relevant international actors to take all measures required to enable ethnic communities in Kosovo to live together, with a view to resolving the refugee crisis that still confronted the country concerned.
- One participating State asked the High Commissioner on National Minorities to continue his preventive diplomacy, specifically mentioning the situation of the Meshketian Turks.
- One participating State urged OSCE participating States to accede without delay to the United Nations Convention on the Reduction of Statelessness.
- The UNHCR encouraged all participating States in Central and Eastern Europe to ratify the 1951 Convention relating to the Status of Refugees, adopt refugee legislation in line with international standards, and take measures to establish fair and efficient procedures for the determination of refugee status. It stressed the need for interagency co-operation in protecting refugees.

Role of NGOs

Participants reiterated the usefulness of NGOs in the development of civil society in OSCE participating States. As stated in a collective NGO statement, NGOs played an important part in stimulating citizens' participation in public affairs, which was crucial in creating a sense of responsibility among citizens. It was also observed that citizens must be enabled to participate in the political life of their community; they should be encouraged to constitute a vibrant civil society. This made the existence of NGOs so important.

While it was noted that much had changed for the better since the end of the Cold War, several participants pointed to the problems facing NGOs in a number of specifically mentioned participating States. These ranged from legislative and administrative measures (registration requirements, tax legislation) to harassment, threats and even physical abuse.

The degree of co-operation between NGOs and the OSCE was addressed by many NGOs and participating States. While many participating States noted with satisfaction that NGOs were increasingly involved in the OSCE's work (the ODIHR was especially mentioned), many other participants, notably the NGOs, argued that the OSCE could do more.

Recommendations from the discussion:

- Many NGOs stated collectively that the Charter for European Security must explicitly recognize the contributions of NGOs to the OSCE. It was considered important that the Istanbul Summit should lay the foundations of a European security architecture which involved NGO contributions.
- One NGO encouraged the OSCE mission in a particular State to take the human dimension into account in all its aspects; specifically, the mission should assist in drafting an NGO law.
- One NGO asked the OSCE to be more attentive to the needs of NGOs; OSCE mission members in the field needed more training in human rights. The length of service of mission members needed to be extended so as to maintain established working contacts with NGOs.
- One NGO called for the creation of an "ombudsman" within the OSCE, to perform an advocating role for NGOs and other civic associations vis-à-vis participating States.
- One NGO asked for clear references to violations of human dimension commitments in the rapporteurs' reports. Participating States ought to provide more follow-up to recommendations and make use of the "human dimension mechanism" in order to seek information from other States.
- Many participating States underlined the need for OSCE States to protect and encourage NGOs and to refrain from imposing restrictions on them, administrative or otherwise.
- One NGO urged the OSCE to see to it that the Chairman-in-Office would, as a matter of policy, meet with civil society representatives during all official visits to

participating States. The information thus obtained should reach the Permanent Council through the CiO's reports.

- One participating State called upon the OSCE to support its NGOs working with the most vulnerable parts of the population.

REVIEW OF THE IMPLEMENTATION OF ALL
OSCE PRINCIPLES AND COMMITMENTS

Review of the implementation of all OSCE principles and
commitments in the economic dimension

Moderator: Ms. J. Stefan-Bastl (Austria)
Rapporteur: Mr. O. Zehdner (Switzerland)
Number of sessions: 4

Report of the Rapporteur

Report of the Rapporteur

The discussion on the implementation of OSCE commitments in the economic dimension was opened by a series of general remarks whereby all participating States reiterated their governments' commitment to the basic principles set out in the Bonn Document* and other relevant documents.

Challenges pertaining to economies in transition and their integration in the European and world economy

Delegations noted that the transition process initiated roughly ten years ago had led to the integration of reform economies into the world economy but also had revealed some serious shortcomings in certain regions of the OSCE. These are illustrated by the disparity in economic performance between countries at different stages of transition.

Delegations, representatives of international organizations and NGOs recognized that:

- Shortcomings had been caused mainly by insufficient institution-building and legal enforcement and had also been affected by the globalization of the world economy.
- Broad public backing for the reform process was essential since large and growing income disparities aggravated social tensions. In particular, public support could be achieved by the establishment of dialogue and transparency in decision-making processes involving governments, the private sector, NGOs and the public at large.

Delegations described their strategies extensively in order to further the integration of OSCE participating States whilst others gave detailed accounts of their efforts and expectations regarding the transition process. Comments included:

- There was a need for participating States to continue devoting attention and support to the transition process, to adopt a balanced approach between liberalisation and regulation and to implement their existing commitments effectively at the national level.
- While it was recognized that reform countries needed substantial capital inflows for restructuring and modernizing their economies, it was stressed that a transparent and predictable legal environment and institutional framework at the national level was essential for the proper functioning of a market economy and for attracting investment.
- There was a need to address new risks to common security in the OSCE more systematically, such risks including criminal activities (e.g. trafficking in drugs, human beings, weapons, money) and corruption. One delegation suggested that participating States establish and enforce a set of OSCE norms to combat corruption.

* Document of the Bonn Conference on Economic Co-operation convened in accordance with the relevant provisions of the Concluding Document of the Vienna Meeting of the Conference on Security and Co-operation in Europe, Bonn 1990.

- Some delegations urged that the need to seek resources and elaborate practical mechanisms to address risks and challenges in the economic dimension should be reflected in the Charter for European Security.
- Restrictions to the free movement of people, services and goods (such as tariff and non-tariff barriers, anti-dumping measures) were cited as impediments to market development and economic integration.
- Some delegations reiterated that integration processes should not entail negative consequences for non-member countries. Bilateral agreements and programmes developed by the most advanced economies with and/or in favour of transition economies were considered an important contribution to the development of a pan-European economic partnership.

The United Nations Economic Commission for Europe (UN/ECE) proposed, in the process of reviewing the implementation of the commitments contained in the Bonn Document, to devote special attention to security-related economic issues which were not explicitly mentioned in that Document (e.g., economic discrimination of ethnic and minority groups).

As a follow-up to a proposal made during the 1996 OSCE Review Conference, the UN/ECE pointed out to participating States the risks and difficulties inherent in the elaboration of a system of early warning indicators. The available expertise suggested that specific economic and social indicators could not be relied upon as accurate predictions of crisis and that an unreliable system could, in itself, generate tensions (self-fulfilling prophecies). More general monitoring, taking into account a combination of economic, social and environmental problems, would be potentially more effective and sensible.

Regional, subregional and transfrontier co-operation in various areas

On the question of regional, subregional and transfrontier co-operation, several delegations and a representative of a subregional organization gave presentations on their recent activities and their interaction with the OSCE in the economic, technical and environmental spheres. It was stressed that such initiatives made a genuine contribution to building confidence, peace, stability and prosperity in a specific region.

Special attention was devoted to the most recent regional initiative based on a comprehensive approach to security for a whole region, namely the Stability Pact for South-Eastern Europe, launched by the EU and put under the auspices of the OSCE.

Delegations also welcomed the proposal for regional co-operation in Central Asia recently discussed on the basis of the report of Ambassador Höynck. Such regional initiatives could contribute to resolving tensions arising from environmental and economic sources.

Some delegations underscored the need to ensure direct involvement of host countries in shaping and implementing those regional co-operations. Active involvement of the OSCE field missions in regional approaches should also be encouraged.

One delegation suggested that information regarding different regional and subregional initiatives in the OSCE area be presented in a compiled form to delegations (e.g., handbook).

Some delegations reiterated that the OSCE should utilize the work of the NATO Committee on the Challenges of Modern Society in order to identify environmental aspects of security.

The UN/ECE proposed that the OSCE make use of the work of its Committee on Environmental Policy (CEP). Among other activities, CEP's programme, whose political process involves high representatives from governments, major international organizations and NGOs, foresees regular country performance reviews by international experts and peer evaluations.

Interaction and co-operation of the OSCE with relevant international organizations in the economic dimension

Close attention was paid to the OSCE's interaction and co-operation with relevant international organizations. Several proposals were put forward for more structured co-operation with specialized international organizations and for regular consultations and exchange of information with them.

The representatives of international organizations expressed their readiness to strengthen mutually beneficial co-operation with the institutions of the OSCE, between headquarters as well as in the field. Delegations acknowledged that these institutions organized regular meetings and published numerous analyses and articles on the challenges faced by countries in transition. They were more than willing to share additional information with the OSCE.

The International Monetary Fund (IMF) representative, after repeating that the most successful reforms at a world-wide level were those supported by civil society, reported briefly on the efforts of the IMF to increase the co-ordination of its activities with different international organizations and NGOs.

The representative of the UN/ECE proposed, in addition to the ongoing co-operation with the OSCE, some innovative and practical suggestions for consideration. They included:

- A cross-sectoral team could be formed, consisting of experts from the OSCE, UN/ECE and other international organizations in order to identify areas of potential conflict where remedial action would be required.
- The UN/ECE could provide OSCE institutions with its economic surveys with special emphasis on issues that had the potential of developing into threats to security.

As it was doing currently with the Aarhus Convention^{*}, the OSCE could further the impetus given to the signing and implementation of legal instruments generated by the UN/ECE, many of which had a direct bearing on security.

* Convention on Access to Environmental Information and Public Participation in Environmental Decision-Making (Aarhus, Denmark, June 1998).

Because States were members of both the OSCE and the UN/ECE, some delegations saw a potential for synergy and efficiency resulting from increased co-ordination within the administrations of participating States dealing with the two organizations.

Delegations recognized the progress achieved by the OSCE in developing its contacts with international organizations and the need to further this co-operation to enhance synergies. One delegation, supported by others, underlined the need to establish priorities for OSCE co-operation with international organizations. The OSCE should focus on those organizations with which it could establish effective and specific relationships and whose expertise could be useful to the OSCE and its missions in the implementation of their mandate.

Interaction and co-operation of the OSCE with NGOs

Representatives from NGOs gave a detailed account of their activities and the challenges they faced. They underlined the opportunities and social costs of transition and globalization. They regretted that, all too often, human and minority rights were subordinated to the imperatives of narrowly-based economic development. They stressed that fair and equitable economic development would reduce the potential for conflict and lead to sustainable gains in national economies.

Delegations recognized that NGOs were essential actors in identifying sources of tension and helping to defuse them between and within States. They also stressed the importance of their contribution to post-conflict rehabilitation, as recently illustrated in Kosovo. They regretted that their activities were hampered in certain regions of the OSCE.

Since the work of NGOs had been critical in the success of the OSCE in the human dimension, delegations underlined the need for the OSCE to adopt a similar approach in the economic dimension. It should encourage development and networking with and between NGOs and profit from their work in fostering public participation in decision-making on economic and environmental issues.

One delegation reiterated its proposal to create an OSCE Council of Environmental Mentors in regions of the OSCE not already covered by Regional Environmental Centres, which were established with the aim of capacity building among NGOs, the private sector and governments. Other delegations saw risks of duplication in this proposal.

In order to promote transparent and equitable mechanisms for public participation in the OSCE area, many delegations recommended that the core principles of the Aarhus Convention be incorporated in the forthcoming Charter on European Security and be included in the Declaration of the Summit Meeting in Istanbul, together with a call for early accession and ratification and effective implementation.

Integration of the economic dimension into OSCE tasks

The question of how to better integrate the economic dimension into OSCE activities and of the ways to address the economic aspect of security developed into a lively debate, especially in the context of the ongoing discussions on the work programme and schedule of events in the economic dimension.

The following points were made:

- The OSCE's traditional and unique strengths in promoting human rights, democracy and the rule of law must be made instrumental in achieving sustainable development.
- The OSCE should continue to act as a catalyst and give the necessary political impulses to solutions of security-related issues.
- While maintaining a flexible approach in addressing security-related issues, the OSCE needed to further define the area where economic and environmental matters intersected with security and stability, and articulate priority objectives for activities in this dimension.
- A number of delegations stressed that the work of the OSCE in the economic dimension should focus on a small number of security-related issues which could be followed up systematically. By delivering concrete and visible results, the OSCE would thus demonstrate its added value to participating States, international organizations and NGOs in its handling of economic and environmental problems.
- As in the human dimension, the OSCE should favour a grass-roots approach in addressing the economic dimension. It should improve the use of its field missions in reporting to the Permanent Council and providing assessments on relevant matters. It should also increase the co-operation of its missions with international organizations, NGOs and the business community.
- Economic dimension issues should be more regularly included in the OSCE agenda. According to the priorities of the OSCE, the Permanent Council should, on a regular basis, seek consistent reports from representatives of international and regional economic and financial organizations and from the Co-ordinator of OSCE Economic and Environmental Activities.
- Consideration was given to the idea of producing a "Bonn Document II", taking new risks and challenges in the economic sphere into account.

Little common ground was found between delegations on the question of resources. Some considered that further strengthening of the economic dimension required an increase in the means available to the Secretariat while others considered that the activities in this dimension could be further developed and improved on the basis of existing resources.

With regard to the meetings of the Economic Forum, seminars and review conferences, delegations expressed the hope that further efforts by the Secretariat would result in improved participation of representatives from participating States, especially those States in transition, international organizations and NGOs.

They also expressed the view that the interconnection between the economic, human and security dimensions should be better reflected in future reviews. The idea of joint meetings between the economic and the human dimensions should be explored further.

REVIEW OF THE IMPLEMENTATION OF ALL
OSCE PRINCIPLES AND COMMITMENTS

Review of the implementation of all OSCE principles and
commitments in the politico-military aspects of security

Moderator: Mr. A. Kobieracki (Poland)

Rapporteur: Mr. P. Zöller (Germany)

Number of sessions: 4

Report of the Rapporteur

Report of the Rapporteur

I. The first session on Monday, 27 September 1999 was devoted to a review of implementation of the Vienna Document 1994.

1. Current status of the Vienna Document 1994 and assessment of implementation

In the view of all delegations, the Vienna Document continued to be a useful and unique document which had significantly contributed to building security and transparency throughout Europe. Although its confidence- and security-building measures (CSBMs) were originally conceived under a very different security situation and were meant to defuse possible tensions between opposing military alliances, the discussion showed complete consensus that it had maintained its role and continued to contribute to stability and security in Europe by ensuring openness and transparency. A number of delegations suggested that new and emerging risks and challenges might even increase its significance.

A number of delegations stressed that the Vienna Document played an important role in the European security architecture together with the other arms control agreements and obligations as defined in the Lisbon Decision on "A Framework for Arms Control". Notwithstanding its political nature, any non-compliance would have wide-ranging effects and would not be acceptable. All current developments, therefore, had to be carefully considered in order to establish their relevance under the Vienna Document.

Several delegations stressed that CSBMs contributed significantly to creating a new pattern of relations in Europe concerning security issues and were an integral part of security co-operation in general. Thus, the Vienna Document was instrumental in developing a sense of mutual confidence and security. A number of delegations underlined that this engendered a single European security space without dividing lines.

There was widespread consensus that regional aspects of CSBMs were gaining importance and that, by the same token, the Vienna Document was an important cornerstone in regional and bilateral CSBMs. In that context, a number of delegations referred to concrete evaluation events under bilateral or regional arrangements in addition to quotas under the Vienna Document. All in all, they were considered to be very positive trends.

The discussion made clear that full compliance with the Vienna Document and full implementation of all its provisions remained of paramount importance. There was widespread consensus that implementation of the Vienna Document was already generally satisfactory and, indeed, improving. Some delegations underlined, however, that more importance should be given to questions of implementation and compliance, for instance through a detailed dialogue on information exchanges. In this context, a positive trend towards multinational inspections/evaluations was mentioned by one delegation. At the same time, a considerable increase in reported military contacts and co-operation was noted. The forthcoming OSCE Communications Network Document to be adopted by the Forum for Security Co-operation (FSC), as mentioned by one delegation, would mark the importance attributed to the OSCE Communications Network as a vital instrument of great importance for the implementation of certain elements of the Vienna Document.

As regards the conflicts in the western Balkans, positive mention was made by a number of delegations concerning the use or activation of measures under the Vienna Document and other OSCE mechanisms aimed at seeking information or alleviating security concerns. In that context, however, a number of delegations voiced their concern that obligations under the Vienna Document were observed only partially or not within deadlines.

Further shortcomings concerning the submission of required information, the hosting of airbase visits and attendance at CSBM events were noted. Existing measures and mechanisms should be better used to improve implementation of CSBMs. One delegation underlined that CSBMs were not just a “good-weather” instrument but that they should be fully used as risk reduction measures. A number of delegations suggested that, in order to overcome certain implementation problems, in particular concerning the exchange of information, international assistance should be made available.

2. Review of current adaptation of the Vienna Document

There was a general understanding that the current negotiating text constituted a good basis for the current process of adaptation of the Vienna Document. The discussion showed general confidence that this process could be successfully completed by the OSCE Summit in Istanbul. A number of delegations underlined the importance of that target since conditions for a successful adaptation were not likely to improve after the Summit. One delegation noted that a weakened Vienna Document might result if the adaptation was not completed by then. It was further noted by one delegation that an adapted Vienna Document should remain practical and easy to implement. It should not involve supranational processes incompatible with its purpose.

A number of delegations believed it important that widespread consensus was emerging around a new chapter on regional measures, including a menu of regional CSBMs. In the same vein, positive mention was made of the fact that the proposed mechanism for crisis management reflected the growing concern about conflict prevention and political-diplomatic solutions to crises. As expressed by one delegation, the core of the text under discussion already contained substantive answers to the new security situation in Europe.

One delegation stressed that, in the adaptation of the Vienna Document, an equilibrium between improved implementation, enhanced regional measures and new measures should be sought.

A number of delegations maintained that the process of adaptation should not weaken the status quo. In the view of some delegations, the “all-weather” qualities of the Document, i.e., its relevance in times of tension, should in particular be enhanced. In that context, due consideration would have to be given, however, to the measures in question. Further improvements should be made by increasing evaluation quotas, spreading verification throughout the year and allowing for modern communications/positioning equipment.

The importance was stressed of including new elements which addressed new security challenges and further advanced the co-operative nature of CSBMs, namely the addition of information about new aircraft and military infrastructure, e.g. airfields.

One delegation underlined its concern that some of its proposals to which it attached importance, in particular concerning naval CSBMs and CSBMs for joint military action resulting in new threats to security, had not yet been taken up in the negotiating text.

In the view of one delegation, a revised Vienna Document without significantly reduced thresholds would be only cosmetic in nature. A number of delegations maintained that the lowering of thresholds in a Europe-wide context would not be acceptable. In that context, the suggestion was made that security conditions might change, requiring larger exercises. In the view of one delegation, provisions concerning naval measures and transit should not be included.

The prevailing view in the discussion, however, was that a realistic approach was necessary in order to finalize adaptation in time for the Istanbul Summit. This would preclude, in the view of a number of delegations, proposals under discussion which did not meet the criteria already agreed on by the FSC.

3. Perspectives and future developments

The discussion showed a widespread openness to consider future possibilities for the Vienna Document after a successful adaptation in Istanbul. Suggestions were made to better utilize the FSC or, generally speaking, to enhance the status of the Vienna Document in the structure of OSCE institutions. Reference was made to including the implementation of the Vienna Document in the security dialogue.

One delegation pointed out that the increase in the use of force in internal conflicts called for detailed reporting and discussion of military potential under Chapter I of the Vienna Document beneath the thresholds of military conflicts. In that context, a discussion of changes in the Euro-strategic environment could take place at an FSC seminar on security co-operation, arms control and armed forces towards the end of 2000.

II. The second session on Monday, 27 September 1999, was devoted to a review of measures in the politico-military field and specific regional security problems.

Current situation

A number of delegations described how they had negotiated and implemented various regional measures with neighbouring States; in at least two cases, negotiation of further measures was actively under-way. It was stressed that such measures conformed to and complemented existing OSCE-wide measures. Positive references were made to the use of the various arms controls elements of the Dayton Agreement in Bosnia and Herzegovina and the former Yugoslavia. A distinction was drawn between the regional implementation of OSCE-wide measures and specific regional measures agreed on between the parties concerned. The Chairman noted, on a personal basis, that a number of measures based on OSCE stabilizing measures for localized crisis situations had been adopted and used on a regional basis in several regions of the OSCE area.

Assessment

Several delegations stressed that, in their view, regional measures were an important factor in enhancing stability in the OSCE area, and an important contribution to the overall “acquis” of OSCE measures. Positive references were made to the whole range of OSCE measures, including the Treaty on Conventional Armed Forces in Europe (CFE) which, in the view of at least one delegation, benefited even those who were not party to it. One delegation expressed the view that the Vienna Document had, generally speaking, proved itself “weather-proof” in times of crisis. However, another delegation criticized the implementation of certain risk reduction measures under Chapter II of the Vienna Document. Several delegations pointed to the beneficial implementation of arms control and disarmament measures applied under the Dayton Agreement, which had made an important contribution to enhancing stability and transparency in Bosnia and Herzegovina. The Federal Republic of Yugoslavia (FRY) was called upon by one delegation to implement the Code of Conduct on politico-military aspects of security, thereby contributing to peace and stability in the region and demonstrating its desire to overcome its political isolation. Importantly, no delegation objected to the concept of regional measures as a useful tool in promoting stability in the OSCE area. Lastly, several delegations praised the work of the OSCE Secretariat and the Conflict Prevention Centre (CPC).

Proposals

It was generally felt that the increased significance of regional issues meant that further OSCE measures should be developed in order to enhance stability and promote confidence and transparency in specific regions. Several delegations welcomed proposals for a separate chapter devoted to regional measures in a revised Vienna Document, some stressing the importance they attached to this. There was a general view that, although regional measures would typically be agreed on only by the States concerned in any particular region, there should be a clear link between any such measures and wider OSCE norms. Any new measures should clearly support OSCE principles, and avoid creating different degrees of security in the OSCE area. They could be developed under the auspices of the FSC or through the good offices of the OSCE more generally. A number of individual delegations variously urged for the development of measures covering nuclear disarmament and non-proliferation, including a nuclear-weapon-free zone in Europe (supporting the work of, *inter alia*, the United Nations Conference on Disarmament), and other co-operative measures. One delegation called for the resumption of a dialogue in the FSC on “frozen conflicts”. Several delegations looked forward to further progress under the Dayton Agreement Annex 1-B, especially with reference to Article V. Also, the work of the War Crimes Tribunal in The Hague was welcomed.

III. The third session, on Tuesday, 28 September 1999, was devoted to a review of the Code of Conduct on politico-military aspects of security, OSCE principles on combating terrorism, Stabilizing Measures for Localized Crisis Situations and the OSCE security dialogue.

1. Code of Conduct on politico-military aspects of security

Current situation

In a lively and constructive discussion, one delegation, representing a group of States, noted that participating States had held two follow-up conferences, in 1997 and 1999,

reaffirming their adherence to the Code and discussing ways of improving its implementation. Another delegation described how it had achieved democratic control of its armed forces and trained them in international humanitarian law. They were also trying to promote inter-operability and closer integration with other European armed forces, including promotion through a series of seminars, e.g. on peacekeeping. These points were welcomed by several delegations. Another delegation noted that it, too, had taken steps to implement the Code.

Assessment

One delegation, representing a group of States, noted the continuing significance of the Code which had proved to be an innovative instrument for conflict prevention, confidence- and security-building and arms control. This group of States placed special emphasis on its faithful implementation, above all on the democratic control of armed forces. It was vital, and in the best OSCE tradition, to offer and provide assistance to participating States in transition or facing difficulties in the implementation of certain commitments. The same delegation noted that a significant number of participating States had failed to notify the FSC of a national programme of implementation. It stressed that it was essential for all elements of armed forces, including military, paramilitary and internal security forces and also intelligence services and the police to remain under effective constitutional supervision and control and to conform to the rule of law and international law in all their missions.

The Code had gained new relevance with the expanded involvement of armed forces brought about by international peace support operations and other crisis management efforts, and should be included as a key element in training programmes for military personnel. This group of States also wished to draw the attention of participating States to an issue of continuing concern, including concern in the OSCE area, namely children in armed conflicts. It commended the adoption of resolution 1261 of the United Nations Security Council; recalled the high value of the Convention on the Rights of the Child, hoping that further negotiations would be successful; and welcomed the adoption of Convention 182 of the International Labour Organization.

Several delegations noted the importance of the Code in setting out norms of behaviour in the OSCE area; particular importance was attached to the political control of armed forces. The Code was a very important document as the OSCE entered the twenty-first century.

One delegation believed that the Code had been useful in stabilizing situations and giving impetus to arms control and democratic control over armed forces based on the principles of such documents as the Charter of the United Nations and the Charter of Paris for a New Europe. However, in 1999 the use of force by certain States had caused major problems. There was, therefore, a need to rebuild confidence and co-operation in Europe, and to develop security norms; never again should a State or group of States violate such norms. It was hoped that this could be achieved through the OSCE Charter for European Security and the Code of Conduct. Another delegation agreed that the implementation of certain provisions of the Code was a cause for concern. In contrast, several other delegations deplored the gross violations of human rights and OSCE norms that had taken place recently within the OSCE area in defiance of the international community, and which had threatened the stability of the whole region. After numerous attempts to achieve a solution through diplomatic, economic and other peaceful means, the use of force had been necessary specifically in order to uphold OSCE principles and norms. Far from contravening the Code

of Conduct, the military action taken by certain States was in support of humanitarian principles and had, in fact, upheld the Code. One delegation suggested that a certain delegation had been suspended from the OSCE at the time that the Code was signed, and had therefore had no opportunity to study it. It was pointed out by another delegation that all participating States were bound by the Code.

The issue of children in armed conflicts was taken up in detail by one delegation, which stressed the increasing international concern over the use of child soldiers and the need for the protection of children, and welcomed the setting of a minimum age for peacekeepers in 1998. These points were warmly supported by a large number of delegations.

One delegation, supported by another, stated that paragraphs 8, 14 and 25 of the Code had been violated by a certain participating State and called for the establishment of realistic mechanisms for the implementation of OSCE security principles.

Proposals

One delegation, representing a group of States, noted that several proposals had been made with regard to implementation of the Code. These should be pursued in further follow-up to the Code and as part of the security dialogue in the FSC. The questionnaire on implementation could be further developed, and national responses discussed in the FSC (another delegation suggested focusing on one aspect every month). The same delegation suggested that some elements of the Code could provide useful input to the negotiations on the Charter for European Security. It also appealed to all participating States to sign and ratify Convention 182 of the International Labour Organization.

One delegation, noting that the democratic control of armed forces could not take place without the assistance of parliamentarians, suggested that a further meeting of parliamentarians might be useful. Another delegation, supported by several others, suggested that the issue of children in armed conflicts could be considered under the Code of Conduct; the use of child soldiers should be considered a war crime. It believed that the Convention on Rights of the Child should be widened to cover children in armed conflicts and should include raising the age of recruitment and service in armed forces. Another delegation suggested that the issue of corruption in defence spending was worthy of further attention in OSCE fora.

One delegation suggested, in the context of the Kosovo crisis, that further work was necessary to ensure proper implementation of the Code of Conduct. This idea was supported by another delegation, which suggested that the Court of Conciliation and Arbitration in the Framework of the OSCE should be asked for an opinion.

Several delegations suggested that the ideas listed by the Conflict Prevention Centre after the June seminar should be pursued; information exchanges could be made public on a website.

2. Combating terrorism

Current situation

One delegation noted that the issue of terrorism had long been on the agenda of the OSCE and was covered by the Code of Conduct. Work should continue on this, aiming for a normative document addressing the problem. Another delegation noted the increasing reach of terrorists and the interdependence of internal and external security, and stressed the need to apply democracy and the rule of law. Another delegation noted its sustained campaign against international terrorism in co-operation with other States; it hoped to ensure ratification of 11 international statutes on terrorism by 2000, with the aim of strengthening the rule of law against terrorism on a global basis.

Assessment

Under the agenda item "Code of Conduct", one delegation, representing a group of States, had reiterated that the OSCE should not duplicate or replicate the work of the United Nations General Assembly, nor develop an operational role in this field. The greatest importance was attached to the Sixth Committee being the unique forum for codifying international legislation against terrorism. However, the OSCE should preserve its own acquis of principles and commitments and secure its potential as a political forum to discuss, where necessary, issues related to terrorism and to support international efforts.

One delegation agreed on a limited role for the OSCE on the issue of international terrorism, but urged its continuing engagement. Another delegation stressed the need to tackle the issue at all levels, especially given the wider threat of nuclear or chemical terrorism. Anywhere on the globe, regional action was important, including action by the OSCE, which was not using its capabilities to the full.

Proposals

Various delegations proposed that trained staff should be seconded to OSCE missions to assist local police in the fight against terrorism; that the OSCE should develop a consolidated text on the issue; that participating States should help each other in bringing terrorists to justice, for example, by refusing refuge; and that the Permanent Council should address the issue. An observer State reiterated the importance it attached to the issue of terrorism, including action against terrorism by the OSCE. Noting its own national initiatives on the issue, it called for further co-operation between the OSCE and its Mediterranean Partners for Co-operation.

3. Stabilizing Measures for Localized Crisis Situations

As much discussion of this topic had already taken place during the second session of the Review Conference, no further points were made.

4. Security dialogue

Current situation

It was generally accepted that, since its establishment, the Forum for Security Co-operation had been engaged in a goal-orientated negotiation in the area of arms control and CSBMs.

Assessment

One delegation, representing a group of States, believed that the accomplishments of the FSC had contributed significantly to politico-military security. By updating and developing the Vienna Document, creating stabilizing measures and adopting norm- and standard-setting measures, as well as by drafting the Code of Conduct, the FSC had provided the OSCE with a multipurpose tool kit for coping with security challenges. However, the changing situation in the OSCE area highlighted the need for activating the other main function of the FSC as per its original mandate, namely “consultation, goal-oriented continuing dialogue and co-operation in the field of security”. This group of States therefore welcomed the initiative taken by Switzerland, Germany, the Netherlands and Sweden to enhance the security dialogue within the FSC. As an inclusive forum, the FSC should be used by participating States for security dialogue in a flexible and innovative manner to respond to emerging challenges and to promote comprehensive security in the OSCE area. The evolution of the roles and structures of armed forces of participating States presented a natural agenda item for the security dialogue. The Seminar on Defence Policies and Military Doctrines in January 1998 had proved the usefulness of an open and intensive exchange of views and experience on the implications of changed threat assessments and new tasks in crisis management for defence policies. A continuing dialogue on the development of defence doctrines and structures would increase transparency and confidence. While co-operating in crisis management as a politico-military issue had not been the object of the work of the FSC or the OSCE as a whole, the FSC was uniquely suited to a dialogue where politico-military instruments for security co-operation, conflict prevention and crisis management were viewed in an integrated and comprehensive manner.

One delegation expressed doubts that anything had been achieved in the last two years, but hoped that better use could be made of existing FSC bodies for an enhanced security dialogue.

Proposals

One delegation, representing a group of States, suggested that participating States should enhance the security dialogue by refocusing and restructuring the work of the FSC, including work on regional issues. Several delegations welcomed and supported the recent proposals by four participating States to enhance the security dialogue, and looked forward to a successful outcome at Istanbul. However, concern was expressed that this should not interfere with other work in preparation for Istanbul, nor should the FSC become merely a subcommittee of the Permanent Council.

One delegation suggested that the FSC be made available to respond to the requirements of the Chairman-in-Office in order to assist him in carrying out his responsibilities. Furthermore, after Istanbul, the FSC could advance implementation of the Vienna Document and other OSCE commitments, in particular the Code of Conduct, and also

develop and implement specialized CSBM arrangements. In the view of this delegation, if adaptation of the Vienna Document was not achieved at Istanbul, the FSC could enhance the implementation of the existing text and advance regional dialogue and CSBMs.

IV. The fourth session, during the afternoon of 28 September 1999, was devoted to a review of the Global Exchange of Military Information, Principles Governing Conventional Arms Transfers, and Principles Governing Non-Proliferation.

1. Global Exchange of Military Information (GEMI)

Current situation

The CPC reported that 47 participating States had provided relevant information under this agreement so far this year.

Assessment

One delegation described the GEMI as a tool for strengthening stability and increasing transparency and co-operation within the OSCE area. Its significance lay in the fact that it covered major weapons and equipment systems and personnel on a worldwide basis. However, it was not subject to limitations, constraints or verification and therefore its use was limited.

Proposals

The same delegation, therefore, emphasized the need to further develop the work of the FSC, perhaps in improving the information exchange mechanisms as a whole in order to make it militarily more significant and more rational at the practical level.

2. Conventional Arms Transfers

Current situation

One delegation, representing a group of States, welcomed the Annual Exchange of Military Information within the FSC on transfers of weapons and equipment systems from the previous calendar year. This group of participating States had responded to OSCE obligations by adopting its own Code of Conduct on arms exports, with the first annual review due late in 1999, and encouraged other arms exporting States to follow suit. A joint action programme of this group of participating States on combating the destabilizing accumulation and spread of small arms and light weapons enumerated a set of principles and measures that participating States were committed to pursue in relevant international fora and in a regional context, including that of the OSCE. Furthermore, a special programme of this group of participating States for preventing and combating illicit trafficking in conventional arms, initiated in 1997, entailed a broad set of non-binding measures promoting co-operation among participating States and offering assistance to third countries affected. Another delegation also agreed that the principles promoted security and stability.

Assessment

One delegation, representing a group of States, viewed the Annual Exchange of Military Information on transfers of weapons and equipment systems as a useful complement to the annual questionnaire on participating States' policies and national practices in conventional arms exports. All participating States should contribute to the information exchange and questionnaire, allowing data to be discussed and reviewed at regular special meetings of Working Group A of the FSC.

The prevention of the proliferation of small arms and light weapons was also of particular concern, and the OSCE was expected to make a substantial contribution to this. A number of delegations stressed their concern about illegal trafficking of these weapons.

Proposals

One delegation, representing a group of States, pointed to its joint proposal as introduced in the FSC for the "development of an OSCE contribution to combating the destabilizing accumulation and spread of small arms and light weapons manufactured for military use" for the Istanbul Summit Declaration. The proposal provided for an OSCE contribution to combating this problem in a way that would complement efforts in other international fora. OSCE field missions in countries of potential or acute armed conflict could be tasked, on a case-by-case basis, with addressing the issues involved. A non-governmental organization, observing the Review Conference, noted that the proliferation of small arms was having a devastating effect on some societies, especially on children, and requested that participating States should draw up proposals to combat this. States also had a duty to uphold the Geneva Conventions. A large number of delegations confirmed their concern about these issues and their desire to make progress at the Istanbul Summit.

3. Principles Governing Non-Proliferation

Current situation

Under this agenda item, one delegation noted that the Ottawa Convention on Landmines had entered into force earlier in 1999. Another delegation said that it supported the Convention and hoped to be in a position to become a party by 2006. It drew attention to the fact that it had deposited instruments of ratification for Protocol II of the Convention on the Use of Certain Conventional Weapons in May this year.

The CPC noted that the next deadline for providing information on anti-personnel landmines (APLs) was 15 December 1999.

Assessment

One delegation believed that the response to the questionnaire on APLs had been good, and it had found the results useful. Another expressed its disappointment that no work plan on APLs had been agreed at the Conference on Disarmament in Geneva. Nor had there been any progress on the issue of fissile material cut-off. It noted the major achievement of negotiating a Comprehensive Test Ban Treaty, and hoped that it would enter into force soon.

Proposals

One delegation called on all States which had not already done so to sign and/or ratify the Ottawa Convention on Landmines. Another delegation made the same appeal for the Comprehensive Test Ban Treaty and the Convention on the Use of Certain Conventional Weapons. These points were further supported by a third delegation.

V. REVIEW OF THE IMPLEMENTATION OF ALL
OSCE PRINCIPLES AND COMMITMENTS

Review of OSCE activities, institutions, structures and
instruments, including consideration of proposals
designed to enhance the role of the OSCE and
further strengthen its capabilities

Moderator: Mr. K. Eide (Norway)

Rapporteur: Mr. Ö. Tüzel (Turkey)

Number of sessions: 4

Report of the Rapporteur

Report of the Rapporteur

Mediterranean Partners for Co-operation and Partners for Co-operation

Co-operation with the Mediterranean Partners for Co-operation and Partners for Co-operation was reviewed.

A representative of the OSCE Conflict Prevention Centre's (CPC's) External Co-operation Section made a presentation, based on a background paper prepared by the CPC, on the OSCE's relations with its Mediterranean Partners for Co-operation (MPCs) and Partners for Co-operation (PCs).

In the ensuing debate, representatives of OSCE participating States stressed the interdependence existing between the OSCE and adjacent areas, whereby the security of the adjacent areas was of relevance for the stability of the OSCE area. The participating States also underscored the importance of giving the MPCs more access to OSCE meetings and mission work, citing the Contact Group for the MPCs as a particularly useful tool, albeit one whose full potential had yet to be realized. The participating States asked that further possibilities be explored in this regard and called for the Chairman-in-Office (CiO), in line with the relevant stipulations of the Helsinki Final Act, to organize meetings of the Permanent Council to which MPCs would be invited. Defining the human dimension as an important part of the OSCE's comprehensive concept of security, the participating States called for a culture of co-operation and dialogue to be developed with the MPCs in this regard and, citing the seminars as a good basis for establishing trust, requested that a follow-up to the Mediterranean Human Dimension Seminars be undertaken at Contact Group meetings and that the MPCs be encouraged to contribute towards them. Finally, the participating States called for a pragmatic approach by the OSCE, which would allow for the involvement of the MPCs in the work of the Organization, thus enabling their increased contribution to the work on the section in the Charter for European Security (Security Charter) dealing with adjacent areas, and the activation of the modalities regarding the MPCs in the Budapest Document of 1994. One participating State voiced the hope that the upcoming Istanbul Summit would mark progress in this regard. Another participating State asked for more robust dialogue and the upgrading of the MPCs' status in the Permanent Council, the Forum for Security Co-operation, and the Security Model Committee.

Echoing these sentiments, one MPC presented an exposé of the various activities this State had participated in within the framework of the MPCs and expressed the desire of MPCs for high-level participation in the work of the OSCE, voicing the hope that this would be taken into consideration at the upcoming Istanbul Summit.

Regarding the Partners for Co-operation, participating States suggested that the OSCE, with its comprehensive concept of security, might offer food for thought for similar efforts in other regions such as the ASEAN Regional Forum (ARF). The speakers expressed appreciation of Japan's assistance and generous financial support to the activities of the OSCE over the past three years, including the dispatching and seconding of personnel to crisis regions. Furthermore, Japan's status as facilitating State in the Stability Pact for South-Eastern Europe was welcomed by one participating State. Similar expressions of appreciation were also extended to the other PC, Korea, whereby participating States commended Korea on its participation in the election observation missions, and on its

financial contributions. A call was made for enhanced involvement of both Japan and Korea in OSCE field activities in Central Asia.

Japan stressed the importance of the OSCE's role in Central Asia and the desire of the PCs to explore new areas of co-operation with the OSCE in this region. Japan also welcomed the OSCE's intention to build a closer relationship with the ARF through the Security Charter. In this regard, Japan, while underlining that the OSCE, with its wealth of experience, could offer the ARF valuable guidelines, in turn asked the OSCE participating States to deepen their understanding on various security problems in the Asia-Pacific region, thereby exploring possible mutual co-operation.

The Republic of Korea likewise welcomed OSCE-ARF co-operation, expressing its hope that the OSCE would become a close partner of the ARF and recommending that informal meetings be initiated between the OSCE Chairman-in-Office and the ARF.

OSCE's co-operation with other international organizations, institutions and entities

Under this agenda item, the representative of the Conflict Prevention Centre's External Co-operation Section made a presentation based on a background paper prepared by the CPC on the OSCE's co-operation with international organizations.

The representatives of international organizations stated that the OSCE's co-operation with other international organizations had developed positively in the past few years and expressed the intention of their organizations to further strengthen co-operation with the OSCE. The representatives, however, stressed that fast-paced changes not only necessitated a flexible and pragmatic approach but that situations had different contexts, thus requiring different approaches. One representative cited Eastern Europe and Central Asia as two traditional regions where the OSCE was active and where co-operation with other international organizations could prove particularly fruitful. The representatives underlined that co-operation at headquarters level was the correct approach towards establishing inter-institutional co-operation and dwelled upon the importance of training in establishing effective inter-institutional co-operation, whereby a reciprocal understanding of the mandates and working methods between organizations would contribute towards that goal.

One participating State expressed the view that priority should be given to the development of the Security Charter as this would form the basis for interorganizational co-operation in accordance with Chapter VIII of the United Nations Charter. This participating State spoke in favour of developing a dialogue with other international organizations which should encompass all relevant topics and not concentrate on only one area. In this vein, this participating State recommended that meetings be held next year between the OSCE and other international organizations, such as the United Nations Economic Commission for Europe (UN/ECE), the European Bank for Reconstruction and Development (EBRD), and the International Monetary Fund (IMF), dealing with economic matters. In order to determine guidelines for the OSCE's future economic co-operation with other international organizations.

In the ensuing debate on the practical aspects of co-operation between the OSCE and international organizations in the field and problems encountered, the representatives of international organizations underlined that, without an official framework governing the relations between organizations, the level of co-operation in the field depended very much upon the chemistry between the individuals involved. Reciprocity, complementarity and the

safeguarding of identity were cited as three important criteria in inter-institutional relations, whereby co-operation had to yield benefits for both sides, co-operation efforts had to complement one another and the respective identities of co-operating institutions had to be respected. The speakers also highlighted the dispatch of joint experts teams to crisis areas as a very good area for future co-operation. One representative underscored the importance of organizations mutually understanding each other's functions and limitations. Echoing this sentiment, another speaker called for elaborate mechanisms for early consultations in crisis situations to be developed between international organizations.

One participating State stressed the importance of other international organizations for the delivery of OSCE objectives. This participating State suggested that cyberspace might be used in order to ensure full exchange of information on what other organizations were doing in their respective territories. The participating State also pointed to the usefulness of narrative (i.e., providing explanatory text as well as figures) mission budgets which took into account other organizations' and institutions' activities.

The decision-making process; the role and effectiveness of the institutions; the role and effectiveness of OSCE structures; capacity building through training

The OSCE Parliamentary Assembly

The Parliamentary Assembly's (PA's) integral role in the development and decision-making capacity of the OSCE was discussed. It was widely agreed that the PA had developed into an important institution and had contributed to the strengthening of the OSCE. The recommendations made by the PA at its 1999 Annual Session in St. Petersburg were noted. One participating State suggested that the CiO discuss with the President of the Parliamentary Assembly ways to improve the consideration of the deliberations of the PA in the Permanent Council. Regular exchange of information between the PA and the Permanent Council on their respective activities was considered to be of benefit to the OSCE by this participating State. Furthermore, the co-operation agreement signed between the PA and the ODIHR defining the respective roles of the two institutions in election observation missions was welcomed. Reciprocal visits between parliamentarians from countries in transition and members of the PA were considered an important tool for promoting democratic culture. Participating States lauded the concept of "democracy teams" and suggested their use in Kosovo. Finally, a participating State suggested the inclusion of parliamentarians in OSCE field activities and as part of the proposed Rapid Expert Assistance and Co-operation Teams (REACTs).

The decision-making process

The first part of the debate centred around the virtue of the consensus rule and whether blocking of OSCE decisions by one veto ran contrary to the principles of accountability and transparency. Reference was made to the views of the Parliamentary Assembly, as exemplified at its meeting in St. Petersburg from 6 to 10 July 1999. On this issue, while some participating States argued strongly in favour of maintaining the consensus rule as the only principle by which equality between large and small States is maintained, some other participating States added that in the face of gross and uncorrected violations of OSCE commitments, the Organization needed to remain operational, for which reason exceptional digression from the consensus rule might become necessary.

Regarding the debate on the larger issue of decision-making, one participating State defined the Permanent Council as having been transmogrified from a deliberation forum into a declaratory one, thereby not only hindering a truly democratic decision-making process possible only through open deliberation, but also resulting in decisions being formulated by way of exclusive informal consultations, thus eroding the Chairman-in-Office's authority. Another participating State suggested that the effectiveness in the decision-making process of the OSCE could be increased by establishing a solid legal basis for the Organization through the Security Charter rather than any deviation from the consensus rule. While one other participating State stressed the value of non-exclusive informal meetings in increasing the effectiveness and legitimacy of OSCE decision-making, another participating State spoke of the central role of the Chairman-in-Office in ensuring the adequate contribution of all participating States to the shaping of OSCE policy. Finally, one participating State highlighted the political will of the participating States as the most important factor in the decision-making process.

The role and effectiveness of OSCE institutions and structures

The debate on the role and effectiveness of OSCE institutions and structures centred around the growing role of the OSCE in a constantly changing security environment and the challenge of responding to the demands made on the Organization through a flexible and complex approach encompassing the various institutions, field presences, election observation missions, seminars and implementation meetings, among others. Some participating States spoke strongly in favour of maintaining the main features of the Organization centred around the institution of the Chairmanship backed by an effective Secretariat capable of supporting the Chairmanship and ensuring optimal use of OSCE missions. Participating States also underscored the importance of the OSCE's capacity to offer a flexible co-ordinating framework for the mutually reinforcing efforts of security organizations to address the manifold problems faced in the OSCE area. There was a convergence of views on the necessity to strengthen operational capabilities through strengthening the Secretariat, drawing quality personnel by creating competitive conditions, drawing up core contingency plans and establishing a surge capacity. With regard to this last idea, broad support was voiced for the establishment of REACTs through the Security Charter. Several participating States spoke of the importance of not focusing solely on increasing the effectiveness of the human dimension institutions and structures but of also strengthening the economic and environmental structures. Combating corruption emerged as an important theme for the OSCE to focus on in the future. While one participating State called for more resources to be allocated to the Co-ordinator of OSCE Economic and Environmental Activities (Economic Co-ordinator), another participating State warned of the danger of overburdening the Economic Co-ordinator with tasks already addressed at other levels. Another participating State suggested making use of the OSCE as a forum for garnering the experiences of subregional groups, especially with regard to the economic dimension. This participating State further argued for transforming the OSCE from a political to a fully fledged legal organization, called for working towards the realization of the Rome 1993 decision on the privileges and immunities of OSCE personnel and for establishing of an open-ended body of experts to study the strengthening of the Secretariat and the role of field missions. With regard to OSCE missions, some participating States stressed the overriding authority of mission mandates in regulating the activities of the missions. Finally, one participating State pointed to the importance of creating the necessary financial resources while creating the missions which could easily be achieved if participating States showed the necessary political will.

Capacity building through training

In discussing training, there was broad agreement that the restructuring of the Secretariat and the adoption of the strategy document regarding capacity building through training had produced positive and constructive results, as evidenced by the growing frequency of induction courses. However, it was generally conceded that more specialized staff was needed, and higher priority should be given to gender issues and to a policy awareness campaign in this regard. The allocation of training resources and the headway made by missions as a result were welcomed by participating States. One participating State underscored the need for training capacity to be extended to train the trainers since the OSCE itself was becoming increasingly involved in training activities, Kosovo being a case in point. Appreciation was expressed for inter-institutional co-operation in the form of the Joint Workshop on Human Rights Training for Field Missions co-organized by several institutions and which took place in Venice in July 1999. One participating State stressed the need to strengthen the analytic capacity of the Secretariat through the establishment of a "situation room", and through the development of the information network of the Organization whereby a real time home page could be established.

Lessons learned from field activities

There was broad agreement that OSCE field activities had proven that the OSCE had a comparative advantage in such operations as witnessed by the OSCE's flexibility, availability of funds, ability to deploy quickly, and ability to adjust operations according to emerging tasks. The strides the OSCE had taken in recent years to increase co-operation with other international organizations and NGOs was lauded. Representatives from OSCE institutions highlighted training and the selection process as priorities for the future. A number of NGOs stressed the importance of including NGO representatives in OSCE missions and asked that this process be institutionalized. Here again, several NGOs spoke about the need for a surge capacity to be established, one NGO referring specifically to REACTs. One participating State stressed that experience had shown the need for better briefing of mission members on the political, historical and cultural background and traditions of the countries in which they served, in order to breach the gap of differing perceptions that usually existed between local authorities and mission members. This participating State further suggested that flexible mechanisms and strategies be devised at missions to take into account positive developments in host countries to foster a better climate of co-operation. In the light of recent experience, some representatives of international organizations asked for co-operation between the OSCE and other international organizations to be refined through input from locations where the OSCE and different organizations had field missions. They also asked for more respect and understanding for each organization's identity and tasks. One participating State underscored the importance of the Heads of Missions being more accountable to the OSCE, criticizing certain practices of the Kosovo Verification Mission. This participating State also addressed the need for geographic equilibrium of missions, considering the pan-European character of the Organization. Another participating State asked that participating States hosting missions not be stigmatized, as had tended to be the case, and called upon missions to develop programmes with a view to transferring mission tasks to local authorities over a given period of time, thus ensuring mission closure. Yet another participating State highlighted the importance of improving co-ordination and co-operation between the OSCE field missions and OSCE institutions, as well as between OSCE missions in the same region. This participating State further stressed that the human dimension should be an integral part of the work of all missions, whether explicitly mentioned in the mandate or not, and that

Memoranda of Understanding should be seen as tools for further refining and developing mission mandates. Finally, one participating State enumerated clarity of purpose, personnel capability, information sharing, early consultations with international experts and NGOs, liaison with any military component and a unified civilian implementation as the key elements to mission success.

Administrative, financial and other technical aspects of the Organization

The deliberations started with a presentation from the representative of the Department for Administration and Operations. The presentation highlighted the extraordinary growth of the OSCE budget over the past seven years, whereby 85 per cent of the budget was currently being allocated to field missions. It was stressed that the support services had not been able to keep pace with the tasks and the resultant budget growth, to the detriment of the effectiveness of the Organization. Therefore, rapid start-up of large missions had become one of the main challenges for the OSCE. A solid administrative/operational backbone for missions was regarded as essential. Introduction of programme budgeting, alignment of employment conditions, an information systems strategic plan, a 24-hour situation room, a training strategy and the codification of norms and guidelines were presented by the representative of the Department for Administration and Operations as possible strengthening initiatives. One participating State, conceding the necessity of matching resources with the OSCE's increasing tasks, also pointed to the necessity of enhancing the operational capacities of the Secretariat and cited active supervision of core functional aspects such as financial and management controls, budgeting, internal audit procedures and information systems as priorities. This participating State asked for ways to be sought to reinforce the measures to be applied in order to encourage States to improve their payment performance regarding the assessed contributions. Another participating State asked for an analysis of the scale of contributions for large missions and projects in order to make the necessary adjustments. Furthermore, this participating State stressed that "forgotten conflicts" involving economic and environmental consequences, and problems in connection with internally displaced persons, such as those which existed in Central Asia, should be taken into account in budgeting. Asking for fair distribution of costs based on objective criteria, this participating State requested the revamping of the present scale of contributions, to be replaced by a system similar to that of the United Nations. Finally, this participating State called for the reform of the Secretariat, for the employment of more staff from Eastern Europe and for the informal Financial Committee to be given official status. In response, one participating State expressed the opinion that the United Nations system and procedures were not appropriate for the OSCE, as the United Nations relied on professional staff. Another participating State, maintaining that small missions had high costs, suggested the creation of a global budget for small missions.

In the ensuing debate to pinpoint some of the most pressing problems in the financial and administrative area, it was generally agreed that the flexibility of the Organization from an administrative point of view could best be explained in terms of the absence of red tape to the extent possible, coupled with a degree of decentralization, especially regarding missions. A high vacancy rate in key parts of the organization emerged as another priority problem area, whereby the necessity to be competitive with other organizations was noted. The establishment of a databank at the Secretariat, together with developing surge capacity was suggested once again as a promising course to follow.

VI. CHAIRMAN'S SUMMARY

The 1999 Review Conference of the OSCE took place from 20 September to 1 October in Vienna and from 8 to 10 November in Istanbul.

At the OSCE Review Conference in Istanbul, representatives from participating States, the OSCE institutions and missions and other international and non-governmental organizations reviewed the implementation of OSCE principles and commitments in the human and economic dimensions and discussed different aspects of OSCE activities, institutions, structures and instruments.

During the fifth and final session on OSCE activities, institutions, structures and instruments, OSCE Secretary General Jan Kubis gave a keynote address in which he made a number of concrete proposals on the basis of lessons learned from large-scale OSCE missions, *inter alia*, a proposal to establish within the Secretariat an indigenous planning capability, including personnel with military and policing expertise. In order to facilitate rapid deployment of missions, the Secretary General also suggested the deployment of advance teams as well as the preparation of "deployment kits" with the necessary equipment for missions with up to 50 members. Finally, the Secretary General suggested setting up "mobile core teams" to respond quickly to requests for administrative assistance from missions. During the ensuing discussion, participants stressed the need for NGO participation at an early stage in the activities of missions. The need for more precise mission mandates with clear goals and objectives was emphasized, as well as the need to develop methods for assessing their attainment. This would facilitate consideration of the timely scaling-down, modification or closure of missions. At the same time, it was pointed out that artificial deadlines for closing down missions should be avoided. Participants called for political decisions to be more fully reflected in budgetary decisions. Issues related to the current situation in Chechnya in the Russian Federation were referred to by a number of participants.

During the 13th session on the human dimension, Mr. Douglas Johnson, a member of the ODIHR Advisory Panel for the Prevention of Torture, pointed out that prevention of torture is a national responsibility, elements of which are the ratification of international instruments, the prosecution of those guilty of torture, support for NGOs and the rehabilitation of victims of torture. Mr. Johnson suggested the OSCE use its moral authority to make the use of torture as politically unviable as it is morally unacceptable. Participants stressed the need to close the gap between words and action. There was a need for a broader approach to the concept of torture, to include also inhumane and degrading treatment, rape and sexual abuse as well as poor prison conditions exposing prisoners to hunger and disease.

During the 14th and final session on the human dimension, Mr. Olara Otunnu, the Special Representative of the United Nations Secretary-General for Children and Armed Conflict, made a number of concrete and valuable recommendations for follow-up within the OSCE specifically related to the difficult situation of children in war and armed conflict. The OSCE, with its broad concept of security, was well positioned to pursue the issue. Specifically, he proposed the establishment of an OSCE representative for the protection of children and children's welfare, the inclusion of this aspect in mission mandates, the appointment of specialized mission members to address the protection of children, as well as the inclusion of monitoring of the situation of children in the work of the High Commissioner on National Minorities, ODIHR and the Representative on Freedom of the Media. A number

of participants stressed the importance of the issue and welcomed a stronger role for the OSCE in relation to children and armed conflict. It was proposed that this be reflected in the forward-looking documents to be adopted at the Summit. The incoming OSCE chairmanship, Austria, suggested that children and armed conflict be a regular feature of human dimension meetings from now on and informed participants of its intention to organize a seminar next year on this topic.

During the fifth and final session on the economic dimension, Ms. Danuta Hübner, Deputy Executive Secretary in the United Nations Economic Commission for Europe, pointed to the challenges facing economies in transition. Hübner pointed out that corruption constituted a significant barrier to economic development and growth. Good governance on the part of countries in transition, as well as concerted action by international organizations, could help fight corruption. Participants discussed how the OSCE could provide this process with added value. A proposal was made that the OSCE adopt a set of norms on the fight against corruption at the Ministerial Council Meeting next year. At the same time, the need to avoid duplication was underlined by several participants. Economic and environmental threats to security were highlighted with regard to specific situations in different regions within the OSCE.

During the opening and final plenary meetings, participants offered proposals on how to further improve and vitalize the OSCE implementation review process. In this respect, participants welcomed the novelty of keynote addresses, which provided for more focused and informal exchanges of views, constituting a significant improvement compared to the first Review Conference in 1996. Participants also welcomed the more active participation of NGOs in the debate. Turkey, as hosting nation, and the OSCE Secretariat were commended for the excellent organizational preparation of the Conference.