

REPORT

ON THE

”SUMMER SCHOOL ON OSCE”

JULY 21 - AUGUST 1, 1997

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INTRODUCTION

This report provides a record of the first Summer School on the Organisation for Security and Cooperation in Europe (OSCE) held at the Austrian Study Center for Peace and Conflict Resolution (ASPR) in Stadtschlaining from July 21 to August 1, 1997. This programme represents a pilot project conducted under the patronage of the OSCE organized and supported by the ASPR, the Netherlands Helsinki Committee, The Hague, and the Berghof Research Center for Constructive Conflict Management, Berlin. Special thanks is due to the government of the Netherlands which made a major donation for the organization of the Summer School. In addition, the government of the United States of America kindly supported this programme by awarding five scholarships.

The first part of the report outlines the goals and the methodology of the seminar. Section One begins with the evaluation of the seminar and suggested recommendations for future Summer Schools. A second element deals with the results of working groups and discussions concerning an improved functioning of the OSCE and its future development. Section Two contains a report of the proceedings of the seminar, including summaries of the input of resource persons, and discussions, as well as an outline of the methods and exercises used in the workshops. The Annex includes the programme outline, lists of participants and lecturers, a bibliography of cited sources, and a list of abbreviations.

THE GOALS OF THE SEMINAR

The overall aim of the "Summer School on OSCE" was to deepen and enhance knowledge about the organisation, and to contribute to its various activities, including its programmes for newly admitted states. This implies preparing and training diplomats, and other individuals, such as NGO representatives or scholars to work within the OSCE institutional framework. Furthermore, the seminar provided the occasion to develop ideas for a more constructive use of OSCE potential, and conceiving new capabilities and structures which could define the future of this organisation. The "Summer School on OSCE" should function as a pilot project for future Summer Schools offering training, and input for organisational policy making.

The participants included representatives of government institutions dealing with the OSCE, staff of NGO's involved in OSCE matters, and scholars. Special emphasis was placed on the presence of representatives from newly participating states. In the event the Summer School was attended by 23 participants (see Appendix 1).

METHODOLOGY

The curriculum of the seminar comprised three complementary sections spanning a period of two weeks. The first element addressed principal topical aspects of the OSCE such as its current post cold-war context, historical and political development, standards, institutions and procedures. This was followed by an element concerned with security structures and mechanisms, including the roles of missions and the High Commissioner on National Minorities (HCNM), as well as the issue of OSCE peace-keeping. As the topical component on the Economic/Ecological Dimension had to be cancelled on short notice, the second

week could deal more extensively than planned with different aspects of the Human Dimension (HD), and the future role of the OSCE. This included the relationship of the OSCE to NGO's, and other international security organisations.

Working groups provided the opportunity to deepen the topical components by addressing the political and military dimensions in the first week, and the future role of the OSCE in the second week. To stimulate a profound discussion of possible new capabilities and structures a special reading session on the proposals of an OSCE working group of the Netherlands Helsinki Committee (1996) was included.

A third element involving process oriented learning was made up of two series of workshops, the first one building personal communicative skills and capacities to deal with intercultural differences. The second workshop elaborated the practical application of concepts and strategies for conflict transformation. One evening providing information on the new Central Asian states was organised by participants from this region. At the very end of the programme a visit to the OSCE at the Hofburg in Vienna was scheduled. The entire seminar was continuously supervised by Arie Bloed and Norbert Ropers.

Participants shared reporting by each writing a summary about one half-day of the seminar, either alone or in groups of two for the more complex topics. Furthermore, oral and written evaluations were carried out at the end of each week.

SECTION ONE: EVALUATION AND RESULTS OF THE SEMINAR

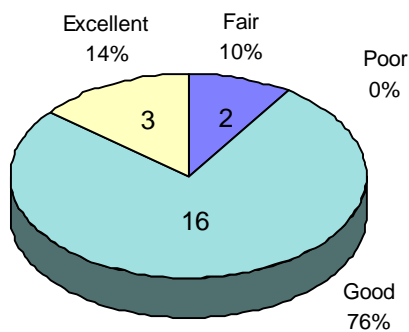
EVALUATION OF THE SEMINAR

The evaluation of the seminar was carried out in two stages. At the end of the first week the participants were asked to deposit positive and negative feedback, as well as suggestions for improvements for the second week in written form. Additionally, they were requested to complete an anonymous questionnaire pertaining to the programme of the first week. At the end of the seminar the remaining parts of the questionnaire relating to the second week's activities were filled out and a final oral evaluation was given on the basis of discussion in working groups.

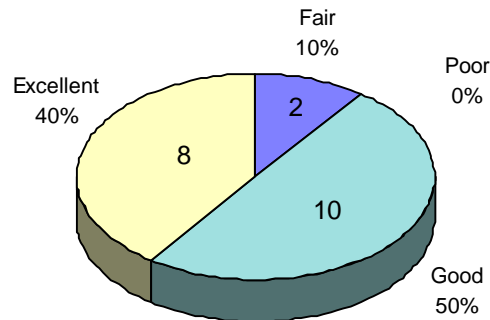
The overall evaluation of the programme derived from the questionnaires can be seen in the pie charts below:

OVERALL EVALUATION OF THE PROGRAMME

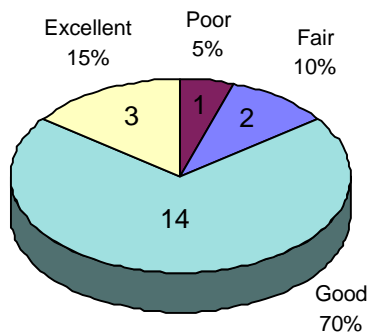
Usefulness for my professional development



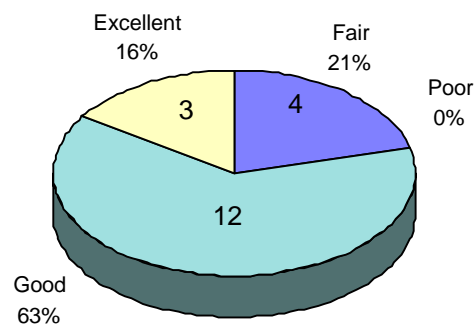
Usefulness for my personal development



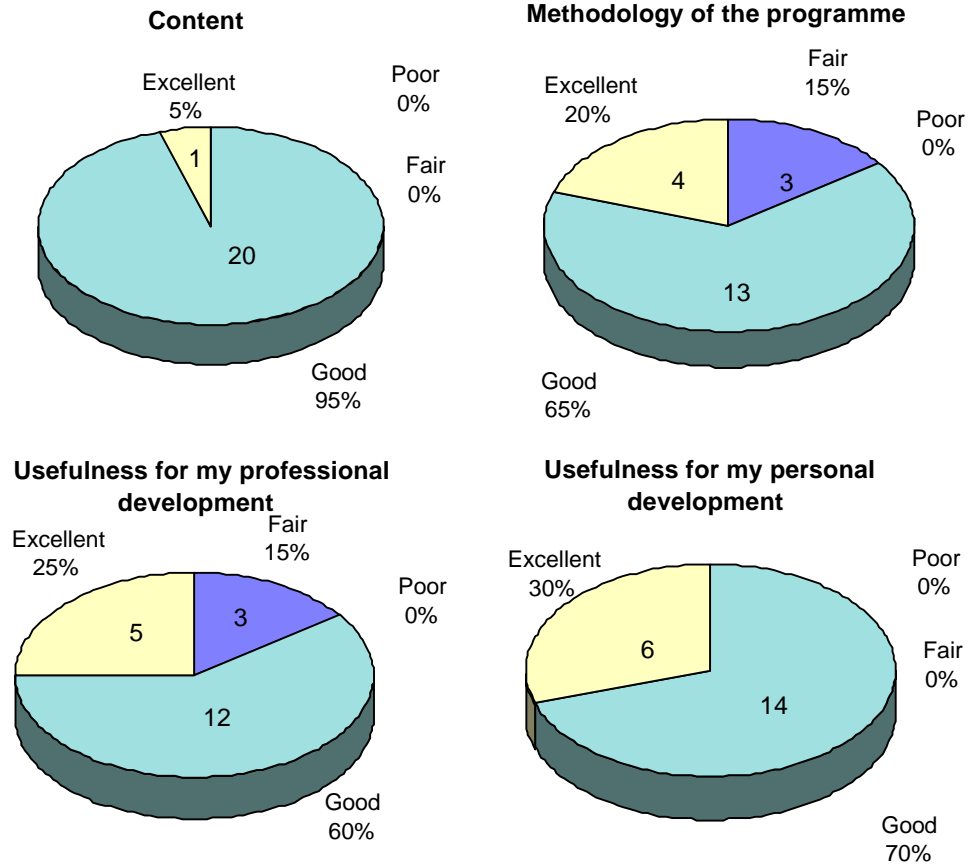
Basic Structure of the programme



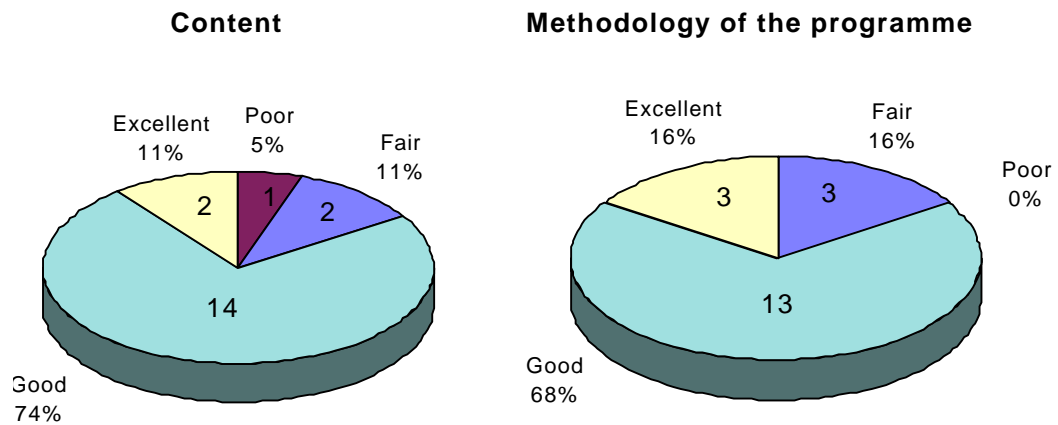
Methodology of the programme



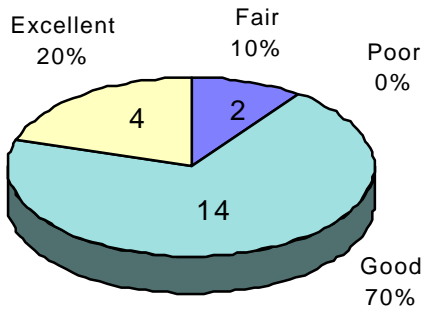
EVALUATION OF WEEK ONE



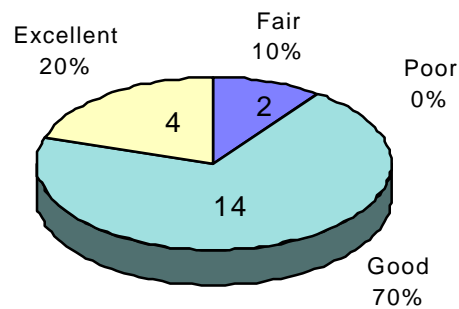
EVALUATION OF WEEK TWO



Usefulness for my professional development

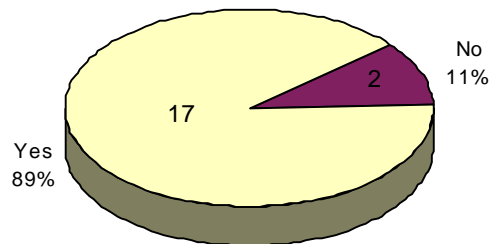


Usefulness for my personal development



FUTURE DEVELOPMENT OF THE PROGRAMME

Would you recommend the programme to colleagues?



From the written comments and the oral evaluation the following points can be made:

The programme provided a significant contribution for the professional and personal development of a large majority of participants. This applied to gaining of knowledge about the OSCE as well as the discussion of current issues with people coming from different professional and cultural backgrounds. The acquisition of practical skills in conflict transformation was deemed equally important.

The basic structure of the programme and the selection of lecturers were also seen as successful by most participants. The continuous supervision of the programme by Arie Bloed and Norbert Ropers was particularly appreciated. Nevertheless, a majority of participants would welcome more involvement of high ranking officials and representatives of large missions in the topical part of the programme. Elements dealing with regional issues should be included. A significant number of participants would have liked to deal more thoroughly with the future development of OSCE structures within a new security architecture. Other suggestions for an enhanced coverage included minority rights, peace-keeping, the work of the CPC and the PC. It was generally agreed that the Summer School should start earlier in order to provide for possibilities to attend meetings of the OSCE Permanent Council (PC), and have opportunities to talk with representatives of the Permanent Delegations.

Concerning the methodology of the seminar the emphasis on discussions, working groups and role games found acclaim. The confidential atmosphere of the seminar was welcomed, too. It was however noted that didactic means could be expanded by the use of handouts and provision of more visual information (i.e. maps, overheads, etc.). This also includes access to internet facilities. The selection of articles for the reader was appraised, but it was suggested to have it distributed in advance to allow individual preparation for the seminar.

Some participants with less prior knowledge did not feel they were provided with enough basic information about OSCE institutional structures. This includes references to basic OSCE documents. It was suggested that to compensate for differences in background the group could be divided into two parts during the first week. Another suggestion was to create regional Summer Schools taking in account particular participant interests.

A large majority advocated that the OSCE should give its support to future Summer Schools and saw it as fully recommendable to colleagues.

RESULTS OF THE SEMINAR

An important goal of the Summer School was to assess the current capabilities and structures of the OSCE and reflect on their future. Based on the results of working groups and plenum discussions the following statements pertaining to structural and operational improvements of the OSCE were compiled and thematically regrouped:

1) Institutional framework

- Further the integration of the Parliamentary Assembly (PA) by improving information-flow and attribution of more formal powers.
- Consider the formation of regional subgroups within the OSCE area to further intercultural understanding.
- Create smaller fora as alternative structures to large conferences.
- Reconsider the function of the Senior Council (SC) body which is marginalised and lacks decision making powers.
- Provide OSCE bodies with legal personality and statutes (i.e. appeal to governments).
- Create an OSCE intranet enhancing the availability of information within the organisation.
- Consider budgetary reforms providing adequate financial resources for new activities.

2) Security structures, mechanisms and procedures

Third party role

- Enhance legitimacy of intervention principle by creating strategies of implementation which ensure it is applied universally.

Decision-making and rule of consensus

- Establish a procedural distinction between various activities of the OSCE.
- Keep the rule of consensus in the realm of the HD.
- Modify the consensus principle in the field of conflict transformation (i.e. preventive deployment of peace-keeping forces) to avoid deadlock (i.e. two third majority, "coalition of the willing").

- Consider expanding the role/mandate of the Chairman in Office (CiO) and the Troika in mitigating consensus.
- Combine track I and track II approaches in conflict resolution strategies (i.e. involve heterogeneous professional groups in negotiations).

Disarmament and arms control

- Revise Confidence and Security Building Measure (CSBM) documents in the light of current proposals (i.e. outdated parameters).
- Consider establishing a verification and cooperation regime embedded in a system of regional groupings.

Peace-keeping

- Clarify the legal question if OSCE needs United Nations (UN) approval for peace-keeping operations (PKO's).
- Consider establishing formal cooperation with the UN Security Council.
- Define cooperation of OSCE with UN, North Atlantic Treaty Organisation (NATO) and non-aligned forces on a non-hierarchical basis (the OSCE guarantees for neutrality by monitoring the operation).
- Bridge the gap between establishment of mandate and arrival of peace-keeping forces by deploying an airborne UN readiness brigade.
- Establish a general peace-keeping doctrine including immunity status for peace-keeping troops.
- Consider the deployment of police forces for observation in small scale operations.
- Establish criteria for exit-strategies of PKO's.

Post-conflict peace-building

- Establish proper coordination between military and civilian tasks.
- Monitoring of both aspects by a high representative of the OSCE.

Economic/Ecological dimension

- Build up expertise in the realm of assistance.
- Devise an adequate institutional framework (i.e. creation of a representative for economy and environment).
- Consider the creation of a Central Asian coordination body.
- Establish a more practical integration of the OSCE Economic Forum.

OSCE's role in a European Security Architecture

The plenary discussion of possible consequences of NATO eastward expansion and the role of a "new" NATO in a future European security order was marked by considerable controversy. Relative consensus could nevertheless be reached on certain guidelines for OSCE policy:

- Prevent a new East-West polarisation.
- Adopt the principle of a cooperation of equal partners.
- Establish a division of labour between OSCE and other security organisations.
- Reinforce OSCE activities in the field of preventive diplomacy (i.e. consider OSCE

Security Council option).

- Guarantee OSCE's function as a representative of all participant states.
- Before the long-term realisation of an overarching collective defence organisation OSCE should be at the center of an intermediate security architecture.
- Function as an arrangement focusing on positive peace-building, leaving the enforcement of negative peace to other multilateral organisations.
- Enhance possibilities and capabilities for sustainable arms control.
- Elaborate new implication- and decision making mechanisms.
- Integrate regional groupings as contributing parts to a common approach.
- Establish sustainable conflict prevention and management regimes for (sub-)regional conflicts.
- Reinforce the role of contact groups to strengthen and widen security cooperation at the borders of the OSCE (i.e. enhanced agenda of meetings, definition of substantial content of cooperation).

3) The Human Dimension

Standards

- OSCE standards must be universal, but their implementation may differ as long as basic principles are observed.
- Universal human rights conceptions coexist with a plurality of cultural concepts on human dignity.

Long-term missions

Mission personnel:

- Improved training of mission members pertaining to regional dimensions.
- More powers given to the Conflict Prevention Center (CPC) and the Office for Democratic Institutions and Human Rights (ODIHR) in selecting mission members.
- Include experts familiar with the regional cultural/economic background in missions.

Financing:

- Financial resources are needed to ensure adequate staff training.
- Changes in financing models to reduce dependency on voluntary contributions and guarantee basic resources.

Exit-strategies:

- Development of exit-strategies providing criteria for closing down or transforming missions.
- Combination of a general mandate with a detailed action plan that can be evaluated and renewed every six months.
- Fact finding missions make proposals for a general mandate and provide the first implementation plan operationalising this mandate.
- Definition of modalities for establishing a decision to terminate a mission.
- Creation of expert commissions guaranteeing an independent evaluation of mission proceedings.
- Including face saving mechanisms into the decision process (i.e. government appointed

commissions).

- Devising follow-up options involving transfer of functions to governmental and non-governmental bodies and the opening of regional offices.
- Change the negative stigma attached to missions (i.e. establishment of regional offices).

The HCNM

- Involve the ODIHR more in the field of minority rights (i.e. helping to set up educational and dialogue projects).

The ODIHR

- Provide the ODIHR with a general monitoring role.
- Provide the organisation with a mandate to put issues on the agenda.
- Transformation of costly and time consuming HD Review Meetings into more frequent smaller meetings.
- Ensure that ODIHR is able to fulfil its existing mandate to channel information to the political bodies.
- Give the ODIHR the task to submit detailed reports to the CiO.
- Involve the ODIHR in the recommendation of specialists to missions.
- Provide sufficient staff to conduct these activities.
- Improve cooperation between headquarters with respect to the UN, for example in organising a follow-up meeting to the Commonwealth of Independent States (CIS) Migration Conference.

Integration of NGO's

- Better channelling of information input from NGO's by the ODIHR.
- Include staff members dealing with NGO's in missions and permanent delegations.
- Involve ODIHR or NGO representatives in mission staff training.
- Use staff members in permanent delegations to identify relevant regional NGO's.
- Provide ODIHR with the capacity to deal with requests of OSCE bodies concerning viable NGO partners.
- Involve ODIHR as early as possible in the development of national NGO legislations.
- Devise a new model for the ODIHR NGO database (i.e. common internet base with the Council of Europe (CoE), cooperate with NGO's that have established their own directories).
- Create new concepts how to coordinate activities with NGO's including long-term systematic cooperation.
- Provide possibilities for coordination and funding support of NGO's working in the realm of crisis management (i.e. creation of an OSCE foundation for peace-building establishing a priority list of activities important to the OSCE).

Cooperation with the CoE

- Improve high-level coordination between the OSCE and the CoE (i.e. CiO and CoE Secretary General).
- Establish formal cooperation with CoE comparable to relations with the UN.
- Resolve the issue of the general interlocking of the two organisations.
- Coordinate parallel involvement in election monitoring and minority rights issues.

SECTION TWO: PROCEEDINGS OF THE SEMINAR

POST COLD WAR REALITIES IN EUROPE - DENNIS SANDOLE

1) Overlook of post cold war conflicts

Starting in the mid-eighties with the Gorbachev presidency the nature of conflicts has shifted from conflicts between states to intra-state violence. Conflicts between communal groups and states are the major challenge to policy-makers. Ethno-political conflict has in fact increased since the 1950's. "Post-modern, medieval" conflicts of low intensity, which entail an increase of civilian victims, have led to a new mentality among military thinkers. They usually involve two ethnic groups among which one represents the government and the other an ethnic minority. After Ruanda the crisis in former Yugoslavia produced a crucial shock. This is confirmed by a survey of the opinions of OSCE ambassadors, according to which a majority agrees that ethnic conflict poses a major threat to peace and security.

Another view insists that intra-state conflicts will not threaten international peace and security, at least from an US-American perspective. The result is an approach drawing from the Bosnian UNPROFOR experience which states that internal war cannot be stopped by lightly armed peace-keeping forces and that the main goal should be to prevent spillover of conflict. Francis Fukuyama (1992) has summed up this view by arguing that the end of cold war and the dominance of democracy has brought the end of large wars between states. This view is supported by Max Singer and Aaron Wildavsky (1993) which depict a framework dividing the world into zones of peace and zones of turmoil and development; the latter becoming smaller with increasing economic development.

In a short-term perspective these approaches ignore the spillover potential of ethnic-conflicts. The OSCE policy has drawn conclusions from the changing nature of war, most importantly by providing a basis for international intervention into the interior affairs of states. Spillover can be described within three categories:

- *Functional spillover* is the case when a political leader fuels a dormant historical conflict as a way to displace the conscience of the citizens from governmental problems.
- *External intervention* can occur among ethnic kin when ethnic groups from adjoining states form alliances. In a "humanitarian" variant conflict could spread among international peace-keeping troops because of historical ties.
- The *multiplier effect of systemic contagion* draws from the potential of lethal conflict management to achieve one's goals serving as a precedent encouraging its use elsewhere.

Discussion

It was observed that the failure of international intervention in former Yugoslavia was due to the lack of mechanisms adapted to the reality of intra-state conflicts. This situation was alleviated by the mechanism developed in Helsinki in 1992 and the subsequent first long-term OSCE mission. Furthermore, the fact that among the successor states of former Yugoslavia only the Federal Republic of Yugoslavia is excluded from OSCE membership was criticised.

2) Comprehensive mapping of conflict and conflict resolution

The OSCE is an organisation coping with the reality of intra-state conflict and the threats of spillover in the Balkans and the Russian Federation. Comprehensive mapping of conflicts and conflict resolution can help members of OSCE missions or the PC to make sense of conflicts and devise adequate responses. A three pillar approach comprising the mapping of *conflict*, *conflict causes and conditions*, and *conflict intervention* perspectives, mechanisms and processes provides a basis for designing and implementing effective interventions.

Conflict analysis involves:

- Identifying *all* of the parties. Examining their relationships in terms of power and resources and identifying significant intra-party conflicts.
- Finding the *issues* about which the parties are conflicting and identifying their nature. Are they "realistic" or "unrealistic" (are they really about something or do they reflect a need to release emotions)? Are they "displaced" (right parties but wrong issues); are they "misattributed" (wrong parties and wrong issues)?
- Understanding the *means* by which the parties attempt to achieve their objectives: "fights" (destroy the enemy); "games" (outwit the opponent), "debates" (persuade or convert the opponent).
- Analysing the parties' *orientations* to conflict and conflict resolution: "competitive" (adversarial, confrontational, zero-sum/"win-lose") or "cooperative" (non-adversarial, non-confrontational, positive-sum/"win-win").
- Grasping the nature of the parties conflict/conflict resolution *environments*: are they facilitative of competitive or cooperative conflict resolution?

Conflict causes and conditions:

- We want to know about the potential sources of conflict operative at the (a) individual (biological/physiological, psychological), (b) societal (political, economic, social), (c) international, and (d) global/ecological levels. Factors inherent to these levels inform conflicts with various "weight". If causes and conditions of a conflict are multi-level, then attempts to deal with the conflict must be multi-level as well.

Conflict intervention involves distinguishing between:

- Competitive and cooperative processes.
- Negative peace (prevention/cessation of hostilities) and positive peace (elimination of underlying causes and conditions of hostilities).
- Track-I (governmental) and track-II (non-governmental) processes of conflict resolution: track-I actors quite often use competitive processes to achieve negative peace. As reaching negative peace does not involve dealing with underlying causes and conditions the situation will remain fragile. There is a need for a "paradigm shift" introducing track-II negotiations associated with cooperative approaches to positive peace to complement track-I procedures. Conflict is understood as a process which third party intervention endeavours to interrupt.

Discussion

Cooperative conflict resolution and the notion of positive peace were further elaborated. To achieve cooperative solutions which are the basis of positive peace it is necessary to identify the underlying needs of the involved parties. During this negotiation process perceptions on a cognitive level (beliefs), evaluative level (values) and affective level (emotions) have to be dealt with. The aim is to make the parties conscious of their real underlying needs and on this basis reach an agreement with benefits to all sides. This is possible because frequently needs are quite different and their fulfilment can have long-term positive repercussions for all parties. When parties are of unequal strength measures towards differential empowerment should be taken. It may also be important to address the emotional level by convincing parties to apologise to each other.

WORKSHOP ON COMMUNICATION AND INTERCULTURAL UNDERSTANDING - NORBERT ROPERS

The aim of this workshop was to raise the awareness of the participants about the way they communicate with each other, and to acquire appropriate skills in communication and intercultural understanding.

1) Training basic communicative skills

Exercises

A first set of "mapping-exercises" providing an exploration of what they hold in common and what differentiates them involved the spatial self-positioning of participants in the seminar-room. This exercise demonstrated that there are many different criteria to build up groups. This can be valuable for identifying and pursuing common interest strategies in the transformation of inter-ethnic conflict.

Subsequently, a series of exercises in pairs raised awareness for the relevance of non-verbal communication in information exchange. Attention was drawn to the cultural components present in frames of reference, and the importance of listening actively and speaking clearly.

Listening actively and speaking clearly was trained in a discussion of OSCE topics in groups of three persons consisting of two parties, and one facilitator. The parties were asked to summarise statements before reacting, while the facilitator ensured adherence to this rule, and provided feedback at the end. It was observed that active listening helps to cool down emotions, gain time for preparing arguments, and provides the opportunity for redefining positions by paraphrasing statements.

2) Training intercultural communication, cooperation, and understanding

In a light warming-up exercise the complexity of interdependencies within a group was illustrated.

Training intercultural communication involves a basic knowledge of the broad meanings of culture: High culture addresses the refinement of the mind through education, art, literature etc. Culture can be understood as collective programming of the mind, which distinguishes group members. Furthermore, it can be associated with civilised behaviour. Intercultural communication deals mainly with the collective programming aspect. Human mental

programming can be perceived at three interpenetrating levels. The personality level is specific to the individual and is inherited and learned. The cultural level is learned and is a feature of groups or people. The human nature level is universal.

Cultural programming includes family, the self, world-view, social organisation, habits, communication styles, language, morality, leadership, time concepts, fairness, justice, values, etc. At the individual level these characteristics are acquired through family experience and personal experience (i.e. school, work). People deal with social events through perception, evaluation, attribution and responses. Social events may be consistent or inconsistent with cultural beliefs and thus be perceived harmoniously, or in terms of dissonance. This in turn influences cultural programming presets and provokes feeling safe or afraid. In any individual person culture reflects many different belongings.

Exercises

Pairs with different cultural backgrounds were formed. They were asked to make a drawing without verbally communicating while holding the pen at the same time. Afterwards, they were asked to discuss if the problems while drawing were due to differences in identity.

Groups of four were asked to discuss the importance of intercultural differences for the functioning and future of the OSCE. Within each group a facilitator, a rapporteur for content results and a rapporteur for the effect of the cultural factor within the group were identified.

In the plenary discussion cultural differences were located between Western and non-western countries. Suggestions were made to form regional subgroups within the OSCE area and include experts familiar with the regional cultural/economic background in missions. It was generally agreed that cultural differences did not pose an insurmountable barrier to the recognition of common values. This was explained by the common attitude of professionals involved in the OSCE. In the multilateral context of OSCE conferences professionals play the role of a "filter" alleviating cultural differences. But professionals also differ in their style of communication. Diplomats tend to be more conciliatory than politicians and representatives of NGO's. Therefore, negotiations involving heterogeneous professional groups can be more conducive to realistic outcomes. This provides an argument for the importance of using a mixture of track I and track II negotiations in conflict resolution strategies. Furthermore, it was observed that cultural differences are often used as a channel for political interests. In dealing with "ethnic entrepreneurs" it is vital to separate political interests from cultural belonging.

HISTORICAL AND POLITICAL DEVELOPMENT OF OSCE - NORBERT ROPERS

The development of the OSCE in the last 25 years can be summarised in different ways: as a conference project between East and West the CSCE has led a development *from confrontation to cooperation*. What started out in 1975 as a process marked by a series of conferences was transformed in 1990 into a structure with an institutional basis. This development was accompanied by a shift *from standard setting* for proper behaviour between opposing parties *to implementation of common values*. The CSCE attempted to civilise the system of nuclear deterrence between *two poles of power*. In the post cold war era the OSCE has been striving to civilise behaviour between *multiple units* of people.

1) Theoretical aspects

The CSCE/OSCE is an innovative organisation aiming at constructing a *comprehensive regional "regime"* including principles, norms and procedures regulating behaviour in its area. It seeks to overcome the security dilemma between countries caused by the lack of an overarching government and responds to the necessities of cooperation and coordination.

It is a *hybrid* which tries to bring together construction mechanisms from various fields (political/military dimension, human dimension, economic/ecological dimension) also dealt with by other organisations such as NATO, UN, European Union (EU), etc. This poses the problem of double standards. The OSCE can serve as a forum for marginalised states.

2) Historical overview

The CSCE started as a *bartering process* to meet the interests of both an Eastern and Western block. The USSR was interested in recognition of the post-war status quo and the promotion of economic relations with the West. The latter aimed at influencing and integrating Soviet foreign policy, improving the relations between East- and West Germany, and promoting the free flow of information.

In the *preparation phase (1972-1975) for the Helsinki Conference* it was recognised that fundamental differences could not be overcome. But formal compromises for fundamental controversies could be reached. These involved a "miniaturisation" of other issues, emphasising the existence of a pan-European space and interlinking "baskets" (political/military dimension, human dimension, economic/ecological dimension) leading to gains on both sides. Furthermore, the CSCE did not produce legally binding documents but politically binding ones. Agreements resulted from a series of conferences seeking to reinforce process oriented multilateral diplomacy.

The period from 1975 to 1985 was characterised by a *crisis of detente and implementation controversies*. The expectations of both sides proved to be too high. From the Eastern point of view economic relations had not improved substantially, and the West deplored the human rights situation in the East. This climate was reflected by the arms race and the Soviet intervention in Afghanistan. The conference process went on due to the prestige both sides had invested, the multiplicity of actors and coalitions, and the established culture of conflict mitigation. Moreover, it produced surprising side-effects. The CSCE could place the human rights situation within participating states on the international agenda, and civil rights groups as well as international NGO's could cite CSCE standards in their struggle. Small and non-aligned states played an important role as mediators.

A new *detente policy and institutional dynamism* between 1985 and 1989 started with the accession of Gorbachov to Soviet presidency. The agreements of the Stockholm Conference of 1986 contained substantial provisions concerning CSBM's. The 1989 Vienna Conference introduced new supervisory mechanisms for the human dimension, and standards for economic liberalisation.

The breakdown of communism led to the *transition to the new CSCE/OSCE* from 1989/90 till 1992. Some argue that the CSCE promoted this development by encouraging citizens rights and democratic movements. Others claim that it prolonged the life of Eastern governments by recognising them. In the Bonn and Copenhagen Conferences of 1990 common values concerning free market economy, representative democracy and human rights were agreed upon. During the Paris Summit of 1990 the basic institutional framework of the new OSCE

was established and cooperation in all baskets was agreed on. Conventional arms talks leading to the Treaty on Conventional Armed Forces in Europe (CFE) were held. Optimism was curbed by the Yugoslav-crisis in 1991, and the crisis and dissolution of the Soviet Union in 1992. The new challenges to OSCE, which had not succeeded to respond adequately to this situation, led to the establishment of the Berlin Mechanism, an upgrading of the CiO's position, and the creation of the HCNM. Controversy started if an eastward expansion of NATO would be more effective in coping with security problems than OSCE.

Concerning the period from 1994 to 1997 it must be accepted that most of the detailed mechanisms for crisis intervention have not worked. This can be explained by the fact that based on interstate relations they cannot deal with intrastate conflicts. The meagre results of the Review Conferences in Budapest 1994 and Lisbon 1996 imply that they have lost their important function. On the other hand, conflict intervention by the CiO and his representatives was successful (i.e. Chechnia, Bosnia and Herzegovina, Albania) and the HCNM has had a positive effect on conflict prevention. Finally, the activities of long-term missions have become an important instrument in conflict resolution and prevention, and the ODIHR has promoted democratisation processes.

Discussion

The implications of the shift from the conference process of CSCE to the permanent institutions of the OSCE were elaborated. Regular decision making in the PC has diminished the importance of mechanisms and conferences. The debate also touched the role of marginal delegations in Review Conferences, such as Lisbon 1996 where large countries and the EU participant states are perceived to dominate. At the same time OSCE's multilateral structure and the consensus principle give influence to non-aligned countries. The competitive relationship of OSCE to the UN and NATO and recognition of the fact that it is not a collective defence institution brought up the issue of establishing a division of labour. At present, this cooperation depends on good interpersonal relationships, but interdependence could be formalised by provisions, such as the Kinkel Koyman proposal which foresees the possibility of a transfer of issues from the OSCE to the UN Security Council.

THE OSCE'S ORGANISATION, INSTITUTIONS AND PROCEDURES - ARIE BLOED

CSCE/OSCE's cold war origins explain the strictly political nature of its documents, and the importance of the consensus principle in decision making. The following basic features of the organisation were identified:

1) Political process

OSCE is a political process because of the political rather than legal binding force of its documents. OSCE participant states commit themselves to implement the documents. The only difference to legal treaties being in the consequences of violations where legal claims could be realised. The fact that OSCE documents are drafted in a comparatively short period, and can enter into force immediately has given them considerable influence in international law making. For example the 1990 Copenhagen document on minority rights served as a basis for the UN Declaration of 1992 and the Framework Convention of the CoE. OSCE standards are taken up by national legislations and bilateral treaties. Nevertheless, there is an ongoing discussion about legalizing OSCE commitments. One of the biggest drawbacks of such a

development would be the necessity of ratifying treaties by national governments. Opposition in some countries, as well as the unforeseeable consequences of renegotiation of existing documents would threaten basic achievements. A different situation applies for OSCE institutions which possess no legal personality or statutes. The dangerous tasks they perform necessitates proper legal protection. All governments should make provisions for accepting OSCE as legal institution.

2) The dynamic process

With a current overall budget of US\$ 60 million OSCE is one of the cheapest international security organisations in the world. This is a result of its light institutional structure located at several sites, and characterised by a minimum of employees. OSCE features several political organs among which the PC takes care of weekly deliberations, and the Ministerial Council (MC) acts as main decision making body. In recent years the CiO, the Troika (consisting of the last, the current and the next CiO) and representatives of the CiO have played a decisive role in conflict intervention (i.e. Chechnia, Kosovo, Albania). These organs work in close cooperation with the HCNM and the CPC. The CPC, the Vienna Secretariat and ODIHR form administrative bodies, while the HCNM and the Secretary General are independent organs. OSCE also features *ad hoc* bodies such as the Minsk process, long-term missions, and review conferences.

3) Equality of participant states

This feature is complemented by the consensus principle. When the resolution of conflicts is at stake consensus rigidity can be an obstacle. Therefore, consensus -1 and consensus -2 options have been introduced. Fearing the setting of precedents, participant states are reluctant to use them. In this context, attention should also be drawn to the functioning of mechanisms, interventions of the CiO and the HCNM which are not hindered by the consensus principle.

4) Intra-state dimension

The OSCE is an inter-governmental organisation but the code of conduct gives freedom to all participants to address intra-state problems such as rule of law, human rights, democratic elections as issues of common concern.

5) Pan-European character

The OSCE unites 54 participating states but also includes Japan, South Korea, and several Mediterranean countries as non-participating states. Thus, it also addresses an external dimension.

Discussion

The reasons for the marginal influence of the PA were discussed. It was concluded that as a body outside of the OSCE it does play a role in raising broader awareness of problems. Improvement of information flow and attribution of more formal powers could lead to its upgrading. A similar question pertaining to the link between lack of decision making powers and marginality was raised regarding to the SC body. The underlying sense of the right to intervene into intra-state affairs was further elaborated. It was emphasised that this form of intervention is a corollary of the community of values and responsibilities basic to the OSCE. The power of each member to raise issues of mutual concern can even be perceived as an addition to the sovereignty of states. Regarding the question of the overlapping of the

ODIHR with a recently created organ reporting on free media it was observed that often the creation of institutions relies more on political interests than policy-rationale.

OVERVIEW ON THE SECURITY CONCEPTS: COOPERATIVE SECURITY, COMPREHENSIVE SECURITY - ARIE BLOED

OSCE is an organisation emphasising the "soft" sector of security. During the cold war period CSBM's establishing responsibilities, such as the announcement of military operations, or the exchange of military observers had been of prime importance. In the nineties the emphasis has shifted to conflict prevention, crisis management and peaceful settlement of disputes. Although possible changes were considered in 1990 the OSCE is not a collective security system.

1) Cooperative security

OSCE aims to build stability by way of voluntary cooperation and participation. This means convincing parties rather than forcing them. The consensus principle is therefore widely supported. It does not exclude political pressure. In 1992 the consensus -1 principle was created for exceptional cases of systematic and flagrant violation of human rights. It is a political measure applying only *outside* of the concerned country and foresees no sanctions. Should OSCE not be able to reach consensus there would be deadlock. Therefore, it has been suggested to pass such issues on to the UN Security Council without consent of two or three parties. The *community of values* implying that the same ideas are shared with respect to the security dimension, and the *community of responsibility* obliging all states to raise potential issues, and set aside the non-intervention principle remain the basis of the OSCE philosophy.

2) Comprehensive security

A comprehensive approach including political, military, economical and human rights issues seeks to prevent conflicts and achieve positive peace. The interlinking of the three "baskets" is reflected in tasks such as election monitoring of the ODIHR, the early warning capacity of the HCNM and long-term missions addressing systematic human rights issues and helping governments to build democratic structures. The economic dimension focuses on problems which might have a security component, such as environmental issues. Issues can be raised in the Economic Forum, but its impact remains underdeveloped. Lack of cooperation between the Intervention Force (IFOR) and the OSCE missions in Bosnia and Herzegovina implies that there is still need for an overarching structure coordinating the human and military dimension. Integration into the UN security family could improve this relationship. In 1992 the OSCE proclaimed itself to be a regional arrangement under Chapter VIII of the UN Charter. The Security Model for the 21st Century proposed in December 1994 in Budapest has more of a political character counterbalancing the eastward NATO expansion. So far, the central question of cooperation with other security organisations has not been substantially elaborated.

Discussion

It was clarified that cooperation with the UN Security Council would upgrade the OSCE as a security organ, allowing UN to politically endorse OSCE decisions. It has to be kept in mind that legally UN does not need OSCE support to intervene in conflicts. The discussion on a European Security Model supported by Russia has lost momentum after the decision to

expand NATO eastwards. The challenge of establishing a cooperative inter-organisational model as proposed in the Lisbon 1996 documents on comprehensive security remains open. The problem of institutional coordination also remains open in the economic sector. The EU is against upgrading of the economic nature of OSCE while the USA sees it as a possibility to influence European affairs. In a review of the link between the consensus -1 principle and human rights violations it was stated that in the case of the temporary suspension of the Federal Republic of Yugoslavia from OSCE participation the consensus -1 principle has been interpreted somewhat elastically.

OVERVIEW ON THE SECURITY STRUCTURES AND MECHANISMS OF THE OSCE - ADAM HALACINSKI

The security structures and mechanisms of OSCE fulfil a number of *regulatory functions*:

- They imply *norm setting* concerning the behaviour of governments.
- Mechanisms for early warning, conflict prevention and crisis management and most importantly conference diplomacy have a *stabilising function*. The basis of these structures is the recognition that the internal security issues of participating states are of *universal concern*.
- This attitude is a precondition for the *control function* concerning the implementation of commitments. In the latter respect, OSCE bodies such as long-term missions, the HCNM or ODIHR *render services* to its members.
- OSCE also provides a *coordinating function* in the development of flexible patterns of cooperation based on mutually reinforcing institutions, i.e. OSCE's Albanian, Bosnian and current Croatian involvement.

In the history of the CSCE/OSCE numerous *mechanisms sensu stricto* of great complexity, involving precise steps to be followed (conflict prevention algorithms) have been developed. There is a disproportionate relationship between the high number of mechanisms and the rarity of their application. This can be explained by their perception to be punitive, their complicated and non-transparent nature and cumbersome application. Most importantly, since the cold war period the development of political consultation *mechanisms sensu largo* have provided a functional alternative. By interlinking different consultational patterns (PC, CiO, Troika, HCNM) and interest groups (EU member states, Russian Federation and USA, "groups of friends" concerning small states) OSCE has become capable for rapid political response.

Review conferences, monitoring activities and long-term missions control and support the implication of commitments. Long-term missions are conceived as instruments of conflict prevention and post-conflict rehabilitation. A survey of their activities is provided by the CPC and the annual reports of OSCE prepared by the Secretary General. The question if missions can achieve a permanent settlement of conflicts remains open, but OSCE involvement has certainly prevented several worst case scenarios. In this context the involvement of the CiO, his personal representatives and the logistical support of the CPC have been crucial. The diversification of activities necessitates increased governmental awareness concerning the provision of financial resources. Proposals for budgetary reform have been launched by the Danish chairmanship. The efforts to further elaborate implication mechanisms are reflected by the Platform for Cooperative Security proposed at the 1996 Lisbon Summit and recent Polish suggestions concerning the question of cooperative action in the event of non-compliance with commitments.

Discussion

In a debate concerning the very general character of mandates for long-term missions the case of the Macedonian mission was raised. Its mandate of preventing spillover from the Northern border left considerable room for manoeuvre concerning necessary tasks. Furthermore, mandates can be subsequently modified. As a consequence, mission fulfilment is difficult to define. A solution to the problem of exit-strategies for missions might be the opening of regional offices comparable to the Central Asian ones. Subsequently, it was discussed if the creation of an "OSCE Security Council" bestowing a bigger responsibility for security on major states would conflict with the basic principle of shared responsibility. It was observed that different coalitions are a basic characteristic of OSCE decision making processes. The concept of a "coalition of the willing" could be useful in discussing the "Security Council" option. A similar issue was raised concerning the formation of regional groupings in the former Soviet Union. It was recognised that such coalitions are a basic feature of multinational diplomacy, and that they should be considered as contributing parts to a common approach.

Referring to the Mediterranean region the role of "contact groups" in strengthening and widening security cooperation at the borders of the OSCE was discussed. In this context an enhanced agenda of meetings could lead to a better definition of the substantial content of cooperation. Further discussion topics included the ongoing debate about recommendations of sanctions to the UN Security Council, the role of steering groups such as the Minsk process in devising models for conflict settlement, and the creation of an OSCE intranet enhancing the availability of information within the organisation.

DISARMAMENT AND ARMS CONTROL (CSBM'S, CFE, OPEN SKY) - ADAM KOBIERACKI

Arms control relates to monitoring and controlling military capabilities. Nowadays, the term is used far more frequently than disarmament which implies a noble but hardly achievable goal. Arms control implies a series of negotiations followed by a series of implementation stages. Ten years ago conventional arms control was dealing with huge armies and arsenals ready for surprise attack. It was a competitive process in which parties were seeking to limit the military capabilities of the other side. Even though it was not very successful, it provided an important channel of communication about political issues between East and West. Now, that potential for surprise military action on a global scale is diminished if not eliminated, new interior conflicts have come to the foreground of attention. Accordingly, emphasis has shifted to a cooperative approach seeking to achieve a balance between 54 participant states. Nevertheless, arms control cannot eliminate military potentials as political instruments. But, it can provide predictability and transparency of intentions and potentials, increase warning time, exclude conflicts by mistake, introduce rule of law into the military sphere and support non-military political options.

1) Open Sky

The least important measure is the Open Sky Treaty. Although it has been elaborated in 1992 it has still not been ratified by important signature states such as the Russian Federation. Open Sky is an extremely complicated "piece of art" introducing a special regime for aerial overflights with the possibility for monitoring the military potential of states. If its entering into force is prolonged for longer than another year it might be useful to transform it into a CSBM.

2) CSBM's

CSBM's are politically binding and do not address the limitation of military capabilities. Rather they increase transparency and information exchange on military activities. Their development started in the late seventies. The first minimum set limiting big military exercises was agreed upon in 1986. The Vienna Documents of 1990, 1992, and 1994 have provided updates. In general, CSBM's have functioned very well by establishing a spirit of cooperation. The main problem is that the exact parameters such as the size of exercises are almost all outdated. The time has come for an ambitious rethinking of the entire document. Negotiations starting out with current proposals (Germany-France-Poland, Ukraine-Russian Federation-Portugal) could produce a new document by 1998.

3) CFE Treaty

The CFE Treaty was signed in 1990 and its limits on arms and control procedures entered into force in 1992. It seeks to establish military balance by prescribing numerical limits for groups of states. Its beauty relies on the fact that it established a bridge within a bipolar world but contains elements which allow it to function under new conditions. The CFE Treaty has provided indispensable support in finding a solution to the problem of how to allocate the arsenal of the former Soviet Union to its successor states. Currently, it prescribes legally binding limits on five categories of equipment including a sophisticated system of notification concerning changes of equipment and a verification regime of on-site inspection.

CFE is so important that it is currently being renegotiated, the main idea being to provide the Russian Federation with the security that NATO enlargement is not meant to be confrontational. The first document mainly copes with the political sensitivity of CFE adaptation by identifying unsolved issues. The central feature of the new CFE Treaty will be the replacement of group structures by a system of national and territorial ceilings for every state. While national ceilings address state armed forces, territorial ceilings apply to both indigenous and stationed forces.

Discussion

Regarding the future of arms control it was observed that the CFE regime will probably be expanded. Considering the provisions of the Dayton Agreement the first candidates might be the Balkan states. Other candidates of the near future could be the Baltic states, and - depending on the NATO position - Austria. Threats in regions and subregions (Baltic Sea, Central Asia, Black Sea etc.) will have to be addressed by developing and expanding military cooperation possibly within a new set of CSBM's. Arms control verification could involve a verification regime embedded in a system of regional groupings, but this does not reflect the current mood within the OSCE.

WORKING GROUP ON THE POLITICAL AND MILITARY DIMENSION OF THE OSCE - NORBERT ROPERS

In order to reach a deeper understanding of basic principles, procedures and structures concerning the political and military dimension of the OSCE, and to develop new ideas and options two working sessions were conducted.

1) Session I

The following issues were proposed as a starting point for discussion in working groups of four to six persons:

- How can criteria for legitimate intervention be elaborated facing the enduring principle of non-intervention?
- How can sustainable conflict settlements be achieved?
- Do subregional groupings endanger the cohesiveness of the OSCE?
- What is the impact of the Minsk group's meagre results on the credibility of the OSCE? What to do?
- What is the usefulness of the consensus principle in a shift from cooperative to collective security? Is it not necessary to develop it further?

Plenary presentations

The definition of clear criteria for legitimate intervention entails establishing a definition of types of conflict. Concerning the character of intervention, military action should be excluded from OSCE activities. Political intervention implies the problem of overlapping competences. Obviously, in extreme cases such as genocide and civil war intervention is necessary, but the OSCE instrumentarium should specialise on "soft" forms of intervention. The consensus principle is basic to the OSCE. Mitigation of consensus could be regulated with the CiO and the Troika having a central role. This could lead to a redefinition of the mandate of the CiO. The Security Model for the 21st Century aims at reinforcing cooperation between existing organisations. Creating such a model expresses the wish to provide a more rational structure to a system of security resulting from a disorderly succession of political responses to the real world. In the discussion accepting the principle of cooperation of equal partners could signify an important step forward. The future practice of cooperation might lead OSCE to reconsider its structure in the field of preventive diplomacy, i.e. by considering the "Security Council" option.

2) Session II

Working groups of four to six persons were asked to develop precise answers concerning the following questions:

- How can the concept of the long-term mission be developed further to improve the chances for sustainable conflict settlement?
- How to develop criteria and procedures for viable exit options?

Plenary reports were summarised in thematic clusters:

- 1 Qualification of mission members pertaining to regional knowledge, etc. More powers for CPC to have a say in selection of members. How to improve financial resources, i.e. for staff training?
- 2 Common mandate but particular implementation including an action and time plan.
- 3 Provisions for exit from the beginning.
- 4 Who decides about exit option?
- 5 What possibilities/procedures can be used in exit? Could they involve other organisations and regional offices?

Discussion

Ad 1) The current idea of voluntary task oriented contributions is very flexible and reflects the will of participating states. On the other hand, it is important to establish a sound financial basis. This is reflected in current discussions on budget changes to reduce dependency on voluntary contributions. There are current endeavours to establish training courses for OSCE missions, i.e. the German pilot programme for members of the Bosnia and Herzegovina mission. Better training would reduce dependence on the individual personality factor.

Ad 2) A general mandate should be combined with a detailed action plan that can be evaluated and renewed every six months. Fact finding missions could make the proposal of the general mandate and provide the first implementation plan operationalising this mandate. An action plan would permit the host country to have a clear idea of what is going to be done. In the UN detailed strategy papers are current policy encouraging efficiency, review activities, and discussion with involved parties. Detailed mandates would have the danger of leading to complicated renegotiations every six months leading to inflexibility. Often governments do not want issues to be codified in a mandate. This would change the character of missions.

Ad 3) Including expiry clauses in the mandate would only be a superficial solution. Rather modalities for establishing a decision to pull out have to be established. Currently, we are confronted with the problem of precedents. If one mission is closed other governments would ask for the same measures.

Ad 4) The question of how an independent evaluation of mission proceedings could be accomplished remains open. As only governments are involved in decisions at present we need face saving strategies. A government appointed committee could provide a solution.

Ad 5) Follow up options could include a scaling down of missions, establishing regional offices and transfer of activities to intra-national organisations. Most importantly, we need to change the negative stigma effect of missions. Establishing regional offices could contribute to a transformed perception of the role of OSCE. In some regions, i.e. the Baltics this could be a viable solution. In other cases there might always be opposition of a regional participant state.

HIGH COMMISSIONER ON NATIONAL MINORITIES - ARIE BLOED

The OSCE is a strictly intergovernmental body. Dealing with the sensitive issue of minority problems the HCNM is an exception to this rule. The establishment of this institution in 1992 was a reaction to the tragedy of former Yugoslavia. It is the result of the search for instruments capable of preventing further inter-ethnic conflicts. The mandate included in the Helsinki "Challenges of Change" Document provides for early warning and early actions pertaining to tensions involving national minorities which have not yet evolved into conflict. The HCNM can suggest actions to the MC or the PC. The mandate does not provide clear definitions of what tensions or national minorities are. This provides considerable freedom to the HCNM, but also makes his efficiency dependent on personal qualities. Since the appointment of Max van der Stoep as HCNM at the end of 1992, his activities have gained widespread support within the OSCE. Practice has indicated that, indeed, the HCNM is an instrument for conflict prevention and that he certainly is not an ombudsman for national minorities. His mandate applies to situations in which serious tensions concerning national minorities exist, which also includes post-conflict situations after the end of violence. If violence occurs, however, the HCNM is not competent to deal with such situations. The HCNM is also not allowed to deal with situations involving terrorism nor with individual cases, although any member of a minority can, of course, send information to the HCNM, if he/she wants to do so.

Even if the HCNM has the power to alert the PC, so far he has never been obliged to make use of this power. This has further strengthened his position as a neutral mediator which has assured the cooperation of states and minorities by acting in a confidential way. The HCNM can issue recommendations to the foreign ministers providing possible solutions to problems within their countries. They are worded carefully but in detail and remain confidential until the government has answered. Most importantly, he is an active mediator trying to bring parties together and stimulate dialogue processes in a confidential atmosphere. His main consultational partner is the CiO. Reports are given to the PC approximately every two months. At these occasions he may give signals for concern including formulations which indicate that he needs political support. With respect to missions, the CPC, and the ODIHR, the HC may contribute to the coordination of activities and the correction of errors in policy. His activities have spanned Central Asia, the Baltic states, parts of the Balkan as well as most countries of Eastern and Central Europe. An enquete on linguistic rights and minority education has addressed all participant states.

Discussion

The question was raised, where the limits to the intervention of the HCNM in conflicts are. This issue is handled very flexibly and depends on the cooperation of governments and minorities. It was observed that the personal skills involved in coping with such a broad mandate could produce problems in finding a successor. The specific quality of his authority was further elaborated. It is based on early warning behind the screens and a careful balance of assuring confidentiality and providing information. Due to the generality of standards minority rights issues can usually not be solved on a legal basis. His mandate pertains to security interests, and not to the protection of minorities *per se*. In this context the legal differences between "minorities" and "people" were further clarified. Furthermore, it was stated that it is important for the HCNM to be involved in a region for long periods in order to have a complete picture of the situation.

LONG-TERM MISSIONS - TIMO LAHELMA

Due to regional specifics long-term missions are very different in character. Their common basis is provided by the early warning chapter of the Helsinki 1992 Meeting aiming at a strengthening of the structure of political communication. A flexible system of fact finding, conciliation, and arbitration missions was envisioned. There is no uniformity in the mandates of long-term missions, apart from the fact that they all allude to general conflict prevention, dialogue, crisis management, and the gathering of information. Most missions work in situations involving post-conflict crisis management. Supporting measures pertaining to the human dimension is a central task of missions, even if this is not always spelled out in their mandates. This includes monitoring the human rights situation, as well as supporting the rule of law and democratic institutions. Sometimes a military dimension relating to peace-keeping is explicitly spelled out (i.e. Georgia, Moldova). Mandates are generally renewed, and if necessary modified every six months. Missions provide regular comprehensive activity reports to OSCE participating states which are important for decision making. They also arrange visits for the HCNM and the CiO. Usually, OSCE activities, such as fact finding missions, or missions of representatives of the CiO precede the establishment of a long-term mission.

In Estonia in 1992 an expert mission studied the conformity of national legislation with international human rights norms. It was decided that implication would be a problem, so a mission was put into place well in advance of problems in summer 1993. It was charged with promoting understanding between communities, establishing and maintaining contact to local authorities, NGO's, political parties, and media, recreating civil society, and considering ways to transfer its functions to local institutions. The basic issue is the integration of the large Russian minority, providing it with citizenship and language training. A specific problem was the identification and integration of Russian military pensioners. For a longer period it has been considered to terminate the mission. But, the Russian Federation and the EU have been in favour of maintaining it in order to consolidate stability in the Baltic region. In the case of Estonia the time for closing has not quite come. The mission can develop new activities such as community building, human rights education, and training for minorities living half on the Russian and Estonian side. So far, no OSCE long-term mission has been closed down, and precise criteria for deciding when a mandate is fulfilled are lacking.

Currently, eleven other long-term missions are operating in Latvia, Ukraine, the Central Asian republics and the Balkans. Their size varies from six members in Estonia to more than 200 in Bosnia and Herzegovina. They are quite cheap with exception of the Bosnian mission which takes up a large amount of financial resources in proportion to the overall OSCE budget.

Discussion

The issue of appropriate exit strategies for missions was addressed. It was suggested that appropriate rules and criteria should be defined. On the other hand, it was emphasised that wide mandates can be an advantage, and that after closing down a mission it could hardly be reopened in the occurrence of tensions. It was observed that host countries sometimes perceive missions as a stigma. Missions cannot be maintained without their consent, but often political pressure is applied to convince governments to accept a prolongation of the mandate. Missions could use more expertise in order to establish a transfer of competences to local institutions.

PEACE-KEEPING - MIHÁLY TOTH AND JOSEF VITEK

1) Political aspects

OSCE has decided to develop new peace-keeping mechanisms complementing UN and NATO activities. It is recognised that peace-keeping is an important instrument of conflict prevention.

UN peace-keeping activities are based on the UN Charter Chapters VI and VII. Chapter VI deals with activities encouraging peaceful settlement legitimising use of force only if UN mission staff is threatened, or parties violate UN resolutions. Chapter VII concerns peace enforcement and determines the criteria how to launch an operation. Without the consent of parties no peace-keeping is possible. Peace-keeping tasks involve separating parties, establishing a zone of separation, monitoring cease-fire, disarming parties, and addressing humanitarian needs. Peace-keeping missions are decided by the Security Council with the support of parties involved in the conflict. UN participant states provide troops and equipments. Costs are covered by the Security Council. The Somalia and Gulf War operations were undertaken on behalf of the Security Council and cannot be understood as peace-keeping in the traditional sense. Peace-keeping activities involve the use of light arms, whereas peace enforcement operations are heavily armed. Insufficient reactions to the Bosnian conflict provoked the need to find remedies to the bureaucratic impediments of decision making. Members of the Security Council decided to share peace-keeping tasks in form of *regional arrangements* which will involve other organisations such as OSCE. Concerning the current financial crisis of UN this would also alleviate part of the heavy financial burden of PKO's.

Facing conflicts in Azerbaijan, Armenia and Nagorno Karabach the OSCE decided to set up its own peace-keeping system at the 1992 Helsinki Conference. An initial planning group was installed and basic criteria were established. OSCE peace-keeping *cannot involve enforcement action*, and is not able to impose sanctions. Operations have to be *strictly impartial*. Concerning decision making processes convening SC Meetings would take too long, so it would have to be submitted to the PC. The CiO would provide a draft of the mandate to participant states which then add their own remarks. The High Level Programming Group and the CPC should provide information input for decision making and monitor operations. Conditions for peace-keeping would necessitate the establishment of a cease-fire, a memorandum of understanding, and guarantees to the safety of OSCE mission members. All members of the OSCE should be eligible for PKO's. The CiO could support bilateral consultations between parties and peace-keepers. Command of PKO's involving a diplomat and a high-ranking military official should be changed regularly, and commanders would be appointed by the CiO and the PC. All costs are covered by participant states. Therefore, OSCE will not be able to set up a permanent PKO unit. In this respect, a division of labour with UN and other organisations will be necessary. Here, OSCE could provide third party peace-keeping monitoring in order to counterbalance the partiality of participating troops of NATO members, or the Russian Federation.

Consensus on PKO deployment has not been achieved yet. This is partially due to questions concerning the area of application, the provision of troops, and the costs involved. Concerning the conflict in Nagorno Karabach the interest of the parties in a PKO has decreased. This development is a result of the lack of a peace agreement in spite of the efforts of the Minsk group to organise a peace conference in Belarus.

Discussion

As a regional arrangement OSCE has to ask for UN permission to confer PKO's to other organisations such as NATO. But the example of Albania shows us that OSCE can provide a coordinating framework. In the cases of Georgia and Moldova OSCE is monitoring peace-keeping activities of the involved parties and the Russian Federation. Due to the fact that the Chechnia conflict is an internal affair of the Russian Federation, OSCE acts not as a mission but as an assistance group. As mediator it has played a certain role in establishing a cease-fire. OSCE will not be part of the final negotiations on the status of Chechnia. Nevertheless, it is involved in preparing elections and organising humanitarian and economic assistance. To the contrary, OSCE has been invited to support negotiations between Georgia and representatives of its Abchasian region.

2) Technical Aspects

Military aspects of PKO planning in Nagorno Karabach date back to an initial operation planning group established in 1992. It was set up to conceive a monitoring mission consisting of 300 military observers. As a result of Russian intervention the operation was called off on short notice. Formulations did not sufficiently clarify if monitoring parties or third party peace-keepers were involved. According to the Helsinki Document of 1992 OSCE peace-making involves the establishment of a cease-fire, withdrawal of parties from occupied areas, creation of secure, normalised conditions for the return of refugees, and secure and free access to and from specific areas. It needs to be provided with military security guarantees.

20 to 25 percent of the Azerbaijan territory have been occupied by Armenians. Nagorno Karabach is part of this 5000 km² zone including one unoccupied district in the north. In 1995 Nagorno Karabach declared itself independent. One party wants the determination of the status of Nagorno Karabach before a peace agreement, the other party afterwards. According to Azerbaijan there are two parties involved: Azeris and Armenians. From the Armenian perspective the conflict involves Azeris, the Nagorno Karabach party, and Armenians. As a result the current border between Armenia and Azerbaijan also has to be considered. PKO's would focus on the Azerbaijan - Nagorno Karabach line of combat. Their task would be to establish a ten kilometre demilitarised zone monitored by military observers. Military operations could involve four scenarios ranging from 3500 troops deployed on both sides as a maximum option down to 1500 troops including military observers as a limited option, or only unarmed military observers without an infantry element as a minimum option. A six months operational period of the limited option would cost US\$ 150 million. Due to poor infrastructural conditions costs are augmented by the necessity of elaborate logistical support.

Predeployment involves reaching political consensus within the OSCE. An appropriate option would be chosen and forces from participant states selected. The chain of command remains to be finalised, as well as the establishment of a preliminary budget. Compared with the UN Security Council the PC is not an ideal body for negotiation. Furthermore, most participant countries have not responded to the documents established by the High Level Planning Group (HLPG). One of the biggest problems is the *deployment* of troops because the lack of a direct sea-approach. The entire deployment operation would take six months. An advanced team could arrive two weeks after the decision while the main forces would enter into function three months afterwards. *Initial operations* would involve the parties disengaging up to a distance of six kilometres in order to avoid small arms engagement. Peace-keeping troops would operate in this gap. During *sustained operations* parties should withdraw behind the borders of Nagorno Karabach. A ten to 32 kilometre wide buffer zone would be created. Released territory remains under the control of the OSCE. Heavy weapons would have to be

pulled back behind limitation lines. An international administration would have to be established in parts of the region (i.e. Lacin corridor). Finally, *redeployment* could be scheduled after a successfully completed task. Partial or complete *unscheduled redeployment* would take place in the event of an escalation of violence. A crucial problem is that no exit strategy concerning the precise conditions of withdrawal has been evolved. This could have unpleasant financial consequences.

Discussion

The political climate for an OSCE PKO involvement has deteriorated. Contrasting to the enthusiasm in 1994 in the 1996 Lisbon Summit peace-keeping was not even mentioned. An understanding between NATO and the Russian Federation would be necessary to remove political obstacles. All potential partners UN, WEU, and NATO declare that they are able to provide troops. Legally the question if OSCE needs UN approval is not clear yet. According to international law one just needs an agreement of the parties for conducting traditional PKO's. Because of lack of political progress the question of financing has not been discussed. If there is a political will financing could be solved comparably to the Bosnian case where logistics provided by participant states made up for the lack of financial resources. Planning and discussing the financial implications of a PKO is difficult if no one has an idea about the period of deployment. As a remedy to the considerable amount of time necessary for operations to start (transport ships have to be reserved two months in advance) an airborne UN readiness brigade could be deployed until arrival of peace-keeping forces. In order to shorten the period of political decision making it would be useful to have a general peace-keeping doctrine including immunity status for peace-keeping troops decided upon as soon as possible. Another issue discussed was the question of accompanying arms control measures in the overmilitarised Transcaucasian zone. Finally, comparisons with the "Abchasian case" were made. Here peace-keepers from the Russian Federation are not supported by both sides, and subsequent involvement of UN peace-keeping forces has not been very successful.

WORKSHOP ON CONCEPTS AND STRATEGIES FOR CONFLICT TRANSFORMATION - NORBERT ROPERS

The aim of this workshop was to define basic concepts and procedures for effective conflict transformation, and to train the practical use of conflict transformation skills in role games involving realistic scenarios.

Clarification of basic terms

Preliminary definitions indicating the necessary characteristics of conflicts, such as interdependence, differences/incompatibilities of interests/needs/aspirations of parties etc. were provided, while excluding "objective" conflicts involving structural incompatibilities of interests. It was clarified that there can be disputes without conflict if only misunderstandings are involved.

Elements of constructive conflict transformation

Devising effective strategies for transforming conflicts necessitates an analytic understanding of the various causes of conflict. These involve interlinked aspects, such as different interpretation of data, different interests (i.e. gaining power, access to resources, etc.), structural inequalities, intercultural differences in values, and long-term relationships

involving stereotypes and traumatic experiences. Concerning the weighting of these dimensions different schools of thinking exist. The mainstream opinion opts for concentrating on the interest dimension, while others believe that values are at the center (at least in ethno-political conflict).

Strategies for conflict resolution traditionally involve a competitive approach characterised by win/lose outcomes and compromise solutions. Effective conflict transformation should focus on co-promotion strategies leading to an outcome where all parties realise their interests to a full extent ("win-win" option). Such strategies have been elaborated in the mediation concepts of the Harvard Law School, as presented in Fisher and Uri (1981). Fisher (1994) has subsequently expanded this method to address ethno-political conflicts. Co-promotion strategies involve recognising positions and interests, being clear about one's own interests, separating people from problems, supporting moves from positions (i.e. power, rights, etc.) to long-term interests, and developing options with mutual benefit together with parties.

Role game

The development of co-promotion strategies was trained in the role game "Incident at the border". The scenario involved borderline tensions between two separated ethnic communities, and the task to prevent a further escalation of conflict by negotiating with one party. Groups of three people were formed consisting of the party, the mediator and an observer. The observer was asked to provide feedback concerning how strategic elements for co-promotion, and basic communicative skills were being applied by the mediator.

In the plenary discussion it was observed that the decisive strategic element to conflict transformation is to find entry points to the other sides interpretation of his/her goals. It is important to help the other party to define a fall-back position with which it can legitimate results to his constituency.

Functions and strategies of third party intervention

As a preparation for the final role game four basic steps of mediation, as developed by the Harvard Law School were identified. First the conflict concerning its parties, issues, and perceptions has to be identified. A second step involves analysing the conflict and reframing it in order to move from positions to interests. In a third step possible options can be developed using the creative input of the parties. Finally, a concrete settlement can be achieved. It was emphasised that it is vital to follow the sequence of steps. According to different schools of mediation historical issues may be included or excluded from the discussion. An alternative to approaching sensitive issues is using multi-level negotiations on track I and II. Discussing the requirements stressed for mediators in different schools it was stated that balancing our pre-attitudes and basic knowledge about the conflict are necessary.

Role game

The application of the four basic steps of mediation was practised in a role game featuring multi-party conflict. The scenario is characterised by regional demands for autonomy or independence following restrictions on land-use, and education by a central government. A neighbouring ethnic kin-state is involved in the conflict. The participants were divided into three groups. Roles of representatives of all the main parties involved in the conflict and written role instructions were distributed. A second groups played the role of mediator, while the third group observed all rounds of negotiation.

In the plenary discussion the various problems that the mediators had encountered, and the lessons that could be learned from the exercise were brought up. It was stressed that it is vital to establish a clear division of labour and to come up with a coherent strategy exactly defining which issues to bring in. Introducing parties contributes to a good climate of talks. It was observed how difficult it is to control the succession of speakers. Possible coalitions and the hierarchy of parties have to be taken in account. The opportunity to hold secret talks with leaders should be already used at an earlier stage of negotiations. Ambiguous wording can provoke detrimental reactions.

THE HUMAN DIMENSION OF THE OSCE: MONITORING - VIBEKE GRENI

1) What is the Human Dimension?

The concept of HD was officialised at the Vienna Meeting in 1989 in a proposal to monitor compliance with CSCE commitments on human rights. It was defined as covering all human rights and fundamental freedoms, human contacts, and other issues of a related humanitarian character. This includes issues relating to pluralist democracy and rule of law. It relies on two fundamental principles:

- Commitments and responsibilities undertaken in the human dimension apply entirely and equally to all participant states.
- They are matters of direct and legitimate concern to all participating states, and do not belong exclusively to the internal affairs of the state concerned.

2) The ODIHR

The ODIHR has been designed as the central institution of the HD. It was established in 1991 as the Office for Free Elections reflecting its original mandate to observe and monitor elections in participating states. Since Helsinki 1992 the mandate involves the entire range of HD principles. Its task is to translate OSCE principles into concrete realities and turn universal standards into specific programmes. Recently, new priorities have been introduced concerning the promotion of elections in accordance with OSCE commitments (i.e. Bosnia and Herzegovina), and the promotion of civil society and democratic institutions. The organisation has undergone a streamlining of its internal divisions. Staff has increased from five to 30 people which makes it possible for the organisation to send missions. Functioning of ODIHR is twofold:

Election Section

The ODIHR has the mandate to monitor elections in relation to the commitments established at the 1990 Copenhagen Meeting. The Election Section's objectives are: (1) the long-term observation and assessment of elections with a report to the CiO and PC, and (2) technical assistance and training of election officials. An Observation unit notifies participating states of invitations to observe elections and serves as a coordinating office of OSCE election observation missions. It has devised a framework coordinating the work of various bodies involved in election observation. The Training and Assistance unit provides assistance with the review of electoral laws and administration, and the technical implementation of election administration reforms.

Human Dimension Section

The ODIHR carries out assistance programmes and develops communication links aiming at the promotion of civil society and democratic institutions. For this purpose the HD section is staffed with five special advisers:

- The *Rule of Law Adviser* is responsible for programmes developing coordinated legal support to participating states. He/she provides assistance in the design and implementation of expert missions. He/she develops training programmes for legal bodies in participant states.
- The *Human Dimension Adviser* offers training and technical assistance to national human rights institutions, such as Ombudsman offices. He/she consults governments on human rights issues, and designs human rights education projects.
- The *Migration Adviser* provides assistance to the participating states in implementing the Programme of Action of the 1996 CIS Migration Conference held in Geneva. It addresses the problem of the return of refugees.
- The *NGO Liaison Adviser* seeks to establish new networks to develop and enhance communication structures among NGO's and within OSCE institutions. He/she is tasked to further support of NGO involvement in the OSCE process.

The Information Management Adviser is responsible for preparing ODIHR reports on the status of implementation of the Human Dimension, bringing to attention issues of concern. He/she exchanges information with other international organisations and disseminates information about the HD throughout the OSCE region. Furthermore, he/she is charged with preparing annual ODIHR reports, and establishing and maintaining the ODIHR databases.

Cooperation with missions

The ODIHR seeks to enhance cooperation with long-term missions which have a strong link to the HD and early warning. This is reflected in the fact that most missions include an officer responsible for the HD. The ODIHR relies heavily on reports obtained from missions. Field contacts established by missions can be used to create larger networks of cooperation. In turn, the ODIHR functions as a communication link between missions.

3) Implementation Meetings

They take place biannually and look into the status of implementation of HD commitments by participating states. Furthermore, they review the efficiency of OSCE institutions and identify possible improvements. All delegations, international organisations, and NGO's participate. The meetings do not produce documents, but draw states' attention to certain issues. NGO's are considerably involved in their activities. Currently, it is discussed if these costly and time-consuming meetings should not be transformed into more frequent smaller meetings.

4) Human Dimension Mechanisms

HD mechanisms comprise a number of procedures which may be used in case of violations. They can be initiated by one state against another, or by a state itself to revise its activities. As a consequence bilateral meetings can be arranged, or independent expert missions sent. In practice these mechanisms are rarely activated. A rather concrete approach is preferred to the use of formal mechanisms.

Discussion

Regarding the issue of cooperation between the ODIHR and the HCNM it was observed that currently there is hardly any contact between the two institutions. This is due to the different approaches implied by minority and human rights, and the HC's emphasis on the security dimension and concrete recommendations. Apart from the contact point for Roma and Sinti, supporting contact between involved organisations and monitoring their human rights situation ODIHR is not involved in the field of minority rights. But it is hard to draw a line between the two approaches. Missions cooperate with the HC in devising educational or dialogue projects, so why should ODIHR not contribute to these efforts? Therefore, cooperation should be enhanced. Similarly, cooperation between headquarters could be improved with respect to the UN, for example in organising a follow-up meeting to the CIS Migration Conference. The ODIHR has no involvement in the recommendation of specialists to missions. This is done by the CPC. The ODIHR could provide input in this field. Recently, a new task division has been established between ODIHR and a Representative of Free Media. The latter will concentrate on supporting information exchange in this domain, as well as taking charge of publications and databases. ODIHR will remain concerned with media issues related to elections.

THE HUMAN DIMENSION OF OSCE: STANDARD SETTING - ARIE BLOED

The HD is part of the comprehensive security philosophy of OSCE. Thus, contrasting with other organisations focus is not placed on individual cases, but on systematic issues. The HD has the following basic characteristics:

- It is of a *comprehensive nature*, including human rights, rule of law, democratic institutions, and protection of national minorities. It is dealt within an extremely detailed manner. Specific issues such as gender equality, freedom of artistic expression, detenees rights, and independence of judiciary have been addressed. While before 1989 Western nations were eager to push forward standard setting on issues such as freedom of movement, now they are more reluctant considering the problem of migration.
- The HD has a "*penetrating*" or "*intrusive*" character. The community of values implies a detailed body of rules describing the way societies have to be constructed. It goes far beyond the level of international law stipulated in documents such as the 1966 UN Covenant on Civil and Political Rights. It still recognises a right to internal self-determination of states, while within OSCE the non-intervention principle has been put aside. This practice works well because the *comitas gentium* (courteousness of people) principle gives states a chance to put internal affairs in order before measures are taken.
- The *political character* of the HD allows for flexibility and dynamism unimpeded by legal requirements. It provides a high level of intergovernmental standards. Documents reflect the mood of the day and include a maximum of issues. They do not have to be ratified and enter into force immediately. In contrast, the UN Covenant of 1966 took almost 20 years to draft, and allowed ten years for implementation. The disadvantage of OSCE documents is a lack in safeguards concerning the making, interpreting, and changing of rules.
- The OSCE HD has an *additional value* compared to the standards of the CoE and the UN. It applies to a different *sphere of operation* in the field of standard setting and monitoring. It contains supervising mechanisms for political monitoring. Furthermore, it triggers *progressive development* by starting of processes of law making. For example, the 1990 Chapter on Minority Rights served as a basis for drafting the Framework Convention of the CoE.

Should we legalise HD documents? This would fundamentally change their character. Often they contain non-committal formulations which accommodate disagreements. Major drawbacks are the unforeseeable consequences of renegotiation processes. How would we situate OSCE regulations in the hierarchy of legal instruments of other organisations? Supervising mechanisms would have to be changed. In the OSCE there is no "local remedies rule" providing that an issue has to pass through all legal instances of the concerned state before it can be dealt with. Now, all commitments are universally binding. Need for ratification would change this.

Discussion

The central theme of discussion was the question of universality of HD standards. UN documents are more general compared with the number of commitments in the regional OSCE regime. Concerning the Central Asian region the question was raised if different religious and economical backgrounds, and dangerous situations of political transition could not condition the universal applicability of HD standards. It was agreed that OSCE standards must be general, but that their implementation may differ as long as basic principles are observed. For example, a multiplicity of electoral systems coexists within a general democratic framework. Economic or religious circumstances are not sufficient to accept human or civil rights violations. All religions feature anti-pluralistic tendencies and have to deal with fundamental politisation and modernisation exemplified in educational and socio-economic developments. One has to distinguish core rights which may not be abandoned even in exceptional situations from a number of additional standards, i.e. a system of social security which may be unattainable in the immediate future. On the other hand, the functionality of OSCE HD regimes in promoting peace has to be examined in order to develop adequate supportive instruments. Furthermore, it must be taken into account that the universal human rights conception coexists with a plurality of cultural concepts on human dignity.

THE RELATIONSHIP WITH CoE, IN PARTICULAR ON MINORITY RIGHTS - VIBEKE GRENI AND ARIE BLOED

1) The relationship between the OSCE and the CoE

The OSCE has a fundamental policy of openness to all participant states and NGO's. This involvement is not based on precise criteria as in the CoE. The CoE is much more of a legal body. As decisions are restricted to the MC, its decision making processes are longer. The OSCE has a programme of legal support to its new participant states, the CoE provides similar support. Parallel to OSCE missions the CoE has regional representatives. In the mission to Bosnia and Herzegovina a division of labour has been defined.

Discussion

Coordination between the OSCE and the CoE takes place at lower working levels, rather than between high officials such as the CiO and the Secretary General of the CoE. This is not an ideal situation as a lot depends on individual will. The frequency of director's meetings will be increased to twice a year. The example of Albania illustrates that topic specific cooperation works. The CoE includes a staff member in charge of OSCE contacts. The issue of the general interlocking of institutions remains to be resolved. In some cases such as election monitoring in Albania this was detrimental. The ODIHR pulled out of the country because of insufficient monitoring conditions while the CoE provided the government with legitimacy by staying.

CoE has copied OSCE policies concerning security measures and minority rights. CoE involvement in minority rights could cause unnecessary tensions with respect to the activities of the HCNM. It should be clear that the strong focus on security within the OSCE leaves enough tasks to other organisations. It would be advisable to establish formal cooperation with CoE comparable to relations with the UN. Here, the problem that different participating states are included in the CeO and the OSCE would have to be resolved.

2) Minority rights in the OSCE

Minority rights are so important because they are linked to the current and future main security problems of the OSCE region. They are an element of human rights, but their character within OSCE standards is still of a very general programmatic nature. Further elaboration will be needed. The OSCE minority rights standards aim at *integrating* minorities in society rather than *separating* or *assimilating* them. This necessitates a careful *balance* in documents between *rights and responsibilities*.

Main documents

- The 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE contains an entire chapter dedicated to minority rights.
- The 1991 Geneva Report of the Meeting of Experts on National Minorities contains new commitments indicating that minority rights are issues of international concern. No consensus was reached on further agreements. Therefore, the document is more of a list of suggestions how states may elaborate a minority policy. In spite of its non-committal nature it has had widespread influence, i.e. on UN policy.
- The 1992 Helsinki Document of the OSCE Follow-up Meeting "Challenges of Change" provides the mandate for the HCNM.
- Non-OSCE documents include the Framework Convention on the Protection of National Minorities adapted by the CeO in 1995, and the non-binding UN Declaration on Minority Rights. Their elaboration was largely influenced by existing OSCE standards.

Standards

- Standards contain a very *broad spectrum* of issues from guarantees of identity to political participation rights. For example, minorities should be properly represented, properly consulted, and adequately involved in decision making processes. This implies that minorities also have responsibilities. Political participation can also mean autonomy or territorial self-government. As they could be interpreted as the first step to secession, these issues are very delicate, but nevertheless included in the OSCE Copenhagen Document.
- There is no general definition of national minorities within OSCE standards. Features such as distinct language, religion, historical background, and a long standing relationship to a territory are implied. The question if it is necessary to have citizenship in order to be recognised as a national minority is very sensitive. The comments of the 1993 UN Human Rights Committee concerning the interpretation of Article 27 of the UN Human Rights Convention come to the conclusion that citizenship may not be required. This may be a viable approach. Other countries such as Estonia promote a legislation in line with the old rule of citizenship.
- Minority rights include an individual and a collective dimension. Countries like Belgium, Spain, and Greece define minority rights as individual rights for fear of political implications. Nevertheless, minority rights are related to the collective aspect. The tension between these aspects is a highly controversial political and academical issue.

- All documents contain clauses that provisions may not lead to a disturbance of territorial integrity. Rights have to be exercised within the existing borders of states. Of course, two states can peacefully decide to change their borders.

All documents are worded very prudently. But the included commitments prevent regressive policies. Participation rights are very strongly worded, whereas autonomy rights are expressed very carefully.

Discussion

The discussion was based on a preliminary clustering of issues. Concerning the definition of national minorities it was recognised that the citizenship is an issue when states break apart and new states emerge. Major parts of the population may be left without citizenship. Issuing alien's passports can only be a transitional solution. The general development in international law is to opt for non-citizens rights, i.e. allowing participation in political processes. Current controversies reflect a tension between human and security concerns.

How can we deal with groups refusing to accept minority status? They have to be made aware of the fact that by denying this status they give up the basis for application of minority rights. Generally, if responsibilities are not being kept by groups a state may not violate their rights. It is incumbent on authorities to show them that it is their interest to cooperate. Here the OSCE can provide support for dialogue. The connotations of the term autonomy are such that it is preferable to avoid it in negotiations, and rather provide equivalent instruments, such as decentralisation. International law proposes the existence of a population, a territory, and effective control of this territory as fundamental criteria for self-determination. An accessory condition is the existence of effective international relations. Two theories oppose each other concerning the question whether one is automatically a state when one fulfils criteria, or if one's constitution needs to be recognised by other state entities. Furthermore, the nation state can be defined in a field of tension between the state nation based on political citizenship (the French Republic) and the cultural nation (Herders spirit of people).

OSCE does not deal with minority rights independently of their security aspect. But minority rights are a core element of human rights and these should be systematically guaranteed.

The political commitments established by the Stability Pact are seen as a basis for legally binding bilateral treaties. The French initiative within the EU did not coordinate with the OSCE. Slovakia and Hungary signed a minority treaty in Paris about which they both disagree. It is not a credible way of dealing with minority issues.

A NGO'S ROLE IN THE OSCE CONTEXT - VIBEKE GRENI

OSCE documents provide no actual definition for NGO's (unlike the Council of Europe and UN). The only rule is that they may not be associated with terrorist associations. Cooperation with NGO's was decided in the 1991 Moscow and 1992 Helsinki Conferences. In ODIHR a unit is charged with maintaining NGO contacts in all participating states. NGO's find contact at all levels of OSCE and are invited to all big conferences. The NGO unit's activities have a proactive dimension involving projects to build new contacts in and between countries. A supportive task is to maintain existing links. As a consequence many daily requests for information are received. A database contains data about 3000 NGO's sorted in fields of activity, countries and addresses. Limited staff capacity has slowed down updating. Stream of

information is two-way. NGO's contribute to expert staff (i.e. capacity building round tables in the Caucasus) and influence the agenda in implementation meetings. Even though a specialised unit exists all staff cooperate with NGO's. Facing an explosion of small NGO's future policy will promote a focus on larger NGO's, and use them to procure information about smaller organisations and transmit information to them.

Discussion

The question of the channelling function of the ODIHR between NGO's and the OSCE bodies was extensively discussed. If sensitive information is received it is submitted to missions for verification. In general, NGO's send information directly to missions as well as to delegations in Vienna. The ODIHR processes information, but forwards it only in exceptional cases. Both missions and delegations should include staff members dealing with NGO's. Nevertheless, ODIHR has only become involved in mission staff training this year, and numerous delegations have still not identified their NGO contact persons. Such persons could be used to engage with regional NGO's. If cooperation with a mission does not work NGO's can approach ODIHR. On the other hand, the ODIHR does not have sufficient capacity to deal with requests of OSCE bodies for NGO partners. All it can do at the moment is provide information. Recently, ODIHR is focusing its activities more on specific areas. This applies to the context of election monitoring where massive presence and good follow-up programmes allow the application of many different strategies. The ODIHR also provides help in the domain of developing national NGO-legislations (i.e. the NGO law of Uzbekistan), but it would like to become involved at earlier stages.

As competition between NGO's increases and some NGO's become more influential than states (i.e. Shell versus Greenpeace in the Brent Spar case) new concepts will have to be developed how to legitimise NGO activities in the international arena. In this context it is necessary to improve cooperation with the European Commission, the CoE and large NGO's. In regional contexts large NGO's are still reluctant to brief each other in order to prevent an overlap of activities. Concerning the issue of updating the ODIHR database on NGO's possible solutions could be to create an internet base merged with the CoE, and to cooperate more with NGO's that have established their own large directories.

RELATIONS WITH OTHER INTERNATIONAL ORGANISATIONS - ARIE BLOED AND NORBERT ROPERS

This session concentrated on the relationship of NATO and OSCE in a new European Security Architecture. To facilitate discussion on this controversial subject information input was presented with the use of flipcharts.

1) Why NATO is still there after the end of the Warsaw Pact?

- NATO is a guarantee for US-involvement in Europe and keeping US-control of an integrated military structure on the continent (i.e. the current dispute between France and the USA over Southern European commandment). Medium sized powers have interest in keeping the USA in as a balancing power.
- There is still an interest to contain the Russian Federation and Germany.
- NATO has a developed machinery for integrating and controlling national military potentials. It is better to have high level control than control on a national basis.
- NATO is an efficient apparatus for joint military activities.

- NATO has no viable functional equivalent. The OSCE alternative is not convincing for influential leaders.

2) NATO - Steps and Perspectives

- New initiatives such as the North Atlantic Cooperation Council (NACC) and Partnership for Peace (PfP) have been created.
- NATO eastward expansion in one, two, or more steps has become a reality. Integration of the first two countries will have an estimated budget impact of US\$ 1,3 to 125 billion over the next ten to 15 years. This money could be needed for socio-economic development.
- A less costly alternative to expansion is the Combined Joint Task Force for out-of-area "multi-functional peace missions". This includes "robust" peace-keeping integrating non-member forces.

New cooperative structures with the Russian Federation in form of a Permanent Council have been created. Does this mean that Russia is a defacto political member of NATO, or does this council just have symbolic functions?

3) Long-term perspectives

Starting out from the basis of NATO as an alliance of collective defence involving the Russian Federation as member of its Permanent Council two scenarios are possible:

- NATO evolves from an "alliance in being" to a "coalition in waiting" for an Atlantic Partnership Council including elements of cooperative and collective security. The latter would involve all countries of the Northern hemisphere and be a substitute for what OSCE has not achieved.
- NATO develops into a hegemonic security cartel. All non-members are excluded from decision making. If the Russian Federation's position is only symbolic, CIS states might strengthen ties with Russia and a new East-West division could arise.

4) Aims of a European Security Architecture

- Prevent a new East-West polarisation. The eastward expansion of NATO could be the beginning of such a development.
- Contain/integrate potential risks coming from the Russian Federation and Germany.
- Strengthen independence and integrity of Newly Independent States (NIS).
- Respect the right of all states to keep and to choose their security arrangements, but not at the expense of the security of other states.
- Enhance possibilities and capabilities for sustainable arms control.
- Establish sustainable conflict prevention and management regimes for (sub-)regional conflicts.
- Create secure framework for promoting the "common values".
- If there is a security structure consisting of several structures/organisations there should be a division of labour.

Discussion

The discussion started out as a debate pro and contra a NATO expansion. Representatives of potential new members argued that NATO enlargement is not meant to be directed against the interests of third parties. According to this perspective the PfP including the Russian Federation and the Ukraine is a sign of a comprehensive peace-building process establishing a new NATO. Countries who asked to join NATO have established numerous bilateral agreements regulating relations with neighbours. All countries are eligible for membership if they fulfil the criteria. NATO is the only organisation which can give real security guarantees for its members.

A more sceptic approach emphasised that enlarging an existing well functioning organ increases the security dilemma for non-members, in particular the Russian Federation. Membership possibilities are not open because they are also based on geo-political criteria. NATO still has an ambivalent character in spite of innovations. As a collective defence organisation it remains embedded in the old mentality of the system of blocks. NATO enlargement is not taking in account the southern dimension. Out-of-area operations are specifically aimed at the South (i.e. safeguarding oil sources in the Middle East), but will they be sufficient to deal with several serious security threats?

Consensus was reached that if there is the danger of a new East-West division, or an alliance between NATO and the Russian Federation the OSCE as a representative of all participating states has the task to be a counterweight. There is an agreement between NATO and the Russian Federation that OSCE should play an important role in the field of preventive diplomacy. NATO and the OSCE should not be in a hierarchical but in a complementary relationship. Facing the reality of military capabilities and a continent which is still full of nuclear weapons we cannot leave security issues to individual states. We need an international organisation guaranteeing security and cooperation in the Eastern part of the continent. In the long run the Russian Federation could be incorporated into NATO in order to integrate military potentials. A division of labour could be established with a future NATO including the Russian Federation in charge of negative peace, while OSCE would be an arrangement focusing on positive peace. OSCE will not have the potential to provide military assistance. On a short-term basis Russian NATO integration is unrealistic. Therefore, we need OSCE at the center of an intermediate security architecture. We have to try to multilateralise necessary negative peace-keeping facilities and strengthen the overall positive peace aspect. The question is how to construct these relationships. OSCE monitored peace-keeping could be one answer.

THE FUTURE ROLE OF OSCE - ARIE BLOED AND NORBERT ROPERS

To provide sufficient preparation for this session, the working group on the HD was changed into a reading and discussion session on the role of the OSCE within a European Security Model for the 21st Century. It was based on the proposals of a text presenting the results of a working group of the Netherlands Helsinki Committee (1996). Groups of four to six people were asked to prepare flipcharts presenting their opinion concerning a list of key proposals. The discussion in the "Future Role of OSCE" session followed the previously established list of key issues and the flipchart presentations.

1) Enhance OSCE - Third party role

The question of criteria for intervention was raised. It was observed that OSCE standards are clear on putting aside the non-intervention-principle. Rather the problem is that Eastern countries have the impression that intervention is more legitimate in their countries than in the West. Therefore, to raise legitimacy of interventions we have to create strategies of implementation which ensure that the intervention principle is applied universally.

2) OSCE peace-keeping and "hard" option

Discussion started out with the statement that NATO involvement in OSCE peace-keeping would not be accepted by Russia. Furthermore, the high investments for PKO's were questioned. Their use in the "soft" sector would bring considerable improvements, i.e. in establishing new missions. Nevertheless, there is a vacuum for peace-keeping in Central Asia which Russia and the UN have not been able to fill. OSCE should cooperate with these forces on a non-hierarchical basis. The basic issue is establishing the political will in the OSCE for a peace-keeping mandate. Then, the OSCE could invite NATO or individual countries including non-NATO members and guarantee for their neutrality by monitoring the operation. Furthermore, a treaty between the parties and the receiving state would have to be established. Another realistic option could be the deployment of police forces for observation in smaller scale operations.

3) How to improve post-conflict peacebuilding?

A lesson learned from the Bosnian operation is that there has to be proper coordination between military and civilian tasks (i.e. IFOR did not provide infrastructural support for OSCE missions). A high representative of OSCE should monitor both aspects without being directly involved in the military dimension.

4) Security option with respect to economy and ecology

Considering the large range of high security problems in Central Asia (i.e. water supply), expertise in the realm of assistance has to be built up. For this we need an adequate organisational framework. A "Representative for Economy and Environment" similar to the one for free media could be created. The current economic forum of the OSCE is too isolated from practical work. This is due to the fact that most countries do not believe in this issue. Other economic institutions such as the OECD and the EU have not taken an active role with respect to the security question.

5) Prospects of the Human Dimension

The question at stake is the general monitoring role of the ODIHR. So far, issues are raised in the strictly intergovernmental realm. The ODIHR could receive the mandate to put issues on the agenda. Understaffing is an issue as currently the ODIHR cannot fulfil its mandate to channel information to the political bodies. Most of the NGO-reports are immediately filed.

6) Involvement of NGO's

Information input from NGO's could be channelled by the ODIHR. The ODIHR could have the task to submit very detailed reports to the CiO. One has to distinguish partial and impartial actors among the NGO's. Candidates for cooperation from both categories have to be selected case by case. At present we have no long-term systematic cooperations. On the level of

missions ways have to be found to delegate more tasks to NGO's. This could provide a basis for exit strategies. NGO's working in the realm of crisis management do not have enough resources to operate. OSCE could provide more possibility for coordination and funding. This could be realised with an OSCE foundation for peace-building establishing a priority list of activities interesting to the OSCE. NGO's would be selected on the basis of these criteria. The foundation could coordinate the work of missions and NGO's.

7) Rule of consensus and institutional framework

If the OSCE is transformed into a more operational organisation involved in the preventive deployment of peace-keeping forces the consensus principle will have to be modified in order to avoid deadlock. A distinction between various activities of the organisation should be made. The rule of consensus should be kept in general, for example in the realm of the HD. In the field of conflict management there should be a mechanism such as a majority principle, or the principle of a coalition of the willing to move ahead. If states try to block such modifications in the long run they will be bypassed by PKO's outside of the OSCE framework. It will be their interest to stay within the consultative bodies.

APPENDIX 1

PROGRAMME OUTLINE

WEEK 1: July 21 - July 26

Monday, July 21

- 3.00 p.m. Official Opening
 GERALD MADER
 President, ASPR, Stadtschlaining
 JUTTA STEFAN-BASTL
 Ambassador, Permanent Mission of Austria to the OSCE
 JAN KUBIS
 Ambassador, Director of the Conflict Prevention Center
 OSCE Secretariat
- 3.30 p.m. - 4.30 p.m. Introduction of Participants and Team
 ARNO TRUGER
 Deputy of the Executive President, ASPR,
 Stadtschlaining
- 5.00 p.m. - 6.30 p.m. Introduction of the Programme
 - Aims and Concept
 ARIE BLOED
 General Secretary, Netherlands Helsinki Committee,
 The Hague
 - Overview of Programme
 NORBERT ROPERS
 Director, Berghof Research Center for Constructive
 Conflict Management, Berlin
 - Organisational Issues
 RENATE KORBER
 Programme Assistant, ASPR, Stadtschlaining
- 7.00 p.m. Welcome Dinner in Hotel Burg Schlaining

Tuesday, July 22

- 9.00 a.m. - 10.30 a.m. Post Cold War Realities in Europe
 DENNIS SANDOLE
 George Mason University, Fairfax, USA
- 11.00 a.m. - 12.30 p.m. continued

3.00 p.m. - 4.30 p.m. Workshop 1:
Communication and Intercultural Understanding
NORBERT ROPERS

5.00 p.m. - 6.30 p.m. continued

Wednesday, July 23

9.00 a.m. - 10.30 a.m. Historical and Political Development of OSCE
NORBERT ROPERS

11.00 a.m. - 12.30 p.m. The OSCE's Organisation, Institutions and Procedures
ARIE BLOED

3.00 p.m. - 4.30 p.m. Workshop 1: continued
NORBERT ROPERS

5.00 p.m. - 6.30 p.m. continued

Thursday, July 24

9.00 a.m. - 10.30 a.m. Overview on the Security Concepts:
Cooperative Security, Comprehensive Security
ARIE BLOED

11.00 a.m. - 12.30 p.m. Overview on the Security Structures and Mechanisms
of the OSCE
ADAM HALACINSKI
Counsellor, The Mission of Poland to the OSCE in
Vienna

3.00 p.m. - 4.30 p.m. Disarmament and Arms Control (CSBMs, CFE, Open Sky)
ADAM KOBIERACKI
Ambassador, Permanent Representative of the Republic
of Poland to the OSCE and Other International
Organisations in Vienna

5.00 p.m. - 6.30 p.m. Working Group 1:
Political and Military Dimension of the OSCE
NORBERT ROPERS

7.30 p.m. Dinner in the Taverne

Friday, July 25

9.00 a.m. - 10.30 a.m. High Commissioner on National Minorities
ARIE BLOED

11.00 a.m. - 12.30 p.m. Long-term Missions
TIMO LAHELMA
Foreign Ministry, Helsinki

3.00 p.m. - 4.30 p.m. Working Group 1: continued
NORBERT ROPERS

5.00 p.m. - 6.30 p.m. continued

Saturday, July 26

9.00 a.m. - 10.30 a.m. Peace-keeping
MIHÁLY TOTTH (political aspects)
Mission Liaison Officer, CPC
JOSEF VITEK (technical aspects)
OSCE High Level Planning Group

11.00 a.m. - 12.30 p.m. Working Group 1: continued
NORBERT ROPERS

5.00 p.m. Excursion to a Winery

Sunday, July 27 Free

WEEK 2: July 28 - August 1

Monday, July 28

9.00 a.m. - 10.30 a.m. Economic and Ecological Dimension of the OSCE
BORIS MEDVEDEV
Counsellor of the Permanent Mission of the Russian Federation to the OSCE, and Chief Counsellor of the Economic Cooperation Department of the Russian Ministry for Foreign Affairs

11.00 a.m. - 12.30 p.m. continued

3.00 p.m. - 4.30 p.m. Workshop 2:
Concepts and Strategies for Conflict Transformation
NORBERT ROPERS

5.00 p.m. - 6.30 p.m. continued

Tuesday, July 29

9.00 a.m. - 10.30 a.m. The Human Dimension of OSCE: Standard Setting
VIBEKE GRENI
ODIHR NGO Liaison Adviser, Warsaw

11.00 a.m. - 12.30 p.m. continued

3.00 p.m. - 4.30 p.m. Workshop 2: continued
NORBERT ROPERS

5.00 p.m. - 6.30 p.m. continued

Wednesday, July 30

9.00 a.m. - 10.30 a.m. The Human Dimension of OSCE: Monitoring
ARIE BLOED

11.00 a.m. - 12.30 p.m. The Relationship with CoE, in particular on Minority Rights
VIBEKE GRENI
ARIE BLOED

3.00 p.m. - 4.30 p.m. Working Group 2: The Human Dimension
NORBERT ROPERS

5.00 p.m. - 6.30 p.m. continued

Thursday, July 31

9.00 a.m. - 10.30 a.m. A NGO's Role in the OSCE Context
VIBEKE GRENI

11.00 a.m. - 12.30 p.m. Relations with other International Organisations
ARIE BLOED
NORBERT ROPERS

3.00 p.m. - 4.30 p.m. The Future Role of OSCE
ARIE BLOED
NORBERT ROPERS

5.00 p.m. - 6.30 p.m. Evaluation

7.00 p.m. Closing ceremony
JOHN SANDROCK
Chief, Mission Support Section, Vienna

7.30 p.m. Farewell Dinner

Friday, August 1

9.00 a.m. Departure to Vienna

11.00 a.m. - 12.30 p.m. Visit of OSCE in Hofburg

12.30 p.m. - 13.45 p.m. Vienna Sightseeing Tour

15.30 p.m. Departure

APPENDIX 2

LIST OF PARTICIPANTS

	COUNTRY	NAME	PRESENT POSITION
1	LATVIA	ABOLTINS Reinis (Mr.)	Adviser to the President of Latvia on Nationalities
2	MALTA	BUTTIGIEG Mario (Mr.)	Counsellor, Mission of Malta in Vienna
3	GEORGIA	CHITANAVA Tamar (Ms.)	First Secretary of the OSCE Desk, Department of International Organisations, MFA
4	CROATIA	CIKES Ivana (Ms.)	Liaison between the Croatian Helsinki Committee for Human Rights and the OSCE, Helsinki Committee for Human Rights
5	BOSNIA AND HERZEGOVINA	DILBEROVIC Edin (Mr.)	Third Secretary, Permanent Mission of BeH to the OSCE, Vienna
6	KYRGYZSTAN	ESHALIEV Muradil (Mr.)	Expert, International Department, Administration of the President of the Kyrgyz Republic
7	REPUBLIC OF MACEDONIA	GELEVA Svetlana (Ms.)	Coordinator of the OSCE and CoE Department
8	GERMANY	HENZELEWSKI Thorsten (Mr.)	Student in history, German and political science
9	ALBANIA	HYSI Gentiana (Ms.)	Desk Officer responsible for the Central European Initiative, Department for Multilateral Initiatives and UN Affairs, MFA
10	POLAND	JAZOWSKI Grzegorz (Mr.)	Expert at the OSCE Division of the Security Policy Department, MFA
11	CZECH REPUBLIC	KAISER Petr (Mr.)	Desk Officer, Security Policy Department, MFA

12	FR OF YUGOSLAVIA	LATINOVIC Branka (Ms.)	Acting Head of OSCE Department, MFA
13	UZBEKISTAN	MIRZAEV Takhir (Mr.)	Chief of the Department for Information Analysis, Ministry of Defense
14	ROMANIA	NASTASE Dorina Maria (Ms.)	Diplomat in the OSCE Section, MFA
15	UKRAINE	ORLOVSKY Jan (Mr.)	Attache of the OSCE Section, Department of the European Regional Co-operation, MFA
16	THE NETHERLANDS	ROTHENBERGER Alexandra (Ms.)	Programme Assistant for the Foundation on Inter-Ethnic Relations, The Hague
17	KAZAKSTAN	SARZHANOV Kayrat (Mr.)	Third Secretary in the International Security and Arms Control Department, MFA
18	GERMANY	SCHÜMER Martin (Mr.)	United Nations Volunteers Co- ordinator, Georgia
19	RUSSIAN FEDERATION	SHMELYOV Ruslan (Mr.)	Attache, Department for European Cooperation (OSCE section), MFA
20	ESTONIA	TEPP Jaan (Mr.)	Assistant to the Foreign Policy Adviser of the President of Estonia
21	UZBEKISTAN	TULAGANOVA Shahida (Ms.)	Producer, Central Asia and Caucasus Section, British Broadcasting Corporation, London
22	TAJKISTAN	UMAROV Noor (Mr.)	First Secretary in the International Organisations and International Law Department, MFA
23	AUSTRIA	ZOBEL Clemens (Mr.)	Doctoral Student and Guest Researcher at the Center of African Studies, Centre d'Etudes Africaines (EHESS), Paris

APPENDIX 3

LIST OF LECTURERS

NAME	PRESENT POSITION
Arie BLOED (Mr.)	Executive Director, Constitutional & Legislative Policy Institute, Affiliated with the Open Society Institute, Budapest
Vibeke GRENI (Ms.)	NGO Liaison Adviser, OSCE, Office for Democratic Institutions and Human Rights, Warsaw
Adam HALACINSKI (Mr.)	Counsellor, The Mission of Poland to the OSCE in Vienna
Adam KOBIERACKI (Mr.)	Ambassador, Permanent Representative of the Republic of Poland to the OSCE and other International Organisations in Vienna
Jan KUBIS (Mr.)	Ambassador, Director, Conflict Prevention Center (CPC), OSCE, Vienna
Timo LAHELMA (Mr.)	Ambassador, Human Rights, MFA, Helsinki
Norbert ROPERS (Mr.)	Director, Berghof Research Center for Constructive Conflict Management, Berlin
Dennis J.D. SANDOLE (Mr.)	Professor at the Institute for Conflict Analysis and Resolution, George Mason University, USA
John SANDROCK (Mr.)	Chief, Mission Support Section, OSCE, Vienna
Jutta STEFAN-BASTL (Ms.)	Ambassador, Permanent Mission of Austria to the OSCE
Mihály TOTH (Mr.)	Mission Liaison Officer, Conflict Prevention Centre (CPC), OSCE, Vienna
Josef VITEK (Mr.)	Lieutenant Colonel, Operations Officer, High Level Plannings Group, OSCE, Vienna

APPENDIX 4

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APPENDIX 5

LIST OF ABBREVIATIONS

ASPR	Austrian Study Center for Peace and Conflict Resolution
CFE	Treaty on Conventional Armed Forces in Europe
CiO	Chairman in Office
CIS	Commonwealth of Independent States
CoE	Council of Europe
CPC	Conflict Prevention Center
CSBM	Confidence and Security Building Measure
EU	European Union
HCNM	High Commissioner on National Minorities
HD	Human Dimension
HLPG	High Level Planning Group
IFOR	Intervention Force
MC	Ministerial Council
NACC	North Atlantic Cooperation Council
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental Organization
NIS	Newly Independent States
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organization for Economic Cooperation and Development
OSCE	Organisation for Security and Cooperation in Europe
PA	Parliamentary Assembly
PC	Permanent Council
PfP	Partnership for Peace
PKO	Peace-keeping Operation
SC	Senior Council
UN	United Nations
UNPROFOR	United Nations Protection Force

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