Conflict and Security in the Former Soviet Union:

The Role of the OSCE

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Abstract

This thesis aims to clarify the Organisation for Security and Co-operation in Europe (OSCE)'s approach to post-Cold War tensions and conflicts in the former Soviet area, the extent to which the new procedures, mechanisms and instruments developed by the organisation are useful, and how the OSCE's activities may reveal innovative contributions to conflict studies. An integrating analysis is needed, not only of the OSCE's development, but also of the numerous aspects conditioning OSCE approaches in the former Soviet space, particularly the involvement of other international organisations and the role of the Russian Federation. In this sense, OSCE activities take place in a complex environment that demands a comprehensive addressing of the different factors, at times limiting and at others strengthening the organisation's reach. How this interplay takes place and the extent to which it affects the OSCE's role in the former Soviet space is a fundamental question.

Starting from the theoretical conceptualisation where the OSCE's approaches and procedures fit, this analysis includes the organisation's new tools to address conflict prevention, crisis management and post-conflict rehabilitation. How it renders the new procedures and instruments operational, how its institutions inter-relate and the extent to which its principles and activities are extended to its wide area are analysed. The role of the OSCE Field Missions in the former Soviet Union is stressed in this regard, demonstrating how the organisation applies commitments to reality.

The focus on the Republic of Estonia and the Republic of Moldova, as two case-studies of OSCE involvement in the former Soviet Union area, show the organisation's preventive efforts and crisis settlement tools in practical terms. The case-studies demonstrate the encompassing approaches of the organisation in the field, permitting us to infer on its limits and possibilities and to shed light on the OSCE's possible innovative contributions to conflict studies.

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Chapter 1 Introduction

1.1. The OSCE in the post-Cold War scenario: challenges and risks

After four decades of bipolarity, the end of the Cold War left the prospect of a peaceful Europe where the values of democracy and co-operation would prevail, as stated in the Conference on Security and Co-operation in Europe (CSCE) 1990 Paris Charter[1]. Structural adjustments had to take place at different levels. New states have emerged following the collapse of the Soviet empire and Yugoslavia. New conceptions of security have taken shape, adding to politico-military security a socio-economic and cultural dimension. International organisations[2] dealing with security issues in Europe have had to face up to demands to reformulate and adapt to the new conditions. But confronted with inadequate procedures, unclear task definition and the search for a place in the 'new' Europe, the rapid succession of events has not allowed the United Nations (UN), the North Atlantic Treaty Organisation (NATO), the European Union (EU), the Western European Union (WEU), the Council of Europe and the CSCE[3] time for the formulation of proper responses[4].

Events since 1990 have taken a different course from the peaceful one that was expected. Within the newly independent republics of the former Soviet Union, economic, social, political and/or historic factors have contributed to tense situations which, in particular in the Republics of Moldova, Georgia, Tajikistan and the Nagorno-Karabakh region, have escalated into armed conflict. Within the Russian Federation, Chechnya also became an area of conflict. Although these were not so much the result of external aggression, but rather the result of inner problems, these conflicts have had a disturbing effect in the OSCE area and continue to do so. Although there are factors which point to a long-term optimism, such as the new republics' commitment to democratic principles and the rule of law, as stated at the time of their accession to the CSCE, the difficulties emerging from the transition to liberal principles and market oriented economies are enormous[5]. Social problems marked by increasing unemployment, poverty and organised crime are common. Problematic living conditions and the difficult implementation of reforms have generated feelings

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[1] *Charter of Paris for a New Europe*, "A new era of democracy, peace and unity", Paris, Nov. 19-21, 1990.
[2] International organisations can be defined as "a formal, continuous structure established by agreement between members from two or more sovereign states with the aim of pursuing the common interest of the membership", Archer, C., *International Organizations*, 2nd ed., Routledge, London, 1993, p.37.
[3] The CSCE became the Organisation for Security and Co-operation in Europe (OSCE) after the 1994 Budapest Summit, with effect from January 1, 1995.
[4] Schopplin, G., "The Rise of Anti-Democratic Movements in Post-Communist Societies" in Miall, H. (ed.), *Redefining Europe: New Patterns of Conflict and Co-operation*, RIIA, Pinter Publishers, 1994, p.143.
[5] Alp, H., "Changing Security Environment and the OSCE", *Europai Szemle, European Review*, "OSCE 1995", E Europaische Rund-Schau, Special Issue, vol.VII, Budapest, 1996, p.75 and Kriesberg, L., "Regional Conflicts in the Post-Cold War Era: Causes, Dynamics and Modes of Resolution" in Klare, M. and Thomas, D. (eds.), *World Security, Challenges for a New Century*, 2nd ed., St. Martin's Press, New York, 1994, p.162.

of discontent. These new risks have added to the emergent transfrontier problems. Drugs and arms trading, environmental, technological and economic imbalances are issues of concern[6].

The disintegration of the Soviet Union undermined predictability. "What we are experiencing... is not the shaping of new coherences but the world breaking into its bits and pieces, bursting like big and little stars from exploding galaxies... each one straining to hold its own small separate pieces from spinning off in their turn"[7]. The new republics face a general sense of chaos and anarchy. Political parties are emerging in the former Soviet republics, but organised and effective political programmes are still embryonic. The outbreak of armed conflicts has added to the new instability, deepening difficulties and demanding new answers.

The non-homogeneous character of the new republics in the former Soviet area is clear. At present, there is a diversity of regimes in the former Soviet space, including well-established democracies, such as in Estonia, newly democratic post-communist societies, such as in Moldova, and former communist Governments who have not really changed internally, such as Belarus. Their goals and expectations also vary accordingly. The European reality is diverse and economic, social, political and security differences of structures, standards of living and patterns of behaviour make of it a puzzle of many different pieces[8].

The peaceful development of the new republics is fundamental for a stable Europe[9], building on the general assumption that democracies do not fight each other[10]. Many share the view that democratic development in the former Soviet area needs to be accompanied by political,

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[6] Dabrowa, S., "Security Problems of the New Democracies in Central and Eastern Europe. A View from Inside", SIPRI, Jan. 1992, pp.16-17; Dunay, P. et al. (eds.), *New Forms of Security: Views from Central, Eastern and Western Europe*, Dartmouth Publishing Company, 1995, p.5; Evans, G., *Co-operating for Peace, The Global Agenda for the 1990s and Beyond*, Allen and Unwin, 1993, p.6; Mottola, K., "The OSCE: Institutional and Functional Developments in an Evolving European Security Order", in Bothe et al. (eds.), *The OSCE in the Maintenance of Peace and Security: Conflict Prevention, Crisis Management and Peaceful Settlement of Disputes*, Kluwer Law International, The Hague, 1997, p.25; Sapiro, M., "The OSCE: An Essential Component of European Security", *Insight*, n.15, Mar. 1997; Silvestri, S., "The Ramifications of War", in Freedman, L. et al. (eds.), "War and Peace: European Conflict Prevention", Chaillot Paper 11, Institute for Security Studies, WEU, Paris, Oct. 1993; Toogood, J., "The OSCE and other Security Institutions", in Bryans, M. (ed.), "The CSCE and Future Security in Europe", Working Paper 40, Prague Institute of International Relations and Canadian Institute for International Peace and Security, Prague, Mar. 1992, p.32.
[7] Isaacs cited in Moynihan, *Pandaemonium, Ethnicity in International Politics*, OUP, 1994, p.65.
[8] In this thesis the understanding of Europe is the same as that of the OSCE, thus an enlarged concept to include states from Vancouver to Vladivostock. When reference to the West, Western countries or the international community is made, it includes in particular EU and NATO members.
[9] Pugh, M., "Conclusion: From Cold War to Cold Peace?" in Pugh, M. (ed.), *European Security Towards 2000*, Manchester University Press, 1992, p.170.
[10] Boyer, Y., "Perspectives on a Future European Security System" in Sato, S. and Taylor, T. (eds.), *Prospects for Global Order, Security Challenges for Japan and Europe in a Post-Cold War World*, vol.II, RIIA and International Institute for Global Peace, 1993, p.40; Holsti, K., "A 'Zone of Civility' in European Diplomatic Relations? The CSCE and Conflict Resolution" in Bryans, M. (ed.), "The CSCE and Future Security in Europe", pp.63 and 66; Kriesberg, L., "Regional Conflicts in the Post-Cold War Era: Causes, Dynamics and Modes of Resolution" in Klare, M. and Thomas, D. (eds.), *World Security*, p.162; Starr, H., "Democracy and Integration: Why Democracies Don't Fight Each Other", *Journal of Peace Research*, vol.34, n.2, May 1997, pp.153-162; Zagorski, A. and Hiester, D., "Rethinking the European Security Agenda", Inaugural Pan-European Conference in International Relations, Germany, Sep. 16-20, 1992, p.1.

economic and social measures[11]. The active involvement of the OSCE in these countries and the promotion of these different but inter-related areas of activity is fundamental for the progressive development and implementation of democratisation processes in the new republics[12]. These developments will certainly take place at different rhythms according to the republic in question, its inner problems and its receptivity to democratic ideals. The long way still ahead for most of the new independent republics of the former Soviet Union constitutes one of the preferential areas for OSCE activity, and a test-case of the organisation's ability to implement its principles and agreed commitments in its area.

This is the general context in which this study develops, a scenario where conflict and security are fundamental concepts framing the new relationships in the former Soviet space. The role of the OSCE in the area and its reach in operational terms are the central focus of our analysis. Is the OSCE applying innovative strategies to deal with tensions and conflicts in the former Soviet Union? To what extent is the organisation capable of extending its principles to such a vast area? How does the organisation relate to the distinct players involved, including other international organisations in the field, and the Russian Federation, a central player in the former Soviet space? These general questions will set the tone for an in-depth analysis of the OSCE's activities in the former Soviet Union in all its dimensions and all-encompassing reach.

1.2. Conceptual clarification: 'conflict' and 'security'

The clarification of theoretical concepts such as 'conflict' and 'security' are fundamental aspects for the framing of this analysis. The debate is about the concept of security as a means to clarify the current discussions and the OSCE approach, and conflict as a key to the understanding of the current difficulties affecting economic, political and social developments in the former Soviet space. The analysis of the different approaches developed to deal with conflict and of the development of the security concept will frame the OSCE reasoning in a theoretical manner. This will provide the theoretical inputs fundamental to the analysis of the OSCE role in the former Soviet space, clarifying its nature and possible contribution to stability in the area. The theoretical background inherent to the OSCE reform of procedures and instruments and the establishment of new ones, and the relationship between the organisation's principles, tools and commitments to its activities in the field, will allow a clearer understanding of the organisation's approaches to

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[11] Andor, L., "Economic Transformation and Political Stability in East Central Europe", *Security Dialogue*, vol.27, n.2, 1996, pp.221-222; Braillard, P., "La Difficile Quête d'un Système de Sécurité en Europe, Les Limites de l'Approche Institutionnelle", *Études Internationales*, vol.XXVI, n.1, Mars 1995, p.8; Geremek, B., "The Challenges to European Security: A Polish View", Wells, S., Jr. (ed.), *The Helsinki Process and the Future of Europe*, The Wilson Center Press, Washington DC, 1990, p.105; Hoynck, W., "From the CSCE to the OSCE: The Challenges of Building New Stability", *Helsinki Monitor*, vol.6, n.3, 1995, p.18.

[12] Greene, O., "Transnational Processes and European Security" in Pugh, M. (ed.), *European Security Towards 2000*, p.148; Sperling, J. and Kirchner, E., *Recasting the European Order, Security Architectures and Economic Co-operation*, Manchester University Press, 1997, p.253; Switalski, P., "An Ally for the Central and Eastern European States", *Transition*, vol.1, n.11, Jun. 30, 1995, p.27.

address conflict and security in the former Soviet space. At a wider level, it will permit us to make inferences about the OSCE's possible contribution to the building of stability in the area.

1.2.1. Conflict

The bipolar rivalry of the Cold War era absorbed all attention and largely stifled the expression of local tensions, explained as manifestations of the existing antagonism between the two superpowers. "The Cold War was fought by political, economic and military means but in important areas and circumstances was a non-violent 'war'"[13]. There was the transposition of the geopolitical rivalry to other scenarios, such as the Third World countries. Military conflict within the Cold War context occurred always outside the European theatre, as for example in the Korean or the Vietnam War where the two superpowers backed up the forces in confrontation.

With the end of the Cold War, the nature of conflicts and their perception has changed[14]. The new conflicts have to do with loss of order, lack of cohesion and attempts to build stability, which in many cases resulted from the disintegration of the Soviet Union and the end of the bipolar dichotomy. Along with the new geopolitical reality, new conflicts erupted throughout the OSCE area. Generally described as regional conflicts[15], they are mainly intra-state conflicts. The new threats are no longer coming from a clearly identifiable enemy, such as at the time of the Cold War, but from inner problems and sources[16].

Nevertheless, the intra-state denomination does not exclude from its conceptualisation aspects such as refugee flows or the involvement of external players, such as the Russian Federation, in most of the conflicting areas in the former Soviet Union, factors carrying an external dimension. The conflict in Nagorno-Karabakh involving Armenia and Azerbaijan is the only conflict the OSCE is dealing with in the former Soviet space which clearly involves two states[17].

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[13] Herulin, B., "The Roles of the United States and the Soviet Union" in Pugh, M. (ed.), *European Security Towards 2000*, p.22.

[14] Hoffman, M., "Third-Party Mediation and Conflict Resolution in the Post-Cold War World" in Baylis, J. and Rengger, N. (eds.), *Dilemmas of World Politics, International Issues in a Changing World*, Clarendon Press, Oxford, 1992, p.261.

[15] "[W]ars waged in a restricted area in the world, involving one or more states in that area", Kriesberg, L., "Regional Conflicts in the Post-Cold War Era: Causes, Dynamics and Modes of Resolution" in Klare, M. and Thomas, D. (eds.), *World Security*, p.155.

[16] Gyarmati, I., "Security and Stability in Europe: Dangers and Means to Face Them", *Europai Szemle, European Review*, "OSCE 1995", E Europaische Rund-Schau, Special Issue, vol.VII, Budapest, 1996, p.59; Gartner, H., "Nationalism and Security in Central Europe" in Huru, J. et al. (eds.), "New Dimensions of Security in Central and North-eastern Europe", Tampere Peace Research Institute, Research Report 83, 1998, p.130; Kaldor, M., *New and Old Wars, Organised Violence in a Global Era*, Polity Press, 1999, p.2; Miall, H., "Wider Europe, Fortress Europe, Fragmented Europe?" in Miall, H. (ed.), *Redefining Europe*, p.7; Nye, J., *Understanding International Conflicts, An Introduction to Theory and History*, Harper Collins College Publishers, USA, 1993, p.132; Wettig, G., "A New Type of Challenge to European Security", *Aussenpolitik*, vol.46, 2nd quarter 1995, p.137; Zagorski, A., "New European Unity: The End of the CSCE?", *Paradigms*, vol.5, n.1/2, 1991, p.80; Zartman, W., "Toward the Resolution of International Conflicts" in Zartman, W. and Rasmussen, L. (eds.), *Peacemaking in International Conflict, Methods and Techniques*, US Institute of Peace Press, Washington DC, 1997, p.7.

[17] See chapter 5, section 5.3.2.2 on the conflict dealt with by the Minsk Conference: Nagorno-Karabakh.

The conflicts in the OSCE area are multifaceted, entailing the combination of political, economic, social, ethnic or cultural aspects. For example, territorial disputes cannot be dissociated from social or cultural fears as in the Moldovan-Transdniestrian case; political or ideological options should not exclude economic inputs as in the Estonian case; as also ethnic considerations should not exclude economic and political factors, as in the Nagorno-Karabakh conflict[18].

Not intending to explore fully the theoretical background to conflict analysis, this section aims, nevertheless, to define the broad scenario where an understanding of the OSCE might be framed. This will allow a more accurate interpretation of the OSCE activities in the field since it will clarify the theoretical reasoning behind its modes of action. The definition of basic concepts provides the theoretical substance for OSCE approaches as regards the prevention and management of conflicts as analysed in particular in chapter five and the case-studies.

1.2.1.1. Theorising conflict: an evolving concept

The theoretical understanding of conflict has evolved along with the changing international order in the early 1990s. Many scholars have been searching for explanations. The reasons and motives underlying conflict, its nature and how to approach conflicting situations have been high on the agenda. Explanations have ranged from state-centric to global perspectives, from power politics to broader conceptualisations of motives, including also socio-economic and cultural aspects, and from imposition or balanced solutions to problem-solving approaches. The options offered by theory are vast and cannot certainly be understood as watertight. Theories inter-mingle and it is from the cross-cutting of advantages and disadvantages that a clearer and more complete approach to conflict may develop.

Here, after the clarification of the term 'conflict', we will focus our attention on the main causes and 'treatments' for conflict situations, not excluding the players involved and their motivations. Despite not developing an in-depth analysis of conflict theories and practices, this section aims to broadly define the main aspects related to conflict studies. The objective is that when addressing the OSCE's approaches, procedures and instruments, the organisation's reasoning might be clarified and any novelties and possible contributions by the OSCE to the area might be identified.

1.2.1.2. Deconstructing the concept

The literature on conflict analysis offers various definitions of conflict[19], all of which share common aspects. Generally, conflict is defined as a clash of interests, values and incompatible goals between two or more parties. The concept of conflict is now, after the end of the Cold War,

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[18] These conflicts will be revisited in chapter 5, and as regards Estonia and Moldova in chapters 6 and 7, respectively.
[19] Coser, L. cited in Tidwell, A., *Conflict Resolved? A Critical Assessment of Conflict Resolution*, Pinter, London and New York, 1998, p.33; Nicholson, M., *Conflict Analysis*, English Universities Press, 1970, p.2. In this study the terms 'conflict' and 'dispute' are used interchangeably.

embedded in more complexity[20] as regards causes and means. There are several possible causes for the emergence of a conflict, including problematic relations between Governments or other major actors, not only at the inter-state level, but also as regards intra-state relations (border disputes, rivalries for regional dominance, disputes over socio-political or economic policies, internal territorial demands, etc.); and domestic conditions (political, social, economic, ethnic, military aspects within a country or with reflexion to the exterior, such as regional differences). Moreover, non-state actors are increasingly involved in these processes, and the importance of local non-governmental organisations (NGOs) has been recognised not only as acting to bring the parties together, but also at a post-conflict level[21].

The concept of conflict involves different phases, which generally include the emergence, and increasing of tensions, escalation into armed confrontation and de-escalation with the finding of a political settlement or resolution as goal. In the various phases of development of a conflict, there are different instruments with the aim of avoiding conflict, its permanence or re-escalation. These tools must be understood as limited according to the environment, volition of the parties and the proper characteristics of those pursuing preventive, management or post-conflict rehabilitation tasks. Despite not being definitive, this phasing of conflicts according to their chronological evolution permits a better understanding of the escalation and de-escalation sequence of a conflict, as well as of the different means to address difficulties.

Conflict prevention consists of "measures which contribute to the prevention of undesirable conflict behaviour once some situation involving goal incompatibility has arisen"[22]. Preventing conflict entails the first efforts to avoid escalation, spill-over effects or, at a later stage, the re-emergence of armed hostilities. Here, the concept mingles with that of post-conflict rehabilitation. The capability to act instead of react must be developed at various levels, in order that an effective preventive response might be formulated[23]. When the outbreak of war is inevitable, several techniques may be adopted in order to minimise its consequences. Mediation, facilitation and arbitration are available tools which may be complemented by peacekeeping activities. The final aims are the settlement or the resolution of the dispute.

Mediation is a form of third-party intervention in conflict to bring the parties together through negotiation[24]. It is essentially a political process, usually non-forceful and semi-public[25]

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[20] Laidi, Z., *Power and Purpose after the Cold War*, Berg, Oxford, 1994, p.11; Park, W., "Introduction: Rethinking European Security" in Park, W. and Rees, W. (eds.), *Rethinking Security in Post-Cold War Europe*, Longman, London and New York, 1998, pp.11-14.

[21] Kaldor, M., *New and Old Wars*, p.119. An aspect revisited in chapter 3, section 3.3.1.

[22] Reychler, L. "The Art of Conflict Prevention: Theory and Practice" in Bauwens, W. and Reychler, L. (eds.), *The Art of Conflict Prevention*, Brassey's Atlantic Commentaries No.7, Brassey's, London, 1994, p.4.

[23] Evans, G., *Co-operating for Peace*, p.13; "Preventing Deadly Conflict", Final Report with Executive Summary, Carnegie Commission on Preventing Deadly Conflict, New York, Dec. 1997, p.7.

[24] Bercovitch, J. "The Structure and Diversity of Mediation in International Relations" in Bercovitch, J. and Rubin, J. (eds.), *Mediation in International Relations*, St. Martin's Press, New York, 1992, pp.5-7; Kriesberg, L., "Varieties of Mediating Activities and Mediators in International Relations" in Bercovitch, J. (ed.), *Resolving International Conflicts, The Theory and Practice of Mediation*, Lynne Rienner Publishers,

and carried out by an intergovernmental organisation, non-governmental organisation, a state or group of states or an individual. Mediation leaves decision-making with the parties, though providing an adequate framework for political contacts. Mediation is thus adaptive, reflecting different problems, different parties and different situations[26]. It can be of short or long duration according to the dispute in question. The mediator(s) will seek the maintenance of communication between the parties, persuading them to make concessions and help the parties in creating alternatives. The personal characteristics of the mediator(s) are also fundamental for the proximity they manage to establish with the parties. In particular circumstances the capacity to influence one of the parties may be advantageous, therefore mediators are seldom or never neutral[27]. It is fundamental that the mediator(s) are acceptable to the parties in dispute[28]. The mediator(s) may also contribute to the settlement while avoiding that the parties 'lose face' or be criticised for weakness. Mediation may involve 'carrots-and-sticks' in order to incite negotiations. The outcome of mediation is not imposed, but left to the parties.

Why is mediation pursued? Do mediators benefit from it? Why do conflicting parties accept mediation? Usually the mediator has something to gain, such as status in the international community. Moreover, the interest in the outcome arises either because it may threaten in some way the mediator's interests or involve extension of influence, for example[29]. Mediation by international organisations is endowed with legitimacy and expertise[30], includes the promotion of the organisation's principles and has to take account of the particular policies and interests of member states[31]. Mediation will probably be most successful when the parties have reached a

London, 1996, p.219; Schellenberg, J., *Conflict Resolution: Theory, Research and Practice*, State University of New York Press, 1996, p.182.

[25] Hoffman, M., "Third-Party Mediation and Conflict Resolution in the Post-Cold War World" in Baylis, J. and Rengger, N. (eds.), *Dilemmas of World Politics*, p.263; Merrills, J., *International Dispute Settlement*, 2nd ed., Grotius Publications, Cambridge, 1991, p.27; Touval, S. and Zartman, W., "International Mediation in the Post-Cold War Era" in Crocker, C. et al. (eds.), *Managing Global Chaos, Sources of and Responses to International Conflict*, US Institute of Peace Press, Washington D.C., 1996, p.445; Williams, A., "Mediation by Small States: Some Lessons from the CSCE", *Paradigms*, vol.6, n.1, Spring 1992, p.53.

[26] Bercovitch, J., "The Structure and Diversity of Mediation in International Relations", Bercovitch, J. and Rubin, J. (eds.), *Mediation in International Relations*, St. Martin's Press, New York, 1992, p.4.

[27] Bercovitch, J., "The Structure and Diversity of Mediation in International Relations", Bercovitch, J. and Rubin, J. (eds.), *Mediation in International Relations*, p.6; Hoffman, M., "Third-Party Mediation and Conflict Resolution in the Post-Cold War World" in Baylis, J. and Rengger, N. (eds.), *Dilemmas of World Politics*, p.268; Touval, S. and Zartman, W., "International Mediation in the Post-Cold War Era" in Crocker, C. et al. (eds.), *Managing Global Chaos*, p.451; Webb, K., "Third-Party Interventions and the Ending of Wars: A Preliminary Approach", *Paradigms*, vol.9, n.2, Winter 1995, p.29.

[28] Touval, S. and Zartman, W., "International Mediation in the Post-Cold War Era" in Crocker, C. et al. (eds.), *Managing Global Chaos*, p.445.

[29] Webb, K., "Third-Party Interventions and the Ending of Wars: A Preliminary Approach", *Paradigms*, vol.9, n.2, Winter 1995, p.3; Touval, S. and Zartman, W., "International Mediation in the Post-Cold War Era" in Crocker, C. et al. (eds.), *Managing Global Chaos*, p.446.

[30] Bercovitch, J., "The Structure and Diversity of Mediation in International Relations", Bercovitch, J. and Rubin, J. (eds.), *Mediation in International Relations*, p.21.

[31] Touval, S. and Zartman, W., "International Mediation in the Post-Cold War Era" in Crocker, C. et al. (eds.), *Managing Global Chaos*, pp.449 and 452; Carment, D. and James, P., "The International Politics of Ethnic Conflict: New Perspectives on Theory and Policy", *Global Society*, vol.11, n.2, 1997, p.207; Mearsheimer, J., "The False Promise of International Organisations", *International Security*, vol.19, n.3, Winter 1994/95, p.7; Sperling, J. and Kirchner, E., *Recasting the European Order*, pp.79-80.

stalemate, perceiving that there is very little to gain from the further escalation of hostilities, or even the fact that the parties cannot face each other directly[32]. It can also be used as a tactic for the parties to re-equip or re-group or as a form of publicising intentions or a particular cause[33]. Mediation is not conducive to resolution, but to the settlement of the conflict eliminating violence and promoting a political agreement, often based on difficult compromises. For this reason, John Burton[34] has criticised mediation for not addressing the very deep causes behind conflict.

Facilitation or the problem-solving approach is a restricted process, keeping all contacts secret. Using very few resources and certainly no 'carrots or sticks', it envisages reaching a resolution of the conflict. This involves minimising violence, overcoming antagonisms between adversaries, and achieving mutually acceptable and enduring outcomes[35]. Facilitation is centred in human behaviour and on the idea of basic human needs[36]. Through a process of analytical problem-solving, the parties are led to an integrative solution focusing on the understanding of the dispute as a problem they share and to resolution of which their co-operation is fundamental. The goal is the elimination of the causes and manifestations of conflict through the resolution of the incompatibilities between the parties[37]. The problem-solving approach is directed at the establishment of a new relationship between the parties which demands a revision of the sources and origins of the conflict[38]. Facilitation is thus distinct from mediation in its approaches and final goals. While facilitation usually implies resolution, mediation envisages the finding of an acceptable solution for the parties through the political settlement of the dispute.

Arbitration is a different method, with a legally binding character. It is a public process under which decision-making is handed over to a court. Nevertheless it is more adequate to solve

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[32] Opinion shared by Touval, S. and Zartman, W., "International Mediation in the Post-Cold War Era" in Crocker, C. et al. (eds.), *Managing Global Chaos*, p.452; King, C., *Ending Civil Wars*, IISS, Adelphi Paper 308, 1997, pp.30-37; Hoffman, M., "Third-party Mediation and Conflict Resolution in the Post-Cold War World" in Baylis, J. and Rengger, N. (eds.), *Dilemmas of World Politics*, p.267.

[33] Webb, K., "Third-Party Interventions and the Ending of Wars: A Preliminary Approach", *Paradigms*, vol.9, n.2, Winter 1995, p.6.

[34] Burton, J., *Conflict Resolution, Its Language and Processes*, Scarecrow Press, 1996, pp.34 and 40.

[35] Kriesberg, L., "The Development of the Conflict Resolution Field", in Zartman, W. and Rasmussen, L. (eds.), *Peacemaking in International Conflict*, p.51; Groom, A.J.R., "Approaches to Conflict and Co-operation in International Relations: Lessons from Theory for Practice", Kent Papers in International Relations, Jan. 1992, http://www.ukc.ac.uk.

[36] Burton, J., *Conflict Resolution*, p.8. See also Kelman, H., "The Interactive Problem-Solving Approach" in Crocker, C. et al. (eds.), *Managing Global Chaos*, p.503.

[37] Zartman, W., "Towards the Resolution of International Conflicts", and Kriesberg, L. "The Development of the Conflict Resolution Field" in Zartman, W. and Rasmussen, L. (eds.), *Peacemaking in International Conflict*, p.11 and p.51, respectively.

[38] Groom, A.J.R., "Old Ways, New Insights: Conflict Resolution in International Conflict" in Czempiel, E. et al. (eds.), "Non-Violence in International Crises", Proceedings of the 1st International Symposium on Non-Violent Solutions of International Crises and Regional Conflicts, Frankfurt am Main, Feb. 1989, European Centre for Research and Documentation in Social Sciences, 1990, pp.18-25; Hoffman, M., "Third-Party Mediation and Conflict Resolution in the Post-Cold War World" in Baylis, J. and Rengger, N. (eds.), *Dilemmas of World Politics*, pp.265 and 271; Kelman, H., "The Interactive Problem-Solving Approach" in Crocker, C. et al. (eds.), *Managing Global Chaos*, pp.501-519; Tidwell, A., *Conflict Resolved?*, pp.161-168; Touval, S. and Zartman, W., "International Mediation in the Post-Cold War Era" in Crocker, C. et al. (eds.), *Managing Global Chaos*, p.457.

inter-state legal conflicts[39]. The OSCE's Court on Conciliation and Arbitration is an example, though its judgement has never been applied to any situation in the OSCE area[40].

Post-conflict rebuilding is applied after the halting of armed confrontation and must also address the various political, social, economic and cultural aspects of the conflict, constituting an integrated approach. Post-conflict rehabilitation, despite the term's connotations, is an all-encompassing strategy that involves preventive efforts and may contribute to the final settlement. The restoration of legitimacy, involving consent and even support for political institutions functioning under the rule of law, is a key to a long-term solution[41]. Moreover, the development of confidence-building and the support given to democratisation may alleviate tensions and create a more favourable scenario for compromise.

In general terms, this section has drawn attention to the main areas of conflict analysis and the main techniques available to conflict prevention, settlement or rehabilitation. These very introductory remarks have defined the grounds on which an understanding of the OSCE will find support. The following section addresses the OSCE's approach to conflict, its understanding and the means at the organisation's disposal to address conflict situations.

1.2.1.3. The OSCE's conceptualisation of conflict

In the OSCE documents there is no explicit definition of conflict, nevertheless they make several references to conflict, including its nature and underlying motives, the means to address conflicts and possible responses[42]. Conflicts may occur within states or between states[43], an improvement on the state-centric approach of the Cold War period CSCE. Examples in the former Soviet Union include the conflict in the Republic of Moldova, primarily of an intra-state nature, and the Nagorno-Karabakh conflict, involving Armenia and Azerbaijan[44].

The OSCE provides an all-encompassing explanation for conflict situations, involving different political, economic, social, cultural or ethnic aspects[45]. The multi-dimensional approach to conflict and its causes is also extended to the means and responses formulated to address conflict. This understanding is reflected in the mandates and activities of the OSCE Missions deployed in the field, as clarified in chapter five and the case-studies. Explaining conflicts on the

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[39] Hoffman, M., "Third-Party Mediation and Conflict Resolution in the Post-Cold War World" in Baylis, J. and Rengger, N. (eds.), *Dilemmas of World Politics*, p.264; Schellenberg, J., *Conflict Resolution*, p.195; Touval, S. and Zartman, W., "International Mediation in the Post-Cold War Era" in Crocker, C. et al. (eds.), *Managing Global Chaos*, pp.445-446.
[40] This issue will be revisited in chapter 2, section 2.4.2.2.1.
[41] Kaldor, M., *New and Old Wars*, pp.10 and 114.
[42] *Charter of Paris for a New Europe*, "Security", 1990; *Helsinki Document 1992*, Helsinki Decisions, chapter III, parag.2; *Budapest Document 1994*, Budapest Declaration, parags.5, 8 and 9; *Lisbon Document 1996*, Lisbon Declaration, parag.5; *Charter for European Security*, 1999, parag.1.
[43] *Charter for European Security*, 1999, parag.2.
[44] Refer to chapter 5, sections 5.3.2.1 and 5.3.2.2. The conflict in Moldova is further developed in chapter 7.
[45] *Helsinki Document 1992*, Helsinki Declaration, parag.21; *Budapest Document 1994*, Budapest Declaration, parag.7; *Lisbon Document 1996*, Lisbon Declaration, parag.12.

basis of just one of these aspects would be too simplistic, not corresponding to the variety of existing threats and different motivations to conflict[46].

Conflict prevention is at the core of the organisation's goals[47], nevertheless the OSCE has also developed a range of procedures and institutions to address conflict situations, referred to in the OSCE documents as directed to "crisis management" or to the "settlement of disputes"[48]. These include mechanisms for the peaceful settlement of disputes or third-party involvement, such as mediation[49]. Through mediation, the OSCE approach aims to establish the political framework for the settlement of conflicts, as for example in Moldova[50]. The resort to sanctions as a form of pressure to begin or resume negotiations is not used by the OSCE since the organisation does not enjoy enforcement powers[51].

Post-conflict rehabilitation is also envisaged by the organisation as a fundamental area of intervention, aiming at the consolidation of the OSCE principles of democracy and the development of civil societies, with the ultimate goal of preventing the re-escalation of hostilities[52]. In Estonia and Latvia the OSCE has been playing essentially a preventive role, as well as in Ukraine and Belarus, where its efforts have been directed at conflict prevention. The OSCE Mission to Georgia is entrusted with facilitating the peaceful political settlement of the dispute; the Mission to Moldova's activities include the achievement of a lasting, comprehensive political settlement of the conflict in all its aspects; in Chechnya the OSCE Assistance Group promotes the peaceful resolution of the crisis and the stabilisation of the situation; and in Nagorno-Karabakh the Minsk Process provides an appropriate framework for conflict resolution in the way of assuring the negotiation process supported by the Minsk Group. In Tajikistan, the OSCE involvement is in a post-conflict rebuilding phase[53].

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[46] This approach emerges as a consequence of the numerous challenges to security in the OSCE area, defined by the participating states as including terrorism, drugs traffic, proliferation of weapons, environmental degradation, social tension, corruption and economic imbalances, *Charter of Paris for a New Europe*, "Security", 1990; *Helsinki Document 1992*, Helsinki Declaration, parags.12, 16-17; *Budapest Document 1994*, Budapest Declaration, parags.12 and 15; *Lisbon Document 1996*, Lisbon Declaration, parag.10; *Charter for European Security*, 1999, parags.4, 21-23 and 31-33.

[47] This issue will be revisited in chapter 2, section 2.4.2.1 and in chapter 5 through the analysis of concrete examples of OSCE activity as regards the prevention of conflicts.

[48] *Charter of Paris for a New Europe*, "Security", 1990; *Budapest Document 1994*, Budapest Declaration, parag.8; *Lisbon Document 1996*, Lisbon Declaration, parag.5.

[49] *Charter of Paris for a New Europe*, "Security", 1990; *Helsinki Document 1992*, Helsinki Decisions, part III; *Budapest Document 1994*, Budapest Decisions, part I.

[50] Refer to chapter 7 for further development.

[51] The OSCE has nevertheless the power to suspend a participating member on charges of human rights violations, such as happened with the suspension of Yugoslavia in 1992, 13th CSO Meeting, Helsinki, Jun. 28-Jul. 8, 1992, 13CSO/J7, Annex 1. An issue revisited in chapter 2.

[52] See OSCE Seminar on "Experiences with Post-Conflict Rehabilitation Efforts", Tbilisi, Jan. 26-27, 2000, SEC.GAL/13/00, Feb. 8, 2000. This issue is revisited in chapters 2, section 2.4.2.3 and 5, section 5.3.3.

[53] 18th CSO Meeting, Journal 3, Annex 2, Dec. 13, 1992 (Estonia); 23rd CSO Meeting, Journal 3, Annex 3, Sep. 23, 1993 (Latvia); 17th CSO Meeting, Journal 2, Annex 2, Nov. 6, 1992 (Georgia); 19th CSO Meeting, Journal 3, Annex 3, Feb. 4, 1993 (Moldova); 16th Permanent Council (PC) Meeting, decision (a), Apr. 11, 1995 (Chechnya); 4th Council Meeting, Rome, Decision I4, Dec. 1, 1993; the CIO issued on March 23, 1995 the mandate for the Co-Chairmen of the Minsk Process to deal with the Nagorno-Karabakh conflict, DOC.525/95. The activities of the OSCE in the former Soviet Union, particularly through the Missions deployed in the field, are analysed in chapter 5.

Conflict prevention, crisis management and post-conflict rehabilitation tasks are clear in the wording of the organisation's documents and in the formulation of the OSCE Field Missions' mandates. The means and capabilities the OSCE has developed to prevent, settle or contribute to post-conflict rebuilding are analysed in chapter two. How the organisation renders operational its capabilities is further explored in chapter five and the case-studies. The OSCE response to conflict is therefore all-encompassing, making the linkage between the different OSCE dimensions in an operational manner, as is made clear in chapters six and seven.

1.2.2. Security

The conceptualisation of security has also evolved according to the changes in the international scene. The Cold War notion of security was rooted in the traditional understanding of security, centred on the state and on the preservation of the status quo. Military threats and the need for effective military defence capabilities were the primary concerns of states in security and defence matters. This traditional view is currently giving place to other forms of security, understood in a more encompassing way. This does not mean that these other forms are completely new; in fact, they already existed[54]. Nevertheless, due to the bipolar rivalry they were 'hidden' behind military questions. This does not mean that military security is no longer important; however, this new approach envisages a broader understanding of security. The need for a widened concept is generally shared in the literature due to the insufficient explanations embedded in the traditional view, as analysed later[55]. The end of the Cold War, the break up of the Soviet Union and the challenges that followed would remain unexplained.

The concept of security in the post-Cold War order is no longer centred exclusively on military issues, including also political, economic, cultural and societal matters. Moreover, it is no longer centred exclusively on states, but has been enlarged to include other players such as international organisations, NGOs, multinational corporations, or the individual. A different approach to security based on co-operation instead of competition has also been advocated[56].

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[54] Park, W., "Introduction: Rethinking European Security" in Park, W. and Rees, W. (eds.), *Rethinking Security*, p.3; Baldwin, D., "The Concept of Security", *Review of International Studies*, vol.23, n.1, Jan. 1997, p.23.

[55] Brown, S., "World Interests and the Changing Dimensions of Security" in Klare, M. and Thomas, D. (eds.), *World Security*, p.25; Greene, O., "Transnational Processes and European Security" in Pugh, M. (ed.), *European Security Towards 2000*, pp.141-142; Griffiths, S., *Nationalism and Ethnic Conflict, Threats to European Security*, SIPRI Research Report 5, OUP, 1993, p.9; Huysmans, J., "Revisiting Copenhagen: Or On the Creative Development of a Security Studies Agenda in Europe", *European Journal of International Relations*, vol.4, n.4, Dec. 1998, p.487; Hyde-Price, A., *European Security Beyond the Cold War, Four Scenarios for the Year 2010*, RIIA, 1991, p.11; Lawrence, P., "European Security: A New Era of Crisis?" in Bideleux, R. and Taylor, R. (eds.), *European Integration and Disintegration: East and West*, Routledge, London, 1996, p.48; Miszlivetz, F., "Redefining European Security", *Journal of World Affairs*, vol.IV, issue 1, Winter/Spring 1997, p.214.

[56] The Palme Commission is example. Flockhart, T. (ed.), *From Vision to Reality, Implementing Europe's New Security Order*, Westview Press, 1998, p.7. The term 'common security' was first spelled out by the Independent Commission on Disarmament and Security Issues, chaired by the late Olof Palme, Palme Commission, 1982. From the work of the Commission resulted the publication of the book, *Common*

'Common security' implies acknowledgement of the link between the maintenance of peace and the respect for human rights and fundamental freedoms, as well as economic, cultural, legal and environmental co-operation. The concept implies also the indivisibility of security, demanding common efforts in the pursuit of security interests, as the security of each state or group of states is inseparably linked to that of all others. Common security does not entail enforcement action, and can only be achieved through co-operation, based on the principles of equity, justice and reciprocity[57].

In contrast, 'collective security' resembles the principles of the UN Charter whereby members renounce the use of force among them while pledging to defend any member of the group attacked by external forces[58]. Under collective security, states agree to abide by certain norms and rules to maintain stability and when necessary, to act together to stop aggression, and thus enforcement action is envisaged[59]. These different types of security coexist, overlap and interact in a variety of ways. Nevertheless, this classification permits a clearer understanding of the different perspectives on security, particularly at the level of the international organisations' dealing with security issues[60]. This classification has, therefore, relevance for the understanding of OSCE views on security, and their application in practical terms.

Security is currently concerned not only with *whose* interests are to be secured, but also with an enlarged definition of *what* interests constitute its domain[61]. This wider approach is proclaimed by the Copenhagen School, which considers that "attempts to treat security as if it was confined to any single level [state, individual, regional, system] or any single sector [political, military, societal, economic and environmental] invite serious distortions of understanding"[62]. Security involves a broad agenda in which military aspects such as relations of authority or forceful coercion; political issues such as relations of authority, governing status and recognition;

Security, A Blueprint for Survival, Simon and Schuster, New York, 1982. For more on the Palme Commission see http://www.rbf.orgs/pws/palme1.html and *Visions of European Security, Focal Point Sweden and Northern Europe*, The Olof Palme International Center, 1996. The terms 'common security' and 'co-operative security' are found in the literature to describe the same approach to security. Here, we will use the term 'common security'.

[57] Booth, K., "War, Security and Strategy: Towards a Doctrine for Stable Peace" in Booth, K. (ed.), *New Thinking About Strategy and International Security*, Harper Collins Academic, London, 1991, p.344; Evans, G., *Co-operating for Peace*, p.15; Gyarmati, I., "Co-operative Security and the CSCE: Ensuring Minority Rights and Preventing Minority-Based Conflicts"; Mottola, K., "Prospects for Co-operative Security in Europe" and Rossbach, A., "Characteristics and Requirements of Co-operative Security", International Seminar on "The CSCE and the New Europe", Helsinki, Apr. 3-4, 1992, pp.34-35 and 21-22, respectively; "Our Global Neighbourhood", The Report of the Commission on Global Governance, OUP, 1995, p.79.
[58] *Charter of the United Nations*, chapter 1, article 1.
[59] Evans, G., *Co-operating for Peace*, p.15; Kupchan, C. and Kupchan, C., "The Promise of Collective Security", *International Security*, vol.20, n.1, Summer 1995, p.52; Lucas, M., "The Challenges of Helsinki II" in Cuthbertson, I. (ed.), *Redefining the CSCE, Challenges and Opportunities in the New Europe*, Institute for East-West Studies, Finnish Institute of International Affairs, 1992, p.260; Mottola, K., "The OSCE: Institutional and Functional Developments in an Evolving European Security Order" in Bothe, M. et al. (eds.), *The OSCE in the Maintenance of Peace and Security*, p.20.
[60] An issue revisited in chapter 3.
[61] Brown, S., "World Interests and the Changing Dimensions of Security" in Klare, M. and Thomas, D. (eds.), *World Security*, p.24.

economic matters such as trade, production or finance; societal issues related to collective identity; and environmental aspects between the human activity and the planetary biosphere, matter[63].

The Frankfurt School of Critical Theory proclaims a social construction of theory according to which change is possible because things are socially constituted. Departing from the same assumption of the Copenhagen School as regards the need for a broadened understanding of security beyond politico-military aspects, the Critical Security Studies School "anchors the theory and practice of security in a broader concern with human emancipation"[64]. Emancipation or the possibilities for progressive alternatives[65] envisage rejection of the traditional objective conceptualisation, discussing human needs and not just national interests[66]. It involves the belief that security is likely to be enhanced by meeting claims for justice and by privileging individuals rather than states[67]. This view privileges the development of civil societies, fostering justice and democracy at the level of the individual, and supporting the concept of common security for defining relations at the state level.

Critics have, nevertheless, drawn attention to the peril of excessive securitisation and the consequent dilution of the concept of security[68], a problem that has been addressed by both Schools. The Copenhagen School alerts us to the need to distinguish security issues from political matters. The example of the former Soviet Union's over-securitisation of policies is illustrative, since the Soviet Union securitised everything "from nuclear missiles and opposing armies to miniskirts and pop music"[69]. As such, the Copenhagen School suggests the understanding of security as "the move that takes politics beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics"[70]. Therefore, security issues are made

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[62] Buzan, B., *People, States and Fear, An Agenda for International Security Studies in the Post-Cold War Era*, 2nd ed., Harvester Wheatsheaf, 1991, p.363.
[63] Buzan, B. et al., *Security, A New Framework for Analysis*, Lynne Rienner Publishers, London, 1998, p.7; Buzan, B., "Is International Security Possible?" in Booth, K. (ed.), *New Thinking About Strategy*, pp.34-35; Waever, O. et al. (eds.), *Identity, Migration and the New Security Agenda in Europe*, Pinter Publishers, London, 1993, with emphasis on societal security; Waever, O., "European Security Identities", *Journal of Common Market Studies*, vol.34, n.1, Mar. 1996, pp.104-110.
[64] Jones, R., *Security, Strategy, and Critical Theory*, Lynne Rienner Publishers, London, 1999, pp.25-26.
[65] Idem, p.119.
[66] Booth, K. and Wheeler, N., "Contending Philosophies about Security in Europe" in McInnes, C. (ed.), *Security and Strategy in the New Europe*, Routledge, London, 1992, p.9; Brown, C., "Critical Theory and Postmodernism" in Groom, A.J.R. and Light, M. (eds.), *Contemporary International Relations: A Guide to Theory*, Pinter Publishers, London, 1994, p.59; Hoffman, M., "Critical Theory and the Inter-Paradigm Debate", *Millennium*, vol.16, n.2, Summer 1987, p.236; Jones, R., *Security, Strategy, and Critical Theory*, p.161; Linklater, A., "The Question of the Next Stage in International Relations Theory: A Critical Theory Point of View", *Millennium*, vol.21, n.1, Spring 1992, p.93.
[67] Booth, K. and Wheeler, N., "Contending Philosophies about Security in Europe" in McInnes, C. (ed.), *Security and Strategy in the New Europe*, p.13.
[68] Huysmans, J., "Security! What do you mean? From Concept to Thick Signifier", *European Journal of International Relations*, vol.4, n.2, Jun. 1998, p.227; Stephen Walt cited in Buzan, B. et al., *Security, A New Framework for Analysis*, pp.3-4. See also reference to Deudney and Huysmans as critics of enlarging the concept of security, Jones, R., *Security, Strategy, and Critical Theory*, p.107.
[69] Buzan, B. et al., *Security, A New Framework for Analysis*, p.208.
[70] Idem, p.23.

security issues by acts of securitisation[71]. In the Frankfurt School view, the maintenance of a restricted understanding of security would invalidate knowledge about issues of most relevance in the contemporary agenda, "from Pristina to Belfast, and from Algiers to East Timor"[72], hence the need for a more encompassing understanding of security. "When studying any human phenomenon it is preferable to have open intellectual boundaries (which risk only irrelevance) rather than rigid ones (which risk ignorance)"[73].

Security is thus a complex and dynamic concept that encompasses interdisciplinary and integrative aspects. It is understood as a multi-faceted term covering a wide range of military and non-military challenges with wide implications for international, national and regional peace and stability[74]. The OSCE views on security, the theoretical framework where they are sustained, their application to the organisation's activities and the implementation of its principles are addressed next.

1.2.2.1. The OSCE all-encompassing understanding of security

OSCE work on military issues did not abate with the end of the Cold War[75]. There was a clear intention to re-negotiate 'old' treaties, such as the Treaty on Conventional Armed Forces in Europe in order to adapt it to the new scenario[76]. Moreover, the establishment of the "Code of Conduct on Politico-Military Aspects of Security"[77] along with the development of confidence and security-building measures (CSBMs) is a proof of the role military issues still play in the new Europe. Economic, environmental, and scientific issues, and social, humanitarian and cultural aspects are also on the OSCE agenda[78]. This enlarged understanding of security emerges along with a new posture of the organisation in post-Cold War Europe.

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[71] Idem, p.204. See also Buzan, B. and Waever, O., "Slippery? Contradictory? Sociologically Untenable? The Copenhagen School Replies", *Review of International Studies*, vol.23, n.2, Apr. 1997, pp.241 and 246.

[72] Jones, R., *Security, Strategy, and Critical Theory*, p.106.

[73] Booth and Herring cited in Jones, R., *Security, Strategy, and Critical Theory*, p.106.

[74] "The OSCE: Assessment and Future Prospects", Conference Report, OMRI, Prague, Oct. 28, 1995, p.7; Buzan cited in Mottola, K., "Prospects for Co-operative Security in Europe", International Seminar on "The CSCE and the New Europe", Helsinki, Apr. 3-4, 1992, p.33.

[75] "The OSCE and the Arms Control Process: Redefining a Prominent Relationship", Netherlands Helsinki Committee Working Group, *Helsinki Monitor*, vol.8, n.4, 1997, pp.5-27.

[76] The *Charter of Paris for a New Europe* welcomed the signature of the Treaty, "Security", 1990; *Helsinki Document 1992* welcomed the imminent entry into force of the CFE Treaty, Helsinki Declaration, parag.11; *Lisbon Document 1996*, Lisbon Declaration, parags.2 and 7, welcomed the decision to review the Treaty; *Istanbul Document 1999*, Istanbul Declaration, parag.39 welcomed the successful adaptation of the CFE Treaty.

[77] *Budapest Document 1994*, Budapest Decisions, section IV, "Code of Conduct on Politico-Military Aspects of Security".

[78] *Helsinki Document 1992*, Helsinki Declaration, parag.21; *Budapest Document 1994*, Budapest Declaration, parag.7; *Lisbon Document 1996*, Lisbon Declaration, parag.12; *Charter for European Security*, 1999, parag.9. Buzan, B. et al., *The European Security Order Recast: Scenarios for the Post-Cold War Era*, Centre for Peace and Conflict Research, Pinter Publishers, London, 1990, p.48; Ghébali, V., *La Diplomatie de la Détente: La CSCE, 1973-1989*, Établissements Émile Bruylant, Bruxelles, 1989, p.61; Lucas, M., "The Challenges of Helsinki II" in Cuthbertson, I. (ed.), *Redefining the CSCE*, p.260; Mierlo, H., "The Significance of the OSCE in the European Security Structure", *Helsinki Monitor*, vol.6, n.4, 1995, p.6; Sapiro, M., "The OSCE: An Essential Component of European Security", *Insight*, n.15, Mar. 1997.

The concept of security as envisaged by the OSCE is therefore all-encompassing, including military confidence-building and arms control; economic, scientific, technological and environmental co-operation; and individual human rights and fundamental freedoms[79]. This comprehensive approach to security was enshrined in the Helsinki Final Act in 1975, which framed the normative approach of the CSCE in a politically innovative way. It was therefore the result of a particular political and intellectual process. It demonstrated the relevance of linking these different aspects under the same umbrella for the promotion of security and stability. As a result, the OSCE's comprehensive approach to security "relates the maintenance of peace to the respect for human rights and fundamental freedoms. It links economic and environmental solidarity and co-operation with peaceful inter-state relations"[80].

By its encompassing security concept and comprehensive addressing of the issues, the OSCE links the collective and the individual levels of security by the commitments and principles enshrined in its different areas of activity[81]. In the wording of the main OSCE documents, particularly Summit declarations, it is possible to identify broad formulations as concerns relations between states and towards their peoples in general, as well as more particularistic approaches, where clear references to the individual are formulated[82]. The OSCE reasoning is integrative in the sense that it encompasses states, their communities and the individual as forming part of a whole. And this whole cannot be understood, in the OSCE view, without this linkage, because these

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[79] Ghébali, V., *L'OSCE dans l'Europe Post-Communiste, 1990-1996. Vers une Identité Paneuropéenne de Sécurité*, Établissements Émile Bruylant, Bruxelles, 1996, p.220; Ghébali, V., *La Diplomatie de la Détente*, p.59; Hopmann, P. T., "An Evaluation of the OSCE's Role in Conflict Management", paper presented to the 3rd Pan-European International Relations Conference and Joint Meeting of the International Studies Association, Vienna, Sep. 16-19, 1998, p.39; Hoynck, W., "From the CSCE to the OSCE: The Challenges of Building New Stability", *Helsinki Monitor*, vol.6, n.3, 1995, p.18; Rupp, R. and McKenzie, M., "The OSCE: Institutional Reform and Political Reality" in McKenzie, M. and Loedel, P. (eds.), *The Promise and Reality of European Security Co-operation, States, Interests and Institutions*, Praeger, Westport and London, 1998, p.120; Sneek, T., "Complementarity and Co-operation: The OSCE as Part of a European Security Model for the 21st Century", *Helsinki Monitor*, vol.7, n.4, 1996, p.53; Torstila, P., "The OSCE - The New CSCE - Is Still About the Individual", *OSCE-ODIHR Bulletin*, vol.3, n.3, Fall 1995, p.33.

[80] The comprehensive concept of security was spelled out by the OSCE participating states for the first time at the Helsinki Summit Meeting in 1992. *Helsinki Document 1992*, Helsinki Declaration, parags.8 and 21. It has been reaffirmed in other documents, such as the "Code of Conduct on Politico-Military Aspects of Security", 1994, chapter I, parag.2, or the *Charter for European Security*, 1999, chapter III, parag.32.

[81] See Booth, K. and Wheeler, N., "Contending Philosophies about Security in Europe" in McInnes, C. (ed.), *Security and Strategy in the New Europe*, p.32; Torstila, P., "The OSCE - The New CSCE - Is Still About the Individual", *ODIHR Bulletin*, vol.3, n.3, Fall 1995, pp.30-34.

[82] Examples of broad formulations can be found in the *Helsinki Final Act*, 1975, chapter 1, sections I-VI; *Charter of Paris for a New Europe*, 1990, on "the strength of the will of the peoples" and on "the equal rights of people"; Helsinki Declaration, 1992, parags.10 and 12; Budapest Declaration, 1994, parag.7; "Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-first Century", parag.2; *Charter for European Security*, 1999, chapter III, parag.14. More particularistic approaches are also common in the OSCE documents, for example as regards the rights of the individual, since "democracy has as its foundation respect for the human person and the rule of law", and "every individual has the right to freedom of thought, conscience (...)", *Charter of Paris for a New Europe*, "A new era of peace, democracy and unity", 1990. This reinforces the commitments agreed at Helsinki in 1975, *Helsinki Final Act*, 1975, chapter 1, sections VII-VIII; "Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-first Century", 1996, for example parags.10 and 12; Istanbul Summit Declaration, 1999, parags.28, 31-32; *Charter for European Security*, particularly chapter III, parags.19-20 and 23-24.

dimensions are inter-connected and mutually affected[83]. Thus, the state, the collectivity and the individual are important references within the OSCE's encompassing concept of security. The distancing of the OSCE from traditional conceptualisations of security is evident, though the organisation's reasoning retains the importance of states and of military aspects, which in the new academic reasoning is rejected by the Critical Security School, and proclaims an enlarged and broadened conception of security, adopted in post-Cold War Europe by both the Critical Security and the Frankfurt Schools.

In the words of German Foreign Minister Klaus Kinkel, "our goal must be to guarantee security not against one another, as in the past, but with one another"[84], reflecting the concept of 'common security' inherent to the OSCE principles, according to which the participating states will not enhance their security at the expense of the security of other states[85]. This reasoning results from the premise that the security of any level or referent object cannot be achieved in isolation. Instead, participating states will co-operate under the principles of equality and indivisibility of security[86], always conscious of the relationship between the different aspects of security, be it social, economic, political or military.

The OSCE's understanding of conflict and security has been reinforced by the adoption of the "Charter for European Security" in November 1999[87]. Despite not bringing many novelties, the Charter gathers the continuous commitments of the OSCE's member states as regards conflict and

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[83] Examples include principles such as "governments, institutions, organisations and persons have a relevant and positive role to play in contributing toward the achievement of these aims of their co-operation", *Helsinki Final Act*, 1975, chapter 1, section IX or "the rights of persons belonging to national minorities must be fully respected as part of universal human rights", *Charter of Paris for a New Europe*, "Guidelines for the future". At Helsinki in 1992, the participating states reaffirmed "the validity of the guiding principles (...) embodying responsibilities of states towards each other and of Governments towards their people", Helsinki Declaration, parag.7. At Budapest in 1994 participating states stated their "goal of a community of nations with no divisions (...) and the human rights and fundamental freedoms of all individuals (...) are vigorously protected", Budapest Declaration, parag.7. The Lisbon Declaration stated that "we build together a peaceful OSCE region where all our nations and individuals feel secure", parag.1. The "Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-first Century", parag.5 stated that "within the OSCE, states are accountable to their citizens and responsible to each other for their implementation of OSCE commitments". The Istanbul Declaration, 1999, affirmed the aim "to improve human security and thereby to make a difference to the life of the individual", parag.2. The *Charter for European Security* stated the "firm commitment to a free, democratic and more integrated OSCE area where participating states are at peace with each other, and individuals and communities live in freedom, prosperity and security", parag.1.
[84] Klaus Kinkel cited in Kemp, W., "Giving Teeth to the CSCE?", *The World Today*, vol.5, n.10, Oct. 1994, p.183.
[85] *Helsinki Document 1992*, Helsinki Declaration, parag.23; *Lisbon Document*, Lisbon Declaration, parag.1; *Charter for European Security*, 1999, parag.1 and part II, parag.8. Kemp, W., "Making Sense of the CSCE", Federal Trust Discussion Paper, Apr. 1994, p.2; Mierlo, H., "The Significance of the OSCE in the European Security Structure", *Helsinki Monitor*, vol.6, n.4, 1995, p.8.
[86] *Final Act of the CSCE*, Helsinki, August 1, 1975, "Questions relating to security in Europe", parag.5; *Charter of Paris for a New Europe*, "Friendly relations among participating states", 1990; *Helsinki Document 1992*, Helsinki Declaration, parag.23, and Helsinki Decisions, section V, CSCE Forum for Security Co-operation, parag.5; *Budapest Document 1994*, Budapest Declaration, parag.7; *Lisbon Document 1996*, Lisbon Declaration, 1996, parags.1 and 9; *Charter for European Security*, 1999, parag.1. Buzan, B., *People, States and Fear*, p.26; Ghébali, V., *La Diplomatie de la Détente*, pp.59-60; Sneek, T., "Complementarity and Co-operation: The OSCE as Part of a European Security Model for the 21st Century", *Helsinki Monitor*, vol.7, n.4, 1996, p.54.

security in the OSCE area and reflects the evolution of these concepts and their practical application by the organisation, translated in the various mechanisms and procedures which it has developed since the end of the Cold War. The Charter commits participating states to preventing the outbreak of violent conflicts whenever possible, stating the organisation's capacity to settle conflicts and rehabilitate societies[88]. The OSCE's goal is the achievement of a common and indivisible security space through an approach that combines the building of confidence among people within states and strengthened co-operation between states.

It is in this context that the OSCE approaches to conflict and security are developed, based on a broad understanding of the concepts, visible in the organisation's rendering operational its mandates, particularly in the field[89]. The OSCE's reasoning has been innovative, not remaining attached to the traditional conceptions of conflict and security in Cold War Europe, but revealing the innovative character of its new insights to better address conflict and security.

1.3. Plan of the chapters

Introducing the issues under analysis in this thesis, conflict and security in the former Soviet Union and the role of the OSCE in the area, the introductory chapter set the theoretical context in which the topic is developed. Beginning with a brief description of the post-Cold War challenges and risks in the OSCE area, the chapter defined the context for OSCE development and activity. The clarification of fundamental concepts, such as conflict and security and the OSCE's understanding of these same concepts, is fundamental for the understanding of the OSCE's reasoning and activities in the former Soviet space. The OSCE documents do not define these concepts in an explicit manner; nevertheless through the principles and commitments they express, they allow the delineation of the fundamental ideas and concepts behind OSCE functioning. The analysis of the organisation's modes of activity in the field will permit a more comprehensive understanding of the OSCE visions of conflict and security through the new approaches and procedures it has adopted to face challenges in its area, thus complementing the initial theoretical assumptions about the OSCE's understanding of conflict and security.

Following the conceptual clarification and the setting-up of the theoretical framework underlying this study, chapter two focuses on the evolution of the OSCE from Conference to Organisation, addressing the new instruments, mechanisms and procedures adopted by the organisation to face the post-Cold War challenges. The evolution of the OSCE after the end of the bipolar division was based on the principles of the 1975 Helsinki Final Act. The OSCE strengthened its three 'baskets' of activity, which became the OSCE 'dimensions', particularly addressing politico-military aspects of security; economics, science and technology and the

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[87] *Charter for European Security*, adopted at the Istanbul Summit, SUM.DOC/1/99, November 19, 1999.
[88] *Charter for European Security*, 1999, parag.1.

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environment; and human rights issues. This all-encompassing definition of the OSCE areas of concern as well as of its conceptualisation of security in Europe formed the basis for its institutional development. Chapter two focuses on the various decision-making and executive organisms and the new instruments at the OSCE's disposal, in particular for the prevention and settlement of conflicts, and post-conflict rehabilitation efforts, questioning their value for addressing the issues in the former Soviet space.

The establishment of new institutions, such as the High Commissioner on National Minorities (HCNM), the Representative on Freedom of the Media or the Office for Democratic Institutions and Human Rights (ODIHR) along with their contribution to the fulfilment of the OSCE objectives, are analysed. The decision-making and executive organs have already undergone changes in order to minimise overlap problems, and some of the new procedures and instruments at the organisation's disposal have never been used, raising questions about internal competition and the usefulness of the new tools. The chapter also draws on the strengths and weaknesses of the new OSCE, inferring from the inner and external constraints and opportunities arising from the OSCE post-Cold War development. Is the OSCE endowed with the necessary organisms, procedures and tools to address the new challenges in the former Soviet Union area? Is the organisation able to promote co-operation and efficiency with regard to such a broad set of instruments and geographically distant institutions? Are the various OSCE dimensions linked, and if they are how does this linkage translate into operational practice? To what extent is the OSCE constrained in its activities, if it is, due to its inner characteristics and *modus operandi*?

The external environment in which the OSCE acts and inter-relates is also fundamental for an understanding of the organisation's role in post-Cold War Europe. Since the OSCE is not alone in its efforts to build a stable and co-operative environment, chapter three deals with the activities of other international organisations, in particular the UN, NATO, the EU, the WEU and the Council of Europe. The chapter makes a comparative analysis of the different organisations' assets to face post-Cold War challenges, in particular in the former Soviet Union, by examining their similarities and differences. The question arises: do these international organisations pursue collaborative approaches or instead compete for preponderance? The existence of duplication in procedures and roles is addressed and new forms for co-operation analysed under the 'Platform for Co-operative Security', an item of the "Charter for European Security". Practical examples of competition as well as of collaboration between these international organisations and the OSCE are presented as a point of departure for the analysis of further co-operative measures to be developed and/or implemented. The former Soviet space is our study-area where these relationships will be tested.

The chapter also addresses the particularities of the OSCE in comparison with the other international organisations which justify its permanence. Does the OSCE benefit from the inter-

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[89] The OSCE practical appliance of the terms 'conflict' and 'security' will be clarified throughout the thesis, with particular emphasis in chapter 5 and the case-studies.

relation with other organisations or instead loses relevance? How does the building of collaborative approaches work in practice, if it does? To what extent may overlapping competencies diminish or strengthen the different organisations? Chapter three searches for answers to all these questions with the aim of clarifying the OSCE's role and relevance in the former Soviet space, in the midst of various international organisations dealing with security.

The OSCE and the other international organisations' activity in the former Soviet space must be linked to the Russian Federation, a fundamental player in the area. In all republics where the OSCE has Missions deployed, the Russian Federation is involved in a more direct or indirect manner, translated in political, military and/or economic terms. Chapter four focuses in particular on the Russian Federation's relationship with its neighbours and the OSCE. Beginning with an introduction to Russia's policy development, and how it has been affecting its relations with both neighbouring republics and the OSCE, the chapter suggests the linkage between domestic and foreign policy-making in Russia.

To what extent, then, does domestic and foreign policy-making in Russia affect its relationship towards neighbouring republics and the OSCE? Are relations with the near abroad co-operative or do they reveal Russian ambitions in the new republics? What place can be envisaged for the Russian Federation in the new conjuncture? And how does the OSCE-Russia relationship take place? To what extent is the OSCE conditioned by Russian policy-making? How does it affect the OSCE activity in the former Soviet Union space? And how does Russia react to the involvement of other international organisations in the area, in particular NATO? In searching for answers to these questions, this chapter aims to clarify the Russian positioning *vis-à-vis* its neighbouring countries and the OSCE, not forgetting the role of other organisations in the area, and how this has been affecting in a positive or negative manner the OSCE activities in the former Soviet space.

Chapter five focuses on the factors that have led to OSCE as well as Russian involvement in the former republics. As regards other international organisations, the reasons and conditions for their involvement have been explored in chapter three. Addressing the sources of tensions and the factors that led to the escalation of conflicts in the former Soviet republics, this chapter envisages a clarification of the different OSCE approaches to the different problems in the area. The diverse realities in the former Soviet space, ranging from the distinct developments within the various new republics, their different levels of development and democratisation, and the various challenges they face, in some cases involving armed hostilities, have set the framework for the OSCE approaches in the area. To what extent are the OSCE tools adequate to answer the needs of the new republics? Are the new OSCE instruments and procedures rendered operational or is there inability to translate them into more than just nicely worded commitments? In the pursuit of its mandates, what kind of activities are developed by the organisation? How effective has the OSCE been in addressing the new republics' challenges?

The analysis pursued in chapter five permits the combination of the OSCE's different activities under a summary defined according to the Missions' mandates and areas of intervention. This summary of the OSCE activities is a tool for simplifying the understanding of the broad range of the organisation's activities in the former Soviet space, and to understand how, in many instances, they inter-connect. Addressing conflict prevention, crisis management and post-conflict rehabilitation aspects as the main focus of the OSCE activity in the area, this chapter opens the door to the more detailed analysis of the OSCE activity in two of the former Soviet republics, Estonia and Moldova.

The Estonian and Moldovan case-studies constitute the confrontation of the ideas and questions suggested throughout the previous chapters with reality. They aim to clarify the processes of transforming words into actions, how they are rendered operational, and the obstacles the organisation faces at the implementation level. The OSCE possibilities and limitations in these cases are analysed, including the relationship with the Russian Federation and with other international organisations involved in the field. The case-studies aim to clarify the OSCE approaches to the challenges in the former Soviet space, inferring from the organisations' capabilities and constraints, and to shed new light on the new approaches to address conflict prevention, crisis management and post-conflict rehabilitation. What impact have the OSCE post-Cold War developments and institutionalisation processes had on conflict studies? To what extent have limitations on the organisation's activity prevented it from fulfilling its envisaged new tasks? What are the roles and what is the place for the OSCE in post-Cold War Europe?

The choice of Estonia and Moldova as the two case-studies supporting this study is based on three fundamental considerations which should be noted. Firstly, the aim of the case-studies included demonstrating the different approaches developed by the OSCE to address different problems. As such, while in Estonia the OSCE's role is of a preventive nature, showing the different tools and procedures developed by the organisation to address such situations, in Moldova the OSCE plays a crisis settlement role, applying its new tools and procedures in the area of crisis management[90]. Secondly, the nature of the Russian involvement in Estonia and Moldova is different, suggesting how the Russian Federation may promote or hinder the decision-making process and activities of the organisation, according to its own interests. While in Estonia Russia very much welcomes the OSCE involvement due to its limited interference in the country, in Moldova, where Russia has clear interests and more leverage, the OSCE's involvement is restrained. Thirdly, a more practical aspect related to the viability of the project, since it was my

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[90] As explained further in the thesis, the areas of preventive diplomacy, crisis management and post-conflict rehabilitation are not tight areas for intervention, therefore many of the OSCE activities in Moldova fall within the category of rehabilitation, serving as a practical example for the possible activity of the OSCE in this regard. Moreover, the example of Tajikistan as a post-conflict rehabilitation case is analysed in chapter 5. Since many of the postulates of post-conflict rehabilitation, as envisaged by the OSCE, duplicate principles and activities enshrined in preventive diplomacy, conflict prevention and crisis management, no great urgency was felt in analysing in more detail the case of Tajikistan. The analysis in chapters 2 and 5 are sufficiently demonstrative of the OSCE's role and reach as regards the organisation's post-conflict rehabilitation role.

intention from the very beginning to visit the countries envisaged. The choice of the two case-studies was therefore conditioned to the extent that it would not question the diversity required for an encompassing analysis of the OSCE activities in the former Soviet area. Estonia and Moldova fulfilled the required conditions.

Chapter eight sums up the main conclusions of this study, answering the proposed initial questions as regards the OSCE's role in the former Soviet area in general, and its relations with the Russian Federation, its neighbouring countries and the other international organisations. Finding evidence to demonstrate the reach and limitations of the OSCE's new roles and procedures, and the organisation's possible contribution to conflict studies, the conclusion makes the linkage between the different chapters applying the various factors under analysis to the same operational understanding, i.e. to the clarification of the OSCE's role in the former Soviet space after the end of the Cold War. Considerations as regards future work are also formulated.

Chapter 2 The OSCE as an institution

2.1. Introduction

The formal end of the Cold War was stated at the 1990 Paris Summit of the CSCE, convened by its participating states to address the new issues facing the Conference. In the wording of the "Charter of Paris" the meeting was a symbol of the beginning of a new era built on democratic principles[91]. The "Charter of Paris" constituted a turning point in the CSCE history[92]. While Helsinki in 1975[93] was dealing with division, Paris was based on a sense of unity. Forty years of bipolar rivalry were over and Europe could finally become a united, peaceful and democratic continent[94].

Paris set a new course for the CSCE through the formulation of new principles and the creation of permanent institutions. They aimed to address the discontinuity between the new emerging tensions and conflicting trends and the traditional approaches to dealing with them. But the nicely-worded "Charter of Paris" did not clearly define precise objectives and the means to pursue them. Paris failed to address the question of the intra-state nature of the emerging conflicts. While the notions of sovereignty and territorial integrity were founding principles of the CSCE, the emerging concerns were in many respects about events taking place inside boundaries. The Charter codified the new norms included in the CSCE community of values for the new Europe; however it failed to provide tools for their implementation[95], underlining the gap between needs and capabilities.

The CSCE welcomed all former Soviet republics as new participating states, as well as central and Eastern European countries till then under Soviet domination. The Conference

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[91] *Charter of Paris for a New Europe*, 1990.

[92] For further development on the CSCE history see Andren, N. and Birnbaum, K. (eds.), *Belgrade and Beyond: The CSCE Process in Perspective*, Sijthoff & Noordhoff, 1980; Freeman, J., *Security and the CSCE Process: The Stockholm Conference and Beyond*, MacMillan, London, 1991; Ghébali, V., *La Diplomatie de la Détente*; Holsti, K., "Bargaining Theory and Diplomatic Reality: The CSCE Negotiations", *Review of International Studies*, n.8, 1982, pp.159-170; Lehne, S., *The Vienna Meeting of the CSCE, 1986-1989: A Turning Point in East-West Relations*, Westview Press, 1991; Lynch, A. (ed.), *Building Security in Europe, CBMs and the CSCE*, East-West Monograph Series, n.2, Westview Press, New York, 1986; Mastny, V., *The Helsinki Process and the Reintegration of Europe, 1986-1991: Analysis and Documentation*, Pinter Publishers, 1992; Sizoo, J. and Jurrjens, R., *CSCE Decision-Making: The Madrid Experience*, Martinus Nijhoff Publishers, 1984.

[93] The CSCE was established by the Helsinki Final Act, signed on August 1, 1975. It embraced the consensus principle and the equal status of all participants, and comprised 35 participating states (the original signatories were Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Federal Republic of Germany, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, USSR, United Kingdom, United States of America and Yugoslavia).

[94] *Charter of Paris for a New Europe*, "A New Era of Democracy, Peace and Unity", 1990.

[95] Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, p.24; Mottola, K., "Prospects for Co-operative Security in Europe", Proceedings from the International Seminar on "The CSCE and the New Europe", Helsinki, Apr. 3-4, 1992, p.32.

enlarged to include fifty-five participating states[96]. This enlargement effort meant the inclusion of the Asian dimension within the Conference. New problems were brought to the Conference demanding new responses. In combination with a broad membership, negotiation of final documents within the CSCE became complex.

In the face of the instability lying over Europe, the CSCE/OSCE has, therefore, established and developed a series of instruments and procedures for addressing the issues. The nature of these new tools, the areas they embrace and to what extent the links between the different OSCE bodies strengthen the organisation is analysed in this chapter. How the OSCE has applied this institutional development to the various dimensions of its activity, in particular military aspects of security, the economic dimension and the human dimension are then the focus of attention. After defining the new institutional framing of the OSCE activity, this analysis will focus on the new assets to address tensions and conflict situations as the main challenges for the post-Cold War OSCE. This chapter introduces the new instruments for the OSCE activity as regards preventive diplomacy, crisis management and post-conflict rehabilitation, launching fundamental questions for their analysis, further developed in subsequent chapters.

The chapter concludes by assessing the OSCE's possibilities and limitations in view of its inner characteristics and of the institutional relations between decision-making and executive organs, and with participating members. Which institutions and instruments has the OSCE developed to address the new challenges? How have they been strengthened and made operational? To what extent are the different OSCE dimensions closely integrated, and if they are, how does this inter-connection take place? Has the OSCE become too complex an institution, with too many instruments and institutions leading to disconnection and disorganisation, or instead promoting co-operation and efficiency? In searching for answers to these questions, this chapter aims to set the OSCE institutional framework, focusing on its particular characteristics and how the organisation has been dealing with an all-encompassing mandate.

2.2. The OSCE organisms

2.2.1. Negotiation and decision-making bodies

The institutionalisation of meetings on a regular basis at the level of Heads of State and Government such as the Summit meetings, allows the organisation to address, discuss and evaluate

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[96] In June 1991, Albania joined the CSCE and, in September the same year, the three Baltic Republics (Estonia, Latvia, Lithuania) became full members. In January 1992, ten former USSR Republics joined (Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Ukraine and Uzbekistan). In March, Croatia, Georgia and Slovenia were admitted as participating states, joined in April by Bosnia and Herzegovina. In October 1995, the former Yugoslav Republic of Macedonia became a participating member, followed by Andorra in April 1996. Countries wishing to join the OSCE had to formally accept the organisation's principles and commitments and agree to the presence of an OSCE

problems more accurately, providing guidelines for the functioning of the OSCE. Summit meetings are preceded by review meetings, held in Vienna, which concentrate on the review of previously adopted commitments. The Summit meetings and review and implementation meetings have since 1990, despite difficulties, outlined the ensemble of principles behind the organisation; strengthened its comprehensive, all-inclusive and co-operative philosophy; and defined new procedures and structures in order to adapt it to the present challenges. After Paris, Summit meetings have been convened in Helsinki in 1992, Budapest in 1994, Lisbon in 1996 and Istanbul in 1999[97].

More frequently, participating states gather at the level of permanent representatives to discuss the general policy of the OSCE. The Ministers of Foreign Affairs gather as the Ministerial Council[98], the central decision-making and governing body of the OSCE, meeting once a year. To assist the Council in the preparation of meetings and to pursue the Council's decisions, the Senior Council[99] was established and made responsible for OSCE policy and broad budgetary guidelines, convening also as the Economic Forum. Nevertheless, due to the ongoing process of institutionalisation, most of the Senior Council's activities have been transferred to the Permanent Council (PC)[100]. The PC's establishment[101] extended the possibilities within the OSCE for dialogue and decision-making since it meets on a weekly basis, in Vienna. It is composed of the permanent representatives of the participating states and can be convened for emergency reasons[102].

The Forum for Security Co-operation (FSC)[103] also meets weekly in Vienna and is responsible for the preparation of seminars and annual implementation assessment meetings. It is an integrator instrument of the different aspects of the OSCE security and politico-military agenda, including disarmament, CSBMs and conduct principles[104]. It aims to enhance security and co-operation in Europe through the promotion of dialogue, increased predictability, and contacts and exchanges directed to a reduction of the risk of conflict. This is pursued by new stabilising

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Rapporteur Mission to their territory. In most of the post-Cold War accessions this last requirement was neglected, sufficing a letter to formalise the acceptance of the OSCE principles.

[97] Helsinki Summit (Jul. 9-10, 1992); Budapest Summit (Dec. 5-6, 1994); Lisbon Summit (Dec. 2-3, 1996); and Istanbul Summit (Nov. 18-19, 1999).

[98] According to the Paris decisions, the Ministers would gather as the Council of Ministers, at Budapest renamed Ministerial Council. *Charter of Paris for a New Europe*, "New structures and institutions of the CSCE process", 1990 and Supplementary document to give effect to certain provisions contained in the Charter of Paris for a New Europe, section I, Institutional arrangements, parag.A; *Budapest Document 1994*, Budapest Decisions, chapter I, parags.3-25.

[99] Established as the Committee of Senior Officials (CSO) in Paris, it met at least twice a year in Prague at the level of political directors from the participating states' Foreign Ministries. At Helsinki II the Council's tasks were strengthened to include convening as the Economic Forum, Helsinki Decisions, chapter 1, parags.1-31. At Budapest the CSO was renamed Senior Council, Budapest Decisions, chapter I, parag.17.

[100] Since 1997, the Senior Council has only been convening as the Economic Forum, *OSCE Handbook*, 3rd ed., Vienna, Jun. 2000, p.27.

[101] The Permanent Committee was established at the 4th Council of Ministers, Rome, Nov. 30-Dec. 1, 1993, 4C/J2, Annex, chapter VII, parag.7, and renamed Permanent Council at the Budapest Summit Meeting 1994, Budapest Decisions, chapter 1, parag.18.

[102] 1st PC Meeting, Dec. 15, 1994, PC/J1.

[103] *Helsinki Document 1992*, Helsinki Declaration, section V, parags.1-45.

principles in respect of military forces and new CSBMs designed to ensure greater transparency in the military field[105].

The OSCE's Parliamentary Assembly[106] meets once a year. It discusses issues relevant to the organisation's activity, assesses implementation and considers declarations, recommendations and proposals to enhance security and co-operation in Europe. Decisions are made by majority vote, instead of consensus as in the OSCE itself, and are then transmitted to the Ministerial Council, not having a legally binding character. Currently, the Parliamentary Assembly gathers 315 representatives from the OSCE participating states, distributed according to the size of the population of each participating country. The OSCE Parliamentary Assembly regularly discusses the most pressing issues faced by the organisation and has been particularly active, as exemplified in chapter seven as regards Moldova.

2.2.1.1. The OSCE decision-making process

Decision-making takes place at three levels: Summit meetings, annual Ministerial Council meetings, and at a more regular level, Permanent Council and FSC weekly meetings. These meetings are supplemented by periodic specialised meetings, such as those of the Economic Forum or implementation meetings in the human dimension, held annually. The overall decision-making process is co-ordinated by the Chairman-in-Office, the highest political officer within the OSCE.

The decision-making process within the OSCE follows the rule of consensus and the principle of equality among all participating members[107]. The consensus achieved among participating states is then translated into practice through the political will of the participating states to define and implement common goals. The introduction of exceptions to the consensus

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[104] See Ghébali, V., "The First Arms Control Agreements of the CSCE: The Achievements of the Forum for Security Co-operation between Helsinki and Budapest", *Helsinki Monitor*, vol.5, n.3, 1994, p.63.

[105] *Helsinki Document 1992*, Helsinki Declaration, section V, parag.14. Arms control agreements are usually translated into Treaties, while CSBMs are expressed in politically binding documents. The document on "Global Exchange of Military Information" is an example of these concerns, requesting participating states to annually exchange information on major weapons, equipment systems and personnel in conventional armed forces, as well as on the command structure of forces, in their territory and world-wide. The adoption of the "Framework for Arms Control" is another example, envisaging the establishment of a web of interlocking and mutually-reinforcing arms control agreements as a logical consequence of the principle of the indivisibility of security. Besides these aspects, stabilising measures for localised crisis situations and principles governing non-proliferation have also been agreed within the FSC. *Helsinki Document 1992*, "Programme for Immediate Action", Annex to section V, parag.46; 166th FSC Meeting, Journal 171, agenda item 2, decision 8/96, Dec. 1, 1996 and *Lisbon Document 1996*, Annex, section III, FSC.DEC/8/96. The document on principles governing non-proliferation was adopted by the FSC, Vienna, FSC/J94, Nov. 28, 1994. See also NHC Working Group, "The OSCE and the Arms Control Process: Redefining a Prominent Relationship", Helsinki Monitor, vol.8, n.4, 1997, p.15.

[106] In April 1991, Parliamentarians from the CSCE countries agreed on the establishment of the CSCE Parliamentary Assembly, 1st Ministerial Council Meeting, Berlin, Jun. 19-20, 1991.

[107] These two principles are contained in the Final Recommendations of the Helsinki Consultations, Helsinki, 1973, chapter 6, parags.65 and 69. Consensus is defined as the "absence of any objection expressed by a representative and submitted by him as constituting an obstacle to the taking of the decision in question", Bloed, A. (ed.), *From Helsinki to Vienna: Basic Documents of the Helsinki Process*, Martinus Nijhoff Publishers, 1990, p.12. Consensus must be distinguished from unanimity since it allows the formulation of reservations or interpretative declarations if a participating state does not intend to become bound by a certain agreement or provision.

rule envisaged more room for manoeuvre in terms of adopting decisions pertaining to 'delicate' issues, despite the difficult and time-consuming negotiations these issues involve. Under the 'consensus-minus-one' procedure[108], action can take place in the absence of the consent of the state concerned, in cases of clear, gross and disrespectful violations of relevant CSCE commitments. Due to the exceptional circumstances under which it may be activated, the 'consensus-minus-one' procedure has only been applied once, in the case of the suspension of Yugoslavia from CSCE activities[109]. Another exception is 'consensus-minus-the disputants'[110] which introduced a conciliation procedure irrespective of the will of two or more states parties to a dispute, regardless of whether or not these states object to the decision. This procedure has so far never been applied. These exceptions have brought little innovation to the OSCE decision-making procedures due to the exceptional circumstances under which they might be applied.

The CSCE became the Organisation for Security and Co-operation in Europe after the November 1994 Budapest Summit, with effect from January 1, 1995[111]. It was stated at the time that the change in name altered neither the character of the CSCE commitments nor the status of the CSCE and its institutions[112]. So, in its organisational development the OSCE remained flexible and dynamic. Does this change in name meant a qualitative change or was it just a procedural change with no fundamental consequences? Despite not implying the legal framing of the OSCE principles and commitments, which remained politically binding, the change in name from Conference to Organisation revealed a more adequate formulation in view of the permanent character of the new institutions and decision-making organs established by the OSCE. It did not mean, nevertheless, the adoption of fundamental changes to the corollary of the OSCE principles, particularly consensus decision-making and the equal status of all participating states. According to a US Senior Administration Official the change in name was "a symbolic change", but he added, the CSCE is "now expected to behave like an organisation - to be operational, to be

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[108] 2nd Council of Ministers, Prague, Jan. 30-31, 1992, parag.16. The consensus-minus-one procedure was used for the first time on May 21, 1992. The 11th CSO Meeting, May 18-21, 1992 avoided the Yugoslav veto and produced a declaration on the situation in Bosnia-Herzegovina "blaming the authorities in Belgrade and the Yugoslav National Army (the JNA) for clear, gross and uncorrected violations of CSCE commitments", Heraclides, A., *Helsinki II and Its Aftermath, The Making of the CSCE Into an International Organisation,* Pinter Publishers, London, 1993, p.84.

[109] 13th CSO Meeting, Helsinki, Jun. 28-Jul. 8, 1992, 13CSO/J7, Annex 1, "the presence of Yugoslavia (Serbia and Montenegro) at the Helsinki Summit and all CSCE meetings is suspended". The current OSCE CIO, Benita Ferrero-Waldner, addressed an official invitation to President Vojislav Kostunica of the Federal Republic of Yugoslavia to join the OSCE as a participating state, due to "the democratic change that has taken place in the Federal Republic of Yugoslavia, expressed by the election of a new leadership", "OSCE invites Yugoslavia to join as participating member", OSCE Press Release, Oct. 19, 2000. The Federal Republic of Yugoslavia was formally admitted to the OSCE in a special session of the PC, Nov. 10, 2000. Apart from adopting the formal decision, there was a ceremonial exchange of flags, replacing the old flag with the new one. "OSCE to welcome Federal Republic of Yugoslavia as participating state", OSCE Press Release, Nov. 7, 2000.

[110] 3rd Council of Ministers, Stockholm, Dec. 14-15, 1992, "Summary of conclusions of the Stockholm Council Meeting: Shaping a New Europe, The Role of the CSCE".

[111] *Budapest Document 1994*, Budapest Declaration, parag.3 and Budapest Decisions, parag.1. In December 1992, the identifying logo for the CSCE was adopted, 18th CSO Meeting, Stockholm, Dec. 11-15, 1992, 18CSO/J3.

focused, and to have the credibility that an organisation does"[113]. The next section will address the new operational structures and institutions developed by the OSCE to enable the organisation to pursue its goals in post-Cold War Europe.

2.2.1.2. Operational structures and institutions[114]

The Chairman-in-Office (CIO)[115] is responsible for co-ordination and consultation on OSCE business and to communicate and advise the organisation's institutions as regards Ministerial and Senior Council decisions. The CIO is assisted by the Troika (preceding, current and succeeding CIO) and can also ask assistance from ad-hoc steering groups or appoint Personal Representatives in particular in the fields of conflict prevention and crisis management, an aspect of relevance as further analysed in chapter five and the case-studies.

The Secretary General[116] acts as the representative of the CIO and answers for the performance of the OSCE staff to the CIO, the Ministerial Council and the Senior Council. The Secretary General prepares meetings and takes account of the implementation of decisions. He also assists the CIO in publicising OSCE policies internationally, maintaining contacts with international organisations, and advising on the financial implication of proposals. Moreover, the Secretary General is responsible for the supervision of the Secretariats' and the ODIHR's activities.

The OSCE's Vienna Secretariat[117] has comprehensive administrative tasks and is divided into four main structures. The Office of the Secretary General supports the tasks of the Secretary General as the OSCE chief administrator. The role of the Office includes executive support, diplomatic liaison, press and public information, legal services, internal auditing, responsibility for headquarters contacts with international and non-governmental organisations, working with Partners for Co-operation, and providing support for seminars[118]. The Conflict Prevention Centre (CPC) supports the CIO in the implementation of tasks in the fields of conflict prevention, crisis management and post-conflict rehabilitation. Moreover, it is entrusted with the daily follow-up and liaison for the execution of the organisation's decisions. The CPC maintains an Operations Centre

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[112] *Budapest Document 1994*, Budapest Declaration, parag.29.

[113] Borawski, J., "The Budapest Summit Meeting", *Helsinki Monitor*, vol.6, n.1, 1995, p.11.

[114] Here we will briefly present the operational structures and institutions of the CSCE/OSCE, their development and fundamental tasks, in order to provide the institutional framework for the analysis of the OSCE's activities in the former Soviet area. For more detail on the operational structures and institutions of the CSCE/OSCE, see Commission on Security and Co-operation in Europe, *Beyond Process: The CSCE's Institutional Development, 1990-1992*, Washington DC, Dec. 1992, pp.1-37; idem, *From Vienna to Helsinki, Reports on the Inter-Sessional Meetings of the CSCE Process*, Prepared by the Staff of the Commission, Apr. 1992; idem, *The CSCE: An Overview of the CSCE Process, Recent Meetings and Institutional Development*, Washington DC, Feb. 1992, pp.1-47; Dodd, T., "The Conference on Security and Co-operation in Europe: Past, Present and Future", Background Paper, House of Commons Library, Jul. 7, 1992; Ghébali, V., *La Diplomatie de la Détente* and *L'OSCE dans l'Europe Post-Communiste*; *OSCE Handbook*, 3rd ed., Vienna, Jun. 2000. Refer also to Annex 1, "Chart of OSCE Structures and Institutions".

[115] *Helsinki Document 1992*, Helsinki Decisions, chapter I, parags.1-31.

[116] 3rd Council of Ministers, Stockholm, Dec. 14-15, 1992, Annex 1.

[117] 4th Council of Ministers, Rome, Nov. 30-Dec. 1, 1993, 4C/J2, Annex, chapter VII, parags.5 and 8.

[118] *OSCE Handbook*, 3rd ed., Vienna, Jun. 2000, p.32.

to identify possible crises areas and plan future Missions and operations[119]; keeps an updated survey of all Missions and field operations; provides support for the implementation of CSBMs; keeps all documentation related to exchange of military information; assists in the organisation of Annual Assessment Implementation Meetings; and maintains a computer network specially designed to facilitate direct communications between OSCE capitals[120].

The Department for Support Services and Budget is responsible for all administrative general services, including conference and language services, and documentation and protocol. The Department of Human Resources[121] is responsible for personnel policies, mission staffing, training and capacity-building, and gender issues, as well as the implementation of the Rapid Expert Assistance and Co-operation Team (REACT) programme[122]. This section envisages improvement in the use of human resources and more cost-effective management approaches, with particular emphasis on field activities[123]. The Secretariat's activities remain under the direction of the OSCE official bodies, in particular the PC and the FSC, thus it does not act independently. The Prague Secretariat of the OSCE became the archive and documentation centre for all OSCE documents and their diffusion, not enjoying executive powers.

The ODIHR was set up in Warsaw[124] and its tasks include facilitating contacts and exchange of information, election monitoring, practical support in consolidating democratic institutions, respect for human rights and civil society, the rule of law, and increased contacts with international organisations and NGOs. The ODIHR participates in an advisory capacity in PC

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[119] The "Opscen", as the new Operation Centre is called internally, started functioning in September 2000. The Centre aims to be an instrument for analysis which will promote the implementation of the Mission mandates in the field, providing more up-to-date and goal oriented information to the personnel deployed. According to Marton Krasznai, the Director of the CPC, "two Missions will never be exactly the same, but at least we shall not be starting from scratch each time we put together a new Mission", Marton Krasznai, Director of the OSCE CPC cited in "Operations Centre due to Open in September, Another Aim of the Istanbul Summit is fulfilled by the OSCE", *OSCE Newsletter*, vol.VII, n.9, Sep. 2000, pp.6-7. Efforts towards an efficient implementation of the new concept have been developed, of which training meetings in Vienna have been an example. On May 22 and 23, 2000, a meeting was convened by the OSCE Co-ordinator for Training and Capacity Building, Gudrun Steinacker, with the aim of reinforcing co-ordination, and increasing communication and exchange training-related information between Missions, institutions, field operations and the training Co-ordinator at the Secretariat in Vienna, "Training meeting in Vienna breaks new ground", *OSCE Newsletter*, vol.VII, n.6, Jun. 2000, pp.5-6.

[120] Idem, pp.32-33.

[121] Idem, pp.33-34.

[122] *Charter for European Security*, 1999, part IV, parags.42-43.

[123] Annual Report 1998 on OSCE Activities, Dec. 1, 1997-Nov. 30, 1998, The Secretary General, SEC.DOC/2/98, Dec. 2, 1998, p.74. Among initiatives in training and capacity-building, besides improvements at the Secretariat level to respond to an increasing number of Field Missions, training seminars have been organised with the collaboration and/or participation of other international organisations, for example, Training Meeting in Vienna to discuss the Strategy for Capacity-Building through Training, May 22-23, 2000; Joint Pilot Workshop on Human Rights Training for Field Missions, Venice, Jul. 11-16, 1999; Administration and Financial Workshop for Field Missions, Vienna, Jun. 7-11, 1999.

[124] The Office for Free Elections was established by the *Charter of Paris for a New Europe*, "Supplementary document to give effect to certain provisions contained in the Charter of Paris for a New Europe", section I, parag.G(1-4). The Office for Free Elections was renamed ODIHR at the 1992 Prague Ministerial Council Meeting, Jan. 30-31, 1992. Its tasks were enlarged at the Rome Council Meeting, Dec. 1, 1993, chapter IV, parag.4; *Budapest Document 1994*, Budapest Decisions, chapter VIII, parags.9-13. See also "OSCE Provisions Related to the Office for Democratic Institutions and Human Rights (ODIHR)", Warsaw, Jan. 1995, http://www.osce.org/odihr/lib-archived.htm.

meetings, reporting regularly on its activities and providing information on implementation issues. In close consultation with the CIO, the Director of the ODIHR may propose further action in any human dimension issue, if considered of relevance[125]. As a fundamental tool for the pursuit of human dimension objectives within the OSCE, the ODIHR became the main institution of the human dimension[126]. By the monitoring of the implementation of human dimension commitments within the OSCE area[127], the ODIHR plays a valuable early warning and conflict prevention role, extending its assistance to the OSCE Missions in the field, as further analysed in chapters six and seven.

The institution of the HCNM was established within the OSCE in 1992[128]. The HCNM's activity involves the provision of early warning and, as appropriate, early action at the earliest possible stage in regard to tensions involving national minority issues that have the potential to develop into conflict within the CSCE area, affecting peace, stability or relations between participating states[129]. In the pursuit of his activity, the HCNM collects and receives information regarding national minority issues and assesses the role of the parties involved, the nature of the tensions and the evolution of the situation. The HCNM is not supposed to determine the legality of actions against minorities, nor is he a mediator in the classic sense. Acting independently from Governments and minorities[130], he alerts political institutions to disputes involving national minorities and can take preventive action to improve the situation.

The High Commissioner has freedom of initiative both as regards the conduct of on-site missions and engagement in preventive efforts, and to alert the OSCE when his activity and the means at his disposal are not sufficient to allow the de-escalation of tensions. To become involved, the HCNM does not require approval by the PC or other OSCE institution nor by the state concerned. This freedom of initiative and independent action are crucial aspects in the timely involvement of the High Commissioner, irrespective of the will of the country concerned. If an early warning is issued by the HCNM, the PC is the OSCE institution where further involvement

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[125] *Budapest Document 1994*, Budapest Decisions, chapter VIII, parags.7-8.

[126] Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, pp.480-492; Harris, M., "Human Rights Monitoring and the CSCE: A Perspective from Budapest", *Helsinki Monitor*, vol.6, n.1, 1995, p.20.

[127] As regards the implementation of commitments, the ODIHR organises Annual Human Dimension Implementation meetings in Warsaw, and supplementary meetings on specific human dimension topics in Vienna, as well as seminars pertinent to its activities. The collection of information on alleged non-compliance by OSCE participating states and the submission of reports to the CIO, complete the Office's assessment implementation means.

[128] *Helsinki Document 1992*, Helsinki Declaration, section II, parags.1-37. Max van der Stoel was appointed the first HCNM at the 3rd Council of Ministers, Stockholm, Dec. 14-15, 1992 and took up functions in January 1993. The office of the HCNM is located in The Hague, Netherlands. See also Helgesen, J., "The Protection of Minorities in the CSCE: A Note on the Helsinki Document 1992" in Packer, J. and Myntti, K. (eds.), *The Protection of Ethnic and Linguistic Minorities in Europe*, Abo Akademi University, Finland, 1997, p.19.

[129] *Helsinki Document 1992*, Helsinki Decisions, section II, parags.2-3 and "Supplement sources of information about national minority issues", parags.23-25. See also Alexanderson, M., "The Need for a Generalised Application of the Minorities Regime in Europe", *Helsinki Monitor*, vol.8, n.4, 1997, p.51; Huber, K. and Zaagman, R., "Towards the Prevention of Ethnic Conflict in CSCE: The High Commissioner on National Minorities and Other Developments", *International Journal on Group Rights*, n.1, 1993, p.53.

[130] Note that the denomination is High Commissioner *on* National Minorities and not *for* National Minorities.

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will be decided. The early warning procedure is formally called when there is imminent risk of potential conflict. Until today the HCNM has only issued a partial early warning request to the PC as regards events in the former Yugoslav Republic of Macedonia[131]. The HCNM submits a monthly report of activities to the PC in Vienna and is supported by the ODIHR and NGOs. He also co-operates closely with the OSCE Field Missions[132].

From December 1997, the post of Representative on Freedom of the Media was established within the OSCE[133] to assist the participating states as regards free, independent and pluralistic media, addressing early warning signs of tension in the form of violations or repressive means against freedom of expression. At the institutional level, Freimut Duve consults regularly with the OSCE CIO and reports to the PC. Like the HCNM, the Representative on Freedom of the Media should pursue an independent and impartial activity, addressing the various levels of the national structure from the top, including governmental and local institutions, to the bottom where NGOs occupy a significant place. Confidentiality and low-profile should also characterise the Representative's work. He pursues his activity in close collaboration with the OSCE institutions, such as the Field Missions or the ODIHR, and with other international organisations[134].

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[131] On 12 May 1999, the HCNM addressed the PC in Vienna and issued a formal warning regarding the tense situation in the Former Yugoslav Republic of Macedonia. According to van der Stoel, the "increase in the population by more than 10 per cent within a few weeks, resulting in a major change of the inter-ethnic balance, is proving to be too big a burden for the country". Report from the HCNM, *OSCE Newsletter*, vol.6, n.5, May 1999, pp.8-9 and vol.6, n.6, Jun. 1999, p.12.

[132] The case of Estonia analysed in chapter 6 is quite illustrative in this regard. For further detail on the HCNM activities see *Bibliography on the OSCE High Commissioner on National Minorities: Documents, Speeches and Related Publications*, The Foundation on Inter-Ethnic Relations, Mar. 1997; Chigas, D., "Bridging the Gap between Theory and Practice: The CSCE High Commissioner on National Minorities", *Helsinki Monitor*, vol.5, n.3, 1994, pp.27-41; Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, pp.522-547; Jeziorski, M., "The CSCE High Commissioner on National Minorities", *Polish Quarterly of International Affairs*, vol.3, n.2, 1994, pp.135-152; *The Role of the High Commissioner on National Minorities in Conflict Prevention - An Introduction*, The Foundation on Inter-Ethnic Relations, Jun. 1997; Zellner, W., "The OSCE's High Commissioner on National Minorities - His Own Conception of His Work, Content and Tendency of His Recommendations, Effectiveness, Recommendations for Strengthening the HCNM as an Institution", 3rd Pan-European International Relations Conference and Joint Meeting with the International Studies Association, Vienna, September 16-19, 1998.

[133] 137th PC Meeting, Journal 37, agenda item 1, PC.DEC/193, Nov. 5, 1997 and confirmed in December 1997 at the 6th Ministerial Council, Copenhagen, agenda item 8, MC(6).JOUR/2, MC(6).DEC/1, Dec. 19, 1997. The first Representative on Freedom of the Media was Mr. Freimut Duve appointed to the post in January 1998, for a period of three years, with office in Vienna.

[134] Co-operation with the ODIHR, for example as regards the "Media Assistance Programme", directed to independent media in the OSCE area. Moreover, Duve presents annual reports to the ODIHR Human Dimension Implementation Meetings. He also pursues co-operation with the UN specialised agencies and the Council of Europe in areas of common interest. See "Who is Freimut Duve? The OSCE Newsletter talks to the OSCE Representative on Freedom of the Media", *OSCE Newsletter*, vol.V, n.5, May 1998, pp.6-7; Herkes, A., "The OSCE Representative on Freedom of the Media", *Helsinki Monitor*, vol.9, n.2, 1998, pp.53-55.

2.2.2. Becoming operational: inter-relations between the new bodies, structures and institutions

Due to the broad OSCE membership, the organisation's participating states have decided to locate the OSCE different structures and institutions in different places. As such, the institution of the HCNM is located in The Hague, while the ODIHR is in Warsaw, the Court on Conciliation and Arbitration in Geneva, one Secretariat is in Prague and the other one in Vienna. This aims to reflect the organisation's versatility; nevertheless it also reveals a certain disconnection between institutions[135]. To what extent does this geographic diversity affect positively or negatively the activities of the organisation? Since the institutions of the HCNM and the ODIHR are quite independent from Vienna, they are not much affected by this distancing. Nevertheless, this independence does not exempt these institutions from the decision-making process in Vienna. They are under the direction of the OSCE official bodies to which they report on their activities.

This non-institutional concentration generates disarticulation and reflects difficulties as regards the combination of strategies and common approaches. Despite their independent character, the HCNM, the ODIHR and, for example, the Representative on Freedom of the Media are all linked in their activities to human dimension matters, which suggests that this distancing may prevent closer collaboration among them. Moreover, there are no regular meetings of these institutions as such, which may generate internal competition within the OSCE. The different activities pursued by these institutions are not mutually exclusive, which adds to possible mismanagement in their relationships. The monthly release of the *OSCE Newsletter*[136] seems to be an integrative factor of the organisation's activities by dedicating sections to the Field Missions, the HCNM, the ODIHR, the Representative on Freedom of the Media, and new events or other matters related to the organisation's functioning. Nevertheless, it is still a weak link if the OSCE's all-encompassing approach is to be translated into reality.

There is not a legal statute regulating the position and relations among the various OSCE institutions, which may generate competition in certain cases. Internal competition does occur at the institutional level, between the PC and the FSC or between the latter and the CPC, in search for more preponderance within the organisation structure. Both the FSC and the PC deal with security in Europe, though the Forum concentrates on military aspects while the PC focuses on political aspects. Nevertheless, there are areas where competencies overlap, such as the case of regional security, since CSBMs concern military and non-military aspects of security. In fact, many non-military measures can contribute to the enhancement of stability and security. This problem has been ameliorated with the strengthening of the role and functions of the Secretary General, who

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[135] Ghébali, V., "The CSCE in the Era of Post-Communism: The Jewel that Has Lost its Gleam?", *Paradigms*, vol.6, n.2, Winter 1992, p.7; Kemp, W., Making Sense of the CSCE", Federal Trust Discussion Paper, Apr. 1994, p.11; Zagorski, A., "Strengthening New Institutions and Structures of the CSCE: Challenges and Opportunities for a Pan-European Framework" in Williams, A. (ed.), *Reorganizing Eastern Europe*, Dartmouth Publishing, 1994, p.101.

[136] The *OSCE Newsletter* is published monthly by the OSCE's Secretariat, Vienna.

has become a centralising element within the organisation. The PC-FSC relation should be enhanced as regards preventive efforts and crisis management, areas in which both institutions share responsibilities and whose joint efforts could generate benefits for the OSCE as a whole. The issue of co-ordination of OSCE activities needs, therefore, more attention[137].

As regards the decision-making process, the transference of most of the Senior Council's competencies to the PC to avoid duplication and render the decision-making process more efficient reveals the participating states' concern in promoting efficiency[138]. Nevertheless, the existence of Summit meetings, Ministerial meetings, PC meetings, FSC meetings, review and implementation meetings creates a complex structure where decision-making takes place within the organisation. Since there is no clearly defined area for decision within the framework of each meeting, task duplication may occur. Clashes of competencies and inadequate flows of information among the various institutions and decision-making organs may render co-ordination efforts less effective. A better job-sharing among the OSCE institutions is needed through the clarification of competencies and mandates between the various negotiation and decision-making bodies, as well as the operational structures and institutions. Further institutional simplification continues to be a prerequisite for greater efficiency[139].

2.3. Strengthening the OSCE: the military, the economic and the human dimensions

The OSCE remains in all its dimensions of activity a forum for dialogue and exchange of information, working as the "conscience of Europe"[140]. Its norm-setting role and encompassing approach to security link the organisation's dimensions in an integrated structure for the promotion of stability and co-operation in the OSCE area, as analysed in the following sections. The OSCE inter-relates and applies this encompassing approach to its operational functioning, particularly clear in the Field Missions' activities, as further analysed in chapter five and the case-studies.

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[137] Zaagman, R., "Focus on the Future: A Contribution to Discussions on a New OSCE", *Helsinki Monitor*, vol.6, n.3, 1995, p.50.
[138] From 1997 the Senior Council has met only as the Economic Forum. *OSCE Handbook*, 3rd ed., Vienna, Jun. 2000, p.27.
[139] Greco, E., "The OSCE after the Budapest Summit: The Need for Specialisation", *The International Spectator*, vol.XXX, n.2, Apr./Jun. 1995, p.14.
[140] Secretary of State James Baker III, "CSCE: The Conscience of the Continent", CSCE Conference on the Human Dimension, Copenhagen, Jun. 6, 1990; Tornoff, P., US Under-Secretary of State for Political Affairs cited in Waever, O., "The European Security Triangle" in de Wilde, J. and Wiberg, H. (eds.), *Organised Anarchy in Europe: The Role of Intergovernmental Organisations*, Tauris Academic Studies, London, 1996, p.259.

2.3.1. Military aspects of security

The complex system of military treaties and documents regulating the role of the armed forces, the behaviour of states in politico-military matters, and the linkage between politics, military aspects and security is fundamental for the definition of the OSCE in the post-Cold War scenario. The multitude of issues included in the military aspects of security is a sign of the multidisciplinarity of the OSCE and a reaffirmation of its basic and founding principles. These aspects have become part of the overall conflict prevention, crisis management and post-conflict rehabilitation efforts within the OSCE.

The OSCE has always been a permanent forum for dialogue, which has contributed to the fostering of transparency among participating states. The importance of dialogue at the time of the Cold War confrontation is equalised by its relevance in post-Cold War Europe, including military matters. The FSC established within the OSCE framework to guarantee transparency and foster dialogue on military aspects among participating states, is an example of the increased transparency and predictability in military matters that the OSCE's participating states have been seeking. The "Code of Conduct on Politico-Military Aspects of Security" and CSBMs, developed within the FSC framework, and the Treaty on Conventional Armed Forces in Europe (CFE Treaty) are also included in the OSCE's military dimension, with the same goal of promoting transparency and predictability as fundamental factors for enhancing stability. Nevertheless, difficulties have emerged, particularly when one or more participating states do not feel comfortable with the wording of provisions[141].

2.3.1.1. The Code of Conduct on Politico Military Aspects of Security

The "Code of Conduct on Politico-Military Aspects of Security"[142], a politically binding instrument, sets the principles guiding the role of the armed forces in democratic societies[143] and ruling relations among states in the military field, thus making the link between the politico-military sphere and the normative standards of the human dimension of the OSCE. The Code rules out peace-enforcement, giving prominence to the humanitarian character of an eventual intervention[144]. It stipulates as ground principles that states will not strengthen their security at the expense of the security of other states, and that in case of aggression emergency consultations will

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[141] This issue will be revisited in the chapter about the Russian positioning in face of the "Code of Conduct on Politico-Military Aspects of Security", as well as on chapter 4, section 4.4.

[142] All references to the "Code of Conduct on Politico-Military Aspects of Security" are from the *Budapest Document 1994*, Budapest Decisions, chapter IV. Hereafter Code of Conduct. See also Nooy, Gert (ed.), *Cooperative Security, The OSCE, and Its Code of Conduct*, Netherlands Institute of International Relations "Clingendael", Kluwer Law International, 1996.

[143] Greco, E., "The OSCE after the Budapest Summit: The Need for Specialisation", *The International Spectator*, vol.XXX, n.2, Apr./Jun. 1995, p.6.

[144] In case of conflict, states will "seek to facilitate the effective cessation of hostilities and seek to create conditions favourable to the political solution of the conflict. They will co-operate in support of humanitarian assistance to alleviate suffering among the civilian population", Code of Conduct, chapter VI, parag.19.

be held[145]. It commits states not to support aggressors (not making reference to the need to help the victims of aggression), and allows states to freely choose and participate in the security arrangements they feel advantageous[146], certainly having in mind NATO expansion.

Sections VII and VIII of the Code of Conduct are devoted to intra-state norms, conferring a substantial and innovative character to the Code, since they encompass subjects traditionally falling within the domestic jurisdiction of a state. These include restraint in military expenditures, transparency, public access to information related to the armed forces, and that these be commanded, manned, trained and equipped in ways consistent with international legislation on the subject[147]. The Code was a milestone as regards the intrusive character of the OSCE in the internal affairs of its participating states, enlarging it from the human dimension to include military commitments.

Moreover, the Code must be interpreted as a monitoring and investigative instrument[148] to uncover violations of the OSCE principles. In this sense, the Code also plays an early warning function, since non-compliance may indicate instability or an uncooperative spirit. Only a few days after the adoption of the Code, Russia invaded Chechnya, clearly violating the provisions contained in paragraph 36[149]. Such violating attitudes, inconsistent with the Code's principles, may discredit its value. Russia justified intervention as the normal processing of OSCE principles. According to the Russian arguments, the Code allowed states not to tolerate armed criminal gangs operating within their territory outside of the regularly constituted authorities[150]. From the moment these forces ran out of the control of the Chechen authorities, then the resort to armed force was legitimate. According to Russian officials, since Chechnya was a Russian internal matter there was no need or reason for international involvement.

The Russian interpretation revealed the appliance of the Code in a distorted way, in order not to contradict Russian interests. Due to the associated misinterpretation, the Russian positioning raised consternation, since the Code was sanctioning the violation of agreed norms and allowing the use of force as the primary means to resolve problems, which were clearly contradictory aims to those formulated in the Code. In this particular case, the OSCE passivity should also be noted in the face of the developments in the republic. The OSCE could have called on the Vienna

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[145] "[W]ill consult promptly, in conformity with their CSCE responsibilities, with a participating state seeking assistance in realising its individual or collective self-defence", Code of Conduct, parag.5. According to Terpstra, the "embryonic paragraph five might become a blossoming, healthy baby and eventually turn into a full-grown Code of Conduct", Terpstra, R., "The OSCE Code of Conduct: Setting New Standards in the Politico-Military Field?", *Helsinki Monitor*, vol.7, n.1, 1996, pp.40-41.

[146] Code of Conduct, section VI, parags.3,5, 8, 10 and 19.

[147] Code of Conduct, section VII, parag.22 and section VIII, parag.34.

[148] Lucas, M., "The War in Chechnya and the OSCE Code of Conduct", *Helsinki Monitor*, vol.6, n.2, 1995, p.34.

[149] "If recourse to force cannot be avoided in performing internal security missions, each participating state will ensure that its use must be commensurate with the needs for enforcement. The armed forces will take due care to avoid injury to civilians or their property", Code of Conduct, section VIII, parag.36. See Ghébali, V., "La Crise Tchétchéne devant l'OSCE", *Défense Nationale*, annie 51, Mai 1995, pp.93-102.

[150] Code of Conduct, section II, parag.6, "participating states will not support terrorist acts in any way and will take appropriate measures to prevent and combat terrorism in all its forms".

Mechanism on Unusual Military Activities at the time of the Russian troop movements and have made an assessment of the human rights situation in the country before the Russian armed intervention[151].

The level of implementation of the Code's norms remains to be seen. The real commitment of the OSCE participating states to the principles agreed is necessary for their applicability and effective value. Assessment implementation meetings have been convened[152] and the prospects are not bright. Despite improvements as regards the implementation of certain provisions of the Code, more information on the ways the Code is being incorporated into the different domestic administrative laws, the creation of a new instrument for monitoring the implementation of the Code within the OSCE framework, further publicity, and bilateral information exchanges are required. The participating states have also suggested that the OSCE Field Missions in co-operation with the CPC could play a more active role in the dissemination of the Code through, for example, the organisation of seminars for the clarification of procedures. Suggestions have also included the regular consideration of the Code's commitments by the FSC in the framework of its weekly agenda[153].

2.3.1.2. Confidence and security-building measures

Confidence and security-building measures are provisions for the exchange and verification of information regarding the participating states' armed forces and military activities, as well as certain mechanisms promoting co-operation among participating states in regard to military matters[154]. They apply to the "whole of Europe as well as the adjoining sea area and air space"[155]. CSBMs include defence planning, exchange of information on armed forces, military contacts, notification and observation of military activities, compliance, verification and evaluation[156]. The first CBMs agreed at Helsinki in 1975 included the prior notification of major military manoeuvres, exchange of observers, and questions relating to disarmament[157]. They implied the complementary nature of the political and military aspects of security, the inter-relation between the security of each participating state and security in Europe as a whole, and the respect for the security interests of all CSCE states.

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[151] The contents of the Vienna Mechanism are developed in section 2.4.2.2.1.
[152] Review Meeting, Vienna, Nov. 4-22, 1996, REF.S/91/96; Follow-up Conference on the OSCE Code of Conduct on Politico-Military Aspects of Security, Vienna, Sep. 22-24, 1997, FSC.GAL/15/97, Sep. 30, 1997; Second Follow-up Conference on the OSCE Code of Conduct on Politico-Military Aspects of Security, Vienna, Jun. 29-30, 1999, FSC.GAL/82/99, Jul. 8, 1999.
[153] Idem.
[154] *OSCE Handbook*, 3rd ed., OSCE Secretariat, Vienna, 1999, p.120.
[155] Document of the Stockholm Conference on Confidence-and Security-Building Measures and Disarmament in Europe, Stockholm, Jan. 17, 1984-Sep.19, 1986, Annex 1.
[156] Document of the Stockholm Conference on Confidence-and Security-Building Measures and Disarmament in Europe, Stockholm, Jan. 17, 1984-Sep.19, 1986; Vienna Document of the Negotiations on Confidence-and Security-Building Measures, Vienna, Nov. 17, 1990; Vienna Document 1992 of the Negotiations on Confidence-and Security-Building Measures, Vienna, Mar. 1992; Vienna Document 1994 of the Negotiations on Confidence-and Security-Building Measures, Vienna, Nov. 1994.

The regime for prior notification of certain military activities was changed at Stockholm to include the invitation of observers, exchange of annual calendars of planned military activities, and compulsory inspections as a means of verification[158]. From 1990, the Vienna Document stipulated new communication and consultation means, including co-operation as regards hazardous incidents of a military nature, a computerised communications network and emergency meetings to clarify unusual military activities[159]. In 1994, the provisions on notification and observation were strengthened and new provisions on defence planning and military contacts, including exchange of information, clarification, review and dialogue, visits to air bases and joint training of military forces, were introduced[160].

CSBMs allow the establishment of mutual confidence concerning the political and strategic intentions of two opposing parties, the reduction of concerns as regards the military behaviour of the other, and the promotion of self-confidence in the eventuality of aggression. CSBMs are therefore designed "to reduce the dangers of armed conflict and of misunderstandings or miscalculation of military activities"[161]. Moreover, they are built on the general principle of refraining from the threat or use of force. As such, CSBMs constitute in many cases an early warning indicator. More than just military aspects, CSBMs address different areas such as the human dimension, including human rights violations or even the socio-economic sphere, as regards for example the rebuilding of infrastructures[162].

Within the FSC, annual assessment implementation meetings are held to evaluate the level of implementation of CSBMs in the OSCE area and find ways to reduce and possibly overcome non-compliance. This has mostly to do with the lack of clear and timely information, or the provision of incomplete or inadequate information. At various meetings the need was reiterated to overcome these insufficiencies as a step for further collaboration and information-sharing among participating states[163]. The organisation of seminars in the military dimension envisages also ameliorating the participating states' response as regards implementation[164].

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[157] Document on Confidence-Building Measures and Certain Aspects of Security and Disarmament, "Questions relating to security in Europe", part 2, *CSCE Final Act*, Helsinki, 1975.
[158] Document of the Stockholm Conference on Confidence-and Security-Building Measures and Disarmament in Europe, Stockholm, Jan. 17, 1984-Sep.19, 1986, "Observation of certain military activities", parags.38-54, "Annual calendars", parags.55-58, and "Compliance and verification", parags.63-98.
[159] Vienna Document of the Negotiations on Confidence-and Security-Building Measures, Vienna, Nov. 17, 1990, chapter II, parags.17-18 and chapter IX, parags.143-150.
[160] Vienna Document 1994 of the Negotiations on Confidence-and Security-Building Measures, Vienna, Nov. 1994, chapter I, parag.15 and chapter III, parag.30.
[161] Document of the Stockholm Conference on Confidence-and Security-Building Measures and Disarmament in Europe, Stockholm, Jan. 17, 1984-Sep.19, 1986, paragraph 99.
[162] This aspect is further developed in section 2.4.3.
[163] 1999 Annual Implementation Assessment Meeting, Vienna, FSC.AIAM/41/99, Mar. 1, 1999; 1998 Annual Implementation Assessment Meeting, Chairman's Report, Vienna, FSC.AIAM/49/98, Mar. 11, 1998; 1997 Annual Implementation Assessment Meeting, Chairman's Report, Vienna, REF.FSC/128/97, Mar. 14, 1997.
[164] Examples include Seminar on "Defence Policies and Military Doctrines", Vienna, Jan. 26-28, 1998; Seminar on "Regional Security and Co-operation", Vienna, Jun. 2-4, 1997; Seminar on "Regional Arms Control on the OSCE Area", Vienna, Jul. 10-12, 1995; Seminar on "Principles Governing Conventional Arms Transfers", Vienna, Jun. 20-21, 1995.

The challenge now is to find new ways to eliminate military tensions between neighbouring states and to avoid internal disputes that may escalate to violent conflicts within the OSCE area. Arms control, disarmament and confidence and security-building have become an integral part of the OSCE's comprehensive concept of security, playing an important role in many of the areas where the OSCE has Missions deployed[165].

2.3.1.3. Treaty on Conventional Forces

The signature of the Treaty on Conventional Forces in Europe[166], also known as the CFE Treaty, aimed at establishing a military balance between NATO and the Warsaw Treaty Organisation. It envisaged significant cuts in conventional weapons and set ceilings on the amount of conventional weapons and forces signatories could hold in the future[167]. According to the Treaty, all arms and equipment beyond the agreed limits had to be destroyed within forty months of its entry into force. The Treaty also called on the establishment of the Joint Consultative Group in Vienna, effective from 1990, responsible for addressing issues of compliance, misinterpretation or technical questions[168]. The CFE Treaty established the Soviet Union's renunciation of its politico-military hegemony in the continent and constituted the first real agreement of multilateral disarmament in European history[169]. From that time, the task was not only to search for technical improvements in the day-to-day operation of the Treaty, but also to find ways to deal with implementation problems and means to enhance the viability and effectiveness of the Treaty.

Negotiations on the revision of the 1990 CFE Treaty were launched in early 1997 to adapt it to the new circumstances, particularly the disintegration of the Warsaw Treaty Organisation[170]. From the negotiations, CFE states agreed to replace the bloc-to-bloc structure by national ceilings and create a system of territorial ceilings replacing the old zonal structure. The national ceilings will define the number of tanks, artillery, armoured cars, warplanes and battle helicopters each

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[165] An issue revisited in chapter 5 and particularly chapter 7, on Moldova.

[166] Signed as a parallel process to the CSCE Paris Summit, November 19, 1990. Its entry into force was welcomed by the *Helsinki Document 1992*, Helsinki Declaration, parag.11.

[167] Kemp, W., "Making Sense of the CSCE", Federal Trust Discussion Paper, Apr. 1994, p.7. See also Archer, C., *Organising Europe: The Institutions of Integration*, Hodder Headline Group, London, 1994, pp.272-273; Falkenrath, R., "The CSCE Flank Dispute: Waiting in the Wings", *International Security*, vol.19, n.4, Spring 1995, pp.118-144.

[168] See *OSCE Handbook*, 3rd ed., OSCE Secretariat, Vienna, 1999, pp.128-129.

[169] Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, p.16; "CFE Review Conference Reaffirms Commitment to Treaty", *OSCE Newsletter*, vol.3, n.5, May 1996, pp.1-4; Air Vice Marshal Mason, "European Security: The Case for Progressive Evolution" in Wells, S. Jr. (ed.), *The Helsinki Process and The Future of Europe*, The Wilson Center Press, Washington DC, 1990, p.85; Sneek, T., "Complementarity and Co-operation: The OSCE as Part of a European Security Model for the 21st Century", *Helsinki Monitor*, vol.7, n.4, 1996, p.51.

[170] *Lisbon Document 1996*, Lisbon Declaration, parag.2. See also Appendix to the Lisbon Document: Document adopted by the states parties to the Treaty on Conventional Armed Forces in Europe on the scope and parameters of the process commissioned in paragraph 19 of the Final Document of the First CFE Treaty Review Conference.

state may hold[171]. The final revised document was approved at the Istanbul Summit in November 1999[172], after Moscow provided some detail of troop movements and the number of forces deployed in the north Caucasus[173]. The implementation of the new ceilings will cut the number of conventional weapons in Europe by about ten per cent[174].

Already in 1995 Russia had violated the Treaty provisions because its amount of equipment in the north Caucasus was above the permitted levels[175]. Russian standard response in the Vienna talks indicated the limits were exceeded because there were "supreme national interests"[176] at stake in Chechnya. The Russian Federation has shown discontent towards the new CFE limits, which restrict its power in operations in the near abroad or in places like Chechnya. Moreover, the intrusive character of the verification regime[177] does not offer much comfort for Moscow. The Russian positioning in this issue is the reflection of Russian policy ambiguities, as further analysed in chapter four and the case-studies.

2.3.2. The economic dimension within the OSCE

The vagueness in wording along with its low profile within the organisation's activities, made the economic dimension the least developed within the OSCE. The reasons have mainly to do with the prominence of political, security and human rights issues in the OSCE agenda, and the existence of more specialised organisations in the economic, scientific, technological and environmental areas which are better suited to deal with the issues in an operational manner, as further analysed in chapter three. These areas demand broad and specialised knowledge added to vast financial resources which the Organisation could not make available. Nevertheless, the post-Cold War Eastern transition from centralised to market oriented economies, the growing concern with environmental degradation and the sharing of scientific and technological developments, conferred more relevance to the principles agreed by the OSCE participating states in the area. As a result, the OSCE has organised meetings and seminars to debate ideas and experiences in these areas[178],

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[171] "CFE Negotiations Ended with Agreement on Restructuring Treaty", *OSCE Newsletter*, vol.4, n.7, Jul. 1997, p.8; Homan, K., "The Adapted CFE Treaty: A Building Block for Co-operative Security in Europe", *Helsinki Monitor*, vol.11, n.2, 2000, pp.53-54.

[172] *Istanbul Document 1999*, Istanbul Declaration, parag.39.

[173] Diplomat participating in the negotiations for a revised CFE Treaty cited in "Russia: Chechen operation threatens Arms Treaty", *RFE/RL*, Nov. 4, 1999. These worries were also expressed at the Ministerial Meeting of the North Atlantic Council held at NATO Headquarters, Brussels, Dec. 15, 1999, "Final Communiqué", parags.39-40.

[174] *OSCE Handbook*, 3rd ed., OSCE Secretariat, Vienna, 1999, p.130.

[175] *Strategic Survey 1995/96*, IISS, Oxford University Press, 1996, p.65.

[176] "Russia: Chechen operation threatens Arms Treaty", *RFE/RL*, Nov. 4, 1999.

[177] Cooper, R., "Is there a New World Order?" in Sato, S. and Taylor, T. (eds.), *Prospects for Global Order*, p.17.

[178] Examples include Seminar on the "Role of Stable and Transparent Economic Legislation for Economic and Social Transition", Almaty, Oct. 22-24, 1997; Seminar on a "Framework for Private Sector Development, Industrial Co-operation and Direct Investment in the CIS Countries", Minsk, Sep. 25-26, 1996; and Seminar on "Promoting the Creation of Small and Medium-Sized Businesses", Bishkek, Feb. 24-25, 1994.

decided on the creation of the post of Co-ordinator of OSCE Economic and Environmental Activities[179], and the Senior Council has been meeting as the Economic Forum[180].

2.3.2.1. The Economic Forum

The Economic Forum meetings aim to give political stimulus to the dialogue on the transition to free market economies, to suggest means of developing free market systems and economic co-operation, and to encourage activities with relevant international organisations[181]. Not an institution, the Economic Forum constitutes a mechanism for reviewing the implementation of the OSCE commitments in the areas of economics, the environment and science and technology[182]. It reflects the OSCE's participating states' belief in the inter-relation between the development of democratic institutions and the establishment of market economies.

Nevertheless, the Economic Forum has a low impact and profile in the overall economic decisions and policies in Europe, gathering only once a year. Follow-up and preparatory seminars are also organised adding some lines to the economic agenda deprived of substance. In the same way, events promoted by the OSCE in the areas of science and technology and the environment, though having the benefit of raising awareness as regards specific problems and aspects, have also a low profile. Several seminars have also been convened on scientific and technological aspects, though with more regularity in the environmental area[183].

Efforts to integrate the economic dimension into the overall activities of the OSCE are noticeable in the organisation's meetings and adopted documents, as well as in the convening of seminars. It is most useful to co-ordinate economic aspects, which are fundamental for the attainment of a sustainable socio-economic and political situation in the OSCE area, with the organisation's military and human dimensions. Economic aspects are fundamental as regards any conflict prevention, crisis management or post-conflict rehabilitation effort[184], as made clear in chapter five and the case-studies. Due to the reduced OSCE resources in the area, the combination of efforts with other international organisations[185] and the request addressed in many instances by

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[179] 137th PC Meeting, Journal 137, agenda item 2, PC.DEC/194, Nov. 5, 1997.

[180] 6th CSO Meeting, Prague, Jan. 27-30, 1992. The Economic Forum was established within the framework of the CSO, later Senior Council, which meets as the Economic Forum once a year.

[181] *Helsinki Document 1992*, Helsinki Declaration, section VII, parags.21-32.

[182] The Forum should "disseminate information, help to identify structural problems and suggest practical efforts for the development of economic co-operation in these areas during the period of transition", 4th Council Meeting, Rome, 1993, section V, parag.1.

[183] Seminar on "Environmental Impact of Conflicts and Rehabilitation Measures", Sarajevo, Dec. 13-14, 1999; "Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters", Almaty, Jun. 11-12, 1999; Seminar on "Regional Environmental Problems and Co-operative Approaches to Solving Them", Tashkent, Sep. 22-24, 1998; and Seminar on "Promoting Sustainable Environmental Development in the Aral Sea Region", Tashkent, Oct. 30-31, 1996.

[184] This idea corresponds to the comprehensive approach to conflict and security, as embodied in the theoretical framework analysed in the introductory chapter.

[185] The OSCE has deepened co-operation with specialised institutions in the area. The implementation of joint projects, such as in the Republic of Moldova the reconstruction of a strategically important bridge with EU support, is an example. An issue further developed in chapter 7, section 7.5.

the Field Missions for financial support from participating states to concrete projects, have been ways found to minimise the organisation's insufficiencies in this regard.

2.3.3. The human dimension: evolving as the core dimension of the OSCE

The human dimension of the OSCE has since its inception been a crucial area of the organisation's activity, including human rights, fundamental freedoms, the rule of law, democracy and democratic institution-building, the rights of persons belonging to national minorities and human contacts[186]. Human dimension commitments apply in their entirety and equally in each and all of the participating states, a clear affirmation of its indivisibility[187]. New tools for consultation and discussion as well as implementation and its evaluation have allowed more prominence to human dimension issues. Nevertheless, despite forming a core activity of the overall OSCE action, numerous problems and violations of human dimension principles and commitments still occur in the OSCE area.

The human dimension has evolved from a political guide for relations between states and citizens to a more complex framework including new mechanisms to ensure implementation of human dimension commitments, translated into intrusive mechanisms. At the time of the Vienna Review Meeting in 1989, the Human Dimension mechanism was established requiring participating states to respond to requests for information from any other participating state, related to unclear situations falling within the human dimension[188]. Later, the human dimension mechanism was improved to include an intrusive character added to the human dimension by the Moscow meeting, becoming known as the Moscow mechanism[189]. According to the new procedures, a state can request experts from a list continually updated by the ODIHR (independent experts or rapporteurs in the field of the human dimension), to serve as good-offices investigating a human dimension concern and making recommendations if applicable[190]. The Moscow

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[186] Glover, A., "National Minorities in Europe", *Studia Diplomatica*, vol.XLVIII, n.3, 1995, p.54.

[187] As analysed in chapter 1 as regards the OSCE comprehensive conceptualisation of security, of which the human dimension is an integral part. See also Commission on Security and Co-operation in Europe, *Human Rights and Democratisation in the Newly Independent States of the Former Soviet Union, Implementation of the Helsinki Accords*, Washington DC, Jan. 1993.

[188] State(s) concerned is/are asked to meet bilaterally with requesting participating states to examine the situation; to bring, if necessary, these cases to the attention of the other participating states; and to provide, if necessary, information on what has transpired under the first two points at the Conference on the Human Dimension as well as main follow-up meetings, 3rd Follow-up Meeting to the CSCE, Vienna, Nov. 4, 1986-Jan. 19, 1989.

[189] "Human dimension commitments are of legitimate concern to all participating states and do not belong exclusively to the internal affairs of the state concerned", Preamble of the *Moscow Document 1991*, Moscow Meeting, Oct. 1991. The principle was reaffirmed in the *Helsinki Document 1992*, Helsinki Declaration, parag.8 and *Budapest Document 1994*, Budapest Decisions, chapter VIII, parag.2.

[190] This Mission of experts can be invited by the state concerned or be enforced with the support of six states. In extraordinary cases it can be dispatched immediately, if it enjoys the support of ten participating states. Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, pp.454-456; Heraclides, A., *Helsinki II and Its Aftermath*, pp.18-19; Kardos, G., "Facing a New Reality: The Humanitarian Dimension of the CSCE" in Williams, A. (ed.), *Reorganizing Eastern Europe*, p.154; Miall, H., "New Conflicts in Europe: Prevention and Resolution", Current Decisions Report 10, Oxford Research Group, Jul. 1992, p.14; Mottola, K.,

mechanism allows a breach for the OSCE to legitimately 'enter' in the internal affairs sphere of participating states. This acceptance constituted a turning point in the concept of conflict prevention, undermining the most conservative aspects of the sovereignty principle[191].

Besides human rights, this intrusive character is extended to military aspects, as referred to earlier in the chapter, and the peaceful settlement of disputes, discussed later also in this chapter. The concept of indivisibility of security is essential for the acceptance of OSCE interference in internal problems. This mechanism has been applied several times, as exemplified by the Estonian Government request for a CSCE Rapporteur Mission to visit Estonia and assess on the compliance of Estonian legislation on human rights to international norms in the matter, among others. Thus, the intrusive character makes the OSCE participating states accountable to one another and to the OSCE community for the relationship they develop towards their citizens ('accountability norm'[192]). These aspects will be made clearer in the case-studies on Estonia and Moldova.

2.3.3.1. The human dimension: implementation difficulties

As regards implementation of human rights commitments in the OSCE area, the main problems have to do not with the lack of norm-setting, but rather the absence of norm-implementation. Efforts of normative-setting are visible, but implementation aspects are still hardly a reality in many OSCE countries, as recalled at several implementation meetings on the human dimension[193]. The core of the OSCE is "bleeding today"[194], by which is meant the many violations to the human dimension principles contained in the OSCE documents. Moreover, when human dimension

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"Prospects for Co-operative Security in Europe", International Seminar on "The CSCE and the New Europe", Helsinki, Apr. 3-4, 1992; Sperling, J. and Kirchner, E., *Recasting the European Order*, p.66.

[191] Holsti, K., "A 'Zone of Civility' in European Diplomatic Relations? The CSCE and Conflict Resolution" in Bryans, M. (ed.), "The CSCE and Future Security in Europe", p.83; Kornblum, J., "Conflict Prevention and Crisis Management", Proceedings of the International Seminar on "The CSCE and the New Europe", Helsinki, Apr. 3-4, 1992, pp.17-18; Miall, H., "New Conflicts in Europe: Prevention and Resolution", Current Decisions Report 10, Oxford Research Group, Jul. 1992, p.13.

[192] Adler, E., "Seeds of Peaceful Change: The OSCE's Security Community-Building Model" in Adler, E. and Barnett, M. (eds.), *Security Communities*, p.134. "By intertwining the respect of human rights with the development of peace, security, co-operation and friendly intergovernmental relations in Europe, the CSCE established that a country systematically violating the fundamental liberties of its own citizens could not be internationally trusted and should even be considered as a potential threat to other countries - or, in other terms, that foreign policy has to be assessed first of all against the background of domestic policy", Ghébali, V., "The CSCE in the Era of Post-Communism: The Jewel that Has Lost its Gleam?", *Paradigms*, vol.6, n.2, Winter 1992, p.5.

[193] "OSCE Implementation Meeting on Human Dimension Issues", Warsaw, Oct. 26-Nov. 6, 1998; Nov. 12-28, 1997; Oct. 2-19, 1995; and Sep. 27-Oct. 15, 1993. See also Estébanez, M., "The OSCE Implementation Meeting on Human Dimension Issues 1995", *Helsinki Monitor*, vol.7, n.1, 1996, pp.5-25; Glover, A., "The Human Dimension of the OSCE: From Standard Setting to Implementation", *Helsinki Monitor*, vol.6, n.3, 1995, pp.31-39; Pentikainen, M., "The 1997 Implementation Meeting on Human Dimension Issues of the OSCE", *Helsinki Monitor*, vol.9, n.2, 1998, pp.18-37; Pentikainen, M., "The Human Dimension of the OSCE in the 1996 Vienna Review Meeting", *Helsinki Monitor*, vol.8, n.1, 1997, pp.5-18; Schlager, E., "The 1998 OSCE Implementation Meeting on Human Dimension Issues", *Helsinki Monitor*, vol.10, n.1, 1999, pp.43-47; van der Stoel, M., "Report for the OSCE Implementation Meeting on Human Dimension Issues", Warsaw, Oct. 2, 1995 in *OSCE in 1995, The Year in Print*, Compilation of Articles and Speeches on the OSCE in 1995.

commitments are often violated in 'Western' states, why should 'Eastern' countries feel obliged to implement them? The OSCE has been criticised for the limited reach of its field activities and even norm-application as regards influential countries, in particular the Russian Federation. "[I]t seems like its commitment ends just outside Moscow... with its squeamishness, the OSCE is doing neither Moscow nor itself any favour... The OSCE loses its credibility if it acts only in places where it is politically harmless to do so"[195].

What is urged is a more prompt involvement of the participating states as far as human dimension issues are concerned and as regards a better incorporation of these issues in the OSCE decision-making bodies. To this end, it was suggested in Warsaw[196] a more substantive involvement of the PC as well as of the CIO who might bring human dimension issues on a regular basis to the agenda of the former. Moreover, calls for a better integration of ODIHR activities within the OSCE political institutions have been made, particularly in regard to the appliance of the conclusions of meetings on human dimension implementation, which do not always have the desired follow-up[197]. Suggestions encouraging bilateral and regional initiatives to strengthen good neighbourliness, and further commitments on the human dimension through a prompt and full co-operation with the HCNM, have also been made[198]. Nevertheless, if participating states are not truly committed to live up to their commitments, then any efforts at the OSCE institutional level may be questioned.

2.4. The OSCE assets to face the new challenges

The development within the OSCE of a series of organisms and instruments to deal with post-Cold War challenges in its various dimensions has been complemented by the adoption of new instruments to regulate and strengthen the OSCE activity. The following section addresses the "Charter for European Security" as the framing document for the new OSCE posture in post-Cold War Europe. Addressing the organisation's principles and aims, the Charter highlights the means at the OSCE's disposal to pursue its fundamental tasks of conflict prevention, crisis settlement and post-conflict rehabilitation.

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[194] Bronislaw Geremek, Minister of Foreign Affairs of Poland, opening statement on the Human Dimension Seminar on Human Rights, "The Role of Field Missions", Warsaw, Apr. 27-30, 1999, ODIHR.GAL/18/99, May 27, 1999, p.6.

[195] *Tages-Anzeiger*, Oct. 20, 1999, "Press Profile", *OSCE Newsletter*, vol.6, n.10, Oct. 1999, p.16.

[196] OSCE Implementation Meeting on Human Dimension Issues, Oct. 2-19, 1995, Warsaw.

[197] For example Human Dimension Review Meeting, Vienna, Nov. 4-22, 1996; Pentikainen, M., "The Human Dimension of the OSCE in the 1996 Vienna Review Meeting", *Helsinki Monitor*, vol.8, n.1, 1997, p.15.

[198] *Lisbon Document 1996*, Lisbon Declaration, parags.4-5, and 9-11.

2.4.1. The "Charter for European Security"

The Charter for European Security was adopted at the November 1999 Istanbul Summit[199] as a codification of the OSCE principles, the challenges faced by the organisation and the instruments at the OSCE's disposal to face them. The Charter also addresses the OSCE's relationship with other international organisations and NGOs dealing with security in Europe. This exercise drew attention to the benefits arising from information exchange at all levels of the OSCE's activity like improving practices of co-ordination, the building of common support, and the convergence of compliance. The Security Model discussions defined the wording of the Charter and reflected the OSCE's integrating character since it took into consideration all OSCE dimensions[200].

The Charter divides itself into five main sections[201], reinstating and reaffirming the OSCE principles since the 1975 Helsinki Final Act. The decision-making procedure by consensus and the equal status of all participating states suffered no modification[202], nevertheless, the consultation process among participating states was strengthened to include the Preparatory Committee under the OSCE PC. Some novelties were introduced, in particular the decision to establish REACT and an Operation Centre within the OSCE Secretariat[203].

A long period of negotiations was required to find consensus among all OSCE participating states as regards the contents and precise wording of the Charter[204]. Moreover, the

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[199] *Charter for European Security*, Istanbul, SUM.DOC/1/99, November 19, 1999.

[200] Discussions on the 'Security Model' rested on the concepts of comprehensive, indivisible and common security, the various challenges to security in the OSCE area, and the appropriate tools and approaches for addressing them. A revision of roles and procedures was envisaged to assure the OSCE was provided with the necessary tools for the prosecution of its goals, considering the various angles of its activity. The revision of implementation of commitments, and the definition within the "Platform for Co-operative Security" of modalities for co-operation between the OSCE and other security organisations were also on the agenda. Launched at the Budapest Summit in 1994, discussions went on for 5 years centred on the "Security Model Committee" set up under the auspices of the PC. The CIO was responsible for the monitoring of progress. At the OSCE Lisbon Summit in 1996, participating states adopted the "Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-first Century", the basis for the Document Charter. The reaffirmation of all OSCE commitments, the comprehensive character of the OSCE understanding of security and its applicability to the organisation's activities, and the need for co-operative relations among the different international organisations, were laid down. *Lisbon Document 1996*, "Lisbon Declaration on a Common and Comprehensive Security Model for the Twenty-first Century", parags.3-4, 6 and 11; and 6th Ministerial Council Meeting, Copenhagen, Dec. 18-19, 1997, MC(6) Journal n.2, agenda item 10. See also Borawski, J., "Towards an OSCE Charter: A Question of Identity", *Helsinki Monitor*, vol.9, n.4, 1998, p.5; Mazilu, D., "OSCE and Its Role in the Future European Security Architecture", *Europai Szemle, European Review*, "OSCE 1995", E Europaische Rund-Schau, Special Issue, vol.VII, Budapest, 1996, p.79; Mottola, K., "The OSCE: Institutional and Functional Developments in an Evolving European Security Order" in Bothe, M., et al. (eds.), *The OSCE in the Maintenance of Peace and Security*, p.30; Mottola, K., "Security-in-Between: Regionalism and Subregionalism in the OSCE Security Model", 3rd Pan-European International Relations Conference and Joint Meeting with the International Studies Association, Vienna, Sep. 16-19, 1998, p.5.

[201] The Charter includes the common challenges, the common foundations, the common response, the common instruments, and the partners for co-operation of the OSCE participating states.

[202] *Charter for European Security*, 1999, part II, parags.10 and 7, respectively.

[203] As analysed previously in this chapter.

[204] An example was the CIO call for a clear expression of political will as regards the completion of the process towards the adoption of the European Charter at the Istanbul Summit, which "has not manifested itself in the discussions here in Vienna, so far", address by Foreign Minister Vollebaek, OSCE CIO, to the PC, Vienna, CIO.GAL/57/99, Jul. 1, 1999.

adoption of the European Charter at the Istanbul Summit was at risk due to the Russian activities in Chechnya, much criticised by the OSCE participating states. The Russian Federation accepted at the last minute the OSCE's right of interference. Nevertheless, despite the adoption of the Charter, Russian Interior Minister Rushailo as well as Foreign Minister Ivanov argued Moscow did not need the OSCE mediation to bring an end to the war in Chechnya[205].

The European Charter is the backbone for the OSCE activity, highlighting the organisation's role in conflict prevention, management and post-conflict rehabilitation. Nevertheless, like many other OSCE documents, the Charter reflects vagueness in wording, resulting mainly from the consensus principle. Whether it will give rise to ambiguities and different interpretations remains to be seen. Rendering operational the agreed commitments will demand from the participating states willingness and political motivation as well as the implementation of the new concepts.

2.4.2. OSCE instruments for addressing tensions/conflicts

From Paris to Lisbon, new instruments for the prevention and/or management of conflicts, and post-conflict rehabilitation activities have been established and developed within the OSCE. Conflict prevention, crisis management and post-conflict rehabilitation are not closed areas of intervention. They merge and complement each other. Preventive diplomacy instruments may be useful for addressing post-conflict rehabilitation cases, which, associated with the fostering of democracy and the rule of law, may hinder the development of new tensions and impede re-escalation of armed hostilities. It is not simple to draw a line between post-conflict democracy-building and conflict prevention means, which may be similar, though with different reach in the long-term. The proximate aim of both strategies is close, since conflict prevention envisages avoiding any possibility of tensions escalating into violence, while post-conflict rehabilitation seeks the elimination of any possible return to military confrontation, both on the basis of the consolidation of democratic principles and respect for the rule of law. The main difference relates to the fact that in a post-conflict rehabilitation effort there has already been armed confrontation. Thus, the same tools may be applied for addressing distinct situations.

Moreover, when involved in a conflict settlement process the OSCE adds to its crisis settlement mechanisms, those of rehabilitation. In this sense, the OSCE believes that fostering stability and democratisation principles at the institutional level raises confidence among the parties and contributes to softer implementation of a political settlement[206]. While preventive and post-conflict rehabilitation efforts must be viewed in a long-term perspective, crisis management

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[205] "OSCE: European Security Charter signed", *RFE/RL*, Nov. 19, 1999; "Summit outlines Europe's role in conflicts, Russia bends to international pressure over Chechnya", CNN news, Nov. 19, 1999. See also Borawski, J., "Towards an OSCE Charter: A Question of Identity", *Helsinki Monitor*, vol.9, n.4, 1998, p.5; Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, pp.581-588.
[206] *Charter for European Security*, 1999, parags.38, 42-45.

demands short-term answers. The OSCE's comprehensive approach to security is reflected in its mechanisms, procedures and tools which are inter-connected and whose multiple applications in the field occur in most cases. Which are these new instruments and to what extent are they appropriate to respond to the numerous challenges? Is the OSCE equipped with the necessary means to address tensions and/or to intervene in regions of conflict? In the following sections, the various tools and mechanisms developed by the OSCE to address tensions and conflict situations are analysed[207].

2.4.2.1. Preventive diplomacy

The practice of preventive diplomacy is a gradual process, flexible and adjustable to the problems. One of the major areas of activity of the OSCE, preventive efforts aim the avoidance of the escalation of tensions into armed conflict. As a permanent forum for consultation and dialogue, the OSCE allows regular implementation debates where signs of non-compliance may send the alert. Protests and demonstrations, repressive actions by Governments to eliminate opponents, claims for separatism or unification with another state, or guerrilla action against state institutions or their representatives, are some alerting examples. In order that preventive diplomacy may become effective, prompt consultations and early responses to any of these signs are demanded. The political will to act is also requested. Action must encompass a comprehensive approach to the problem, and must seek the underlying causes of tension, in order that preventive diplomacy can be focused and efficient in the addressing of tensions[208].

The OSCE documents do not explicitly define early warning and preventive diplomacy, but by OSCE practice it is possible to delineate the principal features of each of these concepts. Early warning envisages providing the relevant OSCE bodies with information about escalating developments in time for the OSCE to react and employ preventive diplomacy or other non-coercive measures. At Helsinki II[209], an early warning mechanism was agreed with the aim of alerting the international community to situations that may have the potential to develop into crises, including armed confrontation. This mechanism can be invoked by any state directly involved in a dispute, a group of eleven states not directly involved, or the HCNM and should be addressed to the PC.

The executive initiative of the CIO[210] along with the independent initiative of the HCNM[211] are also relevant as regards early warning. Ambassador van der Stoel is a central, high-profile

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[207] In the introductory chapter, the theoretical context and understanding of preventive diplomacy, crisis management and post-conflict rehabilitation were analysed. Here, the focus goes to the OSCE instruments in these different areas. In chapter 5, the focus will be on how the OSCE renders operational these various procedures and mechanisms to address tensions and conflicts in its area.

[208] "The Role of the OSCE in Conflict Prevention", Address by van der Stoel, OSCE HCNM, Koninklijk Instituut voor Internationale Betrekkingen, Brussels, Sep. 30, 1996, http://www.osce.org/hcnm/speeches/1996/30sep96.html.

[209] *Helsinki Document 1992*, Helsinki Decisions, chapter III, parags.3-5.

[210] The CIO may send a Personal Representative to an area of tension to assess events in the field and possibly recommend the deployment of a Field Mission or the activation of other mechanism. See for

presence of the OSCE as regards preventive diplomacy. In the HCNM's opinion[212], early warning signs and the response to them must be balanced. While prompt action in the face of early warning signs may avoid conflict escalation, the early exposure of a situation to international attention may contribute to the more rapid deterioration of that particular situation, with the parties taking up stronger positions. The value of the HCNM's work is clear in the recommendations he has issued, particularly as regards discriminatory or ambiguous legislative acts regarding minorities. Effective implementation of the agreements reached is the most important part of the High Commissioner's involvement in terms of real achievements[213]. This is translated, for example, in the amendment of a particular law, until then not in conformity with the internationally acceptable standards on human rights[214].

Other bodies, such as the CPC or NGOs, give their contribution to early warning, mainly through collection and sharing of information and the latter also through the development of grass-root contacts. As an arms control and CSBMs forum, the OSCE is also well placed to address any signs of tension in the military dimension. An example is dialogue and exchange of information on defence planning within the FSC, or non-compliance with the CFE Treaty limits. The success of early warning is dependent on the political response of participating states.

The deployment of fact-finding and rapporteur or expert Missions[215] is another strategy to obtain on-the-ground information as regards human dimension, political or military issues. As early warning instruments, these Missions provide the OSCE with concrete information on events, assisting in the definition of if, how and when to intervene. Of short duration, these Missions may result from the CIO initiative to investigate incidents through the appointment of a Personal Representative to deal with the matter, or may be requested by the participating state in question[216]. The deployment of long-term Missions with the aim of accompanying in permanence developments in the field may also be requested. In itself the presence of Missions on the ground has revealed an important confidence-building measure, reducing apprehension. Early warning has

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example 15th CSO Meeting, Prague, 15CSO/J2, Aug. 13-14, 1992, as regards the conflict in Moldova. Refer also to chapter 7.

[211] Refer to section 2.2.1.2.

[212] Report of Max van der Stoel, OSCE Implementation Meeting on Human Dimension Issues, Warsaw, Nov. 12-28, 1997; "The Role of the OSCE in Conflict Prevention", Address by van der Stoel, OSCE HCNM, Koninklijk Instituut voor Internationale Betrekkingen, Brussels, Sep. 30, 1996, http://www.osce.org/hcnm/speeches/1996/30sep96.html; van der Stoel, M., "The Heart of the Matter: The Human Dimension of the OSCE", *Helsinki Monitor*, vol.6, n.3, 1995, pp.23-30.

[213] Vasilev, S., "The HCNM Approach to Conflict Prevention", *Helsinki Monitor*, vol.10, n.3, 1999, p.56.

[214] This has been the case of the HCNM involvement in Estonia, as analysed in chapter 6. See also Terstal, S. and Huber, K. with Kamp, C., "The Functioning of the CSCE High Commissioner on National Minorities", *New Community*, vol.20, n.3, Apr. 1994, pp.502-508.

[215] *Helsinki Document 1992*, Helsinki Decisions, chapter III, parags.12-16.

[216] For example, to evaluate compliance of national legislation on human rights with internationally accepted legal standards, as in the case of Estonia. See chapter 6 for further development.

thus the function of providing the information on the basis of which preventive diplomacy can take place[217].

2.4.2.2. Crisis management

The failure or non-existence of preventive diplomacy efforts, and many times unwillingness of the parties to reach compromise, may involve armed violence. In some cases in the former Soviet area, the OSCE did not address tensions before escalation. This was due to inappropriate mechanisms, as happened in the case of Moldova[218], or to unwillingness of the participating states to become involved in the first place, as occurred in Tajikistan[219]. In such circumstances, the OSCE's addressing of the problems must assume a new dimension. Focusing on dialogue and negotiation as basic criteria, the OSCE has been involved in the process of settlement of various conflicts. The OSCE's efforts as regards crisis management include the provision of good-offices and mediation, while not resorting to the use of force[220]. Moreover, the organisation does not enjoy enforcement mechanisms, such as the possibility of applying sanctions or embargoes.

Mediation deals with the conflicting interests involved in a dispute, connecting progress on negotiation with the evolution of events in the field, as analysed in the introductory chapter. Within the OSCE, mediation can be pursued by the CIO, the HCNM, the Head of Mission (HoM) or any other Mission member(s). As a mediator, the OSCE formulates and discusses proposals, suggests alternatives, and encourages and supports the parties in finding a political solution. OSCE mediation must be adaptable since events, parameters and players in conflict are constantly subject to evolution and setback. The OSCE uses a step-by-step approach, not based on the use of force, but on the finding of common ground between the parties. In its conflict management activity, the OSCE promotes its principles and values as part of the political solutions it seeks, in a comprehensive manner.

OSCE peacekeeping is also on the organisation's agenda. Peacekeeping can only be applied under the consensus principle, with the written approval of the states involved in the conflict, after a durable and effective cease-fire is in place, and with security guarantees for the Mission's participants[221]. Moreover, the OSCE needs the collaboration of other international organisations since it has no military capabilities of its own. International organisations such as NATO or the WEU have already offered the OSCE their support for the carrying out of peacekeeping operations[222]. Nevertheless, there has never been an OSCE peacekeeping Mission deployed in the OSCE area. Reasons include the conditions for the establishment of such an

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[217] Keynote speech by Ambassador van der Stoel, CSCE HCNM at the CSCE Seminar on "Early Warning and Preventive Diplomacy", consolidated summary, ODIHR, Warsaw, Jan. 19-21, 1994.

[218] This issue will be revisited in chapter 7, section 7.3.

[219] Refer to chapter 5, section 5.3.3.1.

[220] Sneek, T., "Complementarity and Co-operation: The OSCE as Part of a European Security Model for the 21st Century", *Helsinki Monitor*, vol.7, n.4, 1996, p.58.

[221] *Helsinki Document 1992*, Helsinki Decisions, chapter III, parags.17-38.

[222] See chapter 3, sections 3.2.2.2 and 3.2.2.3, respectively.

operation, demanding the fulfilment of the above mentioned requisites, and the participating states' political will to activate such a mechanism. The successive adjournments to the establishment of an OSCE peacekeeping Mission to Nagorno-Karabakh is an example[223]. The OSCE potential for conflict management through peacekeeping is limited. The procedural hurdles and the financial costs involved would certainly impose strict limits on the number and scale of such operations. This may lead states to perceive the OSCE as a rather limited 'guarantor' of their security[224]. Nevertheless, peacekeeping operations are not the exclusive means to address the settlement of disputes.

2.4.2.2.1. OSCE mechanisms for the peaceful settlement of disputes

There are within the OSCE framework four mechanisms for the peaceful settlement of disputes: the Vienna mechanism on unusual military activities; the Moscow mechanism within the human dimension; the Berlin mechanism regarding emergency situations and the Valletta mechanism. These mechanisms have a phased approach ranging from consultations to the convening of meetings and possibly the sending of fact-finding Missions to investigate incidents in the field.

The Moscow mechanism establishes parameters for the appointment of experts with the purpose of facilitating resolution of a particular question or problem relating to the human dimension of the OSCE[225]. This mechanism can be applied by the concerned state or by any participating state feeling threatened by a conflict situation[226]. In this case, applying the Moscow mechanism does not imply consensus. If the initiative is taken by a sufficient number of participating states, the OSCE receiving state cannot refuse the Mission's presence. The Moscow mechanism has been successfully activated four times[227].

The Vienna mechanism for consultation and co-operation as regards unusual military activities provides for regular and prompt consultation among the participating states about any "unusual and unscheduled activities of their military forces outside their normal peacetime

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[223] In this regard see Vilen, H., "Planning a Peacekeeping Mission for the Nagorno-Karabakh Conflict", *Security Dialogue*, vol.27, n.1, 1996, pp.92-94, and chapter 5, section 5.3.2.2.

[224] Cuthbertson, I. (ed.), *Redefining the CSCE*, p.218.

[225] Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Oct. 1991, parags.3 and 5. See also Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, pp.463-472; Heraclides, A., *Helsinki II and Its Aftermath*, p.18.

[226] "If a participating state considers that a particular serious threat to the fulfilment of the provisions of the OSCE human dimension has arisen in another participating state, it may, with the support of at least nine other participating states, engage the procedure", Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 1991, parag.12.

[227] Firstly, by the 12 states of the European Community and the United States on the issue of reports of atrocities and attacks on unarmed civilians in Croatia and Bosnia-Herzegovina (Sep. and Oct. 1992); secondly, by Estonia, to study Estonian legislation and to compare it with universally accepted human rights norms (Dec. 1992); thirdly, by Moldova to investigate current legislation and implementation of minority rights and inter-ethnic relations on the territory of Moldova (Jan. and Feb. 1993); and finally, in June 1993, by the CSO *vis-à-vis* Serbia and Montenegro to investigate reports of human rights violations, which was nevertheless unable to fulfil its task because of the former Republic of Yugoslavia's lack of co-operation. *OSCE Handbook*, 2nd ed., OSCE Secretariat, Vienna, 1996, p.62. The Estonian and Moldovan cases are revisited in chapters 6 and 7, respectively.

locations which are militarily significant"[228]. If any hazardous incidents of a military nature occur, the state in question shall immediately report on the situation to clarify it, in order to avoid possible misunderstandings from other participating state(s). Any state affected by such an incident may request clarification[229]. The mechanism includes the possibility of the Senior Council or the PC executing fact-finding and monitoring Missions with assistance from the CPC.

The Berlin mechanism[230] is a mechanism for consultation and co-operation with regard to emergency situations, of an intra- and inter-state nature. Emergency situations are defined as fundamental violations of the Helsinki Final Act or 'major disruptions endangering peace, security or stability'. In the case of an emergency situation, the request for clarification from one or more states is legitimate and the concerned state has forty-eight hours to respond. If the situation stays unsolved, the states involved can address a request to the CIO to hold an emergency meeting of the Senior or Permanent Councils. The document clearly states that this mechanism should only be applied under the conditions mentioned before, not to compete with the mechanism on unusual military activities[231].

Section I of the Valletta mechanism on the peaceful settlement of disputes[232] states that when a dispute arises between participating states, the first way to seek a solution shall be direct consultation and negotiation. It then goes further, arguing that if conversations reach an impasse, the establishment of an OSCE dispute settlement mechanism can be requested by notifying the other party or parties to the dispute. This mechanism consists of the selection of one or more members by common agreement between the parties, who shall seek political contact with the conflicting parties to address the issue, suggesting suitable procedures, and offering general or specific advice[233]. If there is no settlement or agreed procedure in reasonable time, any party can notify others of failure and take the matter to the Senior or Permanent Council, which will seek comment and/or advice on the substance of the dispute, which disputants must consider in good faith. Section XII excludes from the mechanism range "issues concerning [a state's] territorial integrity, or national defence, title to sovereignty over land territory, or competing claims with regard to jurisdiction over other areas".

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[228] Vienna Document 1992 of the negotiations on CSBMs, parag.17.

[229] Vienna Document 1992 of the negotiations on CSBMs, parag.18 and Vienna Document 1994, parag.17. This mechanism has been activated three times, one of which was *vis-à-vis* Belgrade in June 1991. By that date Yugoslavia failed to present its military information to the CSCE responsible bodies, which constituted a signal that possible military manoeuvres were being held. Given their obscure nature, the possibility of these movements having aggressive purposes was considered.

[230] Annex 2 to the Summary of Conclusions, Berlin Council Meeting, Jun. 19-20, 1991.

[231] Idem, chapter II, introductory paragraph. See also Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, p.230; Heraclides, A., *Helsinki II and Its Aftermath*, p.17; Miall, H., "New Conflicts in Europe: Prevention and Resolution", Current Decisions Report 10, Oxford Research Group, Jul. 1992, p.15.

[232] Report from the CSCE Meeting of Experts on Peaceful Settlement of Disputes, Valletta, Feb. 8, 1991, Provisions for a CSCE Procedure for the Peaceful Settlement of Disputes.

[233] Meeting of Experts on the Peaceful Settlement of Disputes, Valletta, Jan. 15-Feb. 8, 1991, sections IV, V and VII.

The Valletta provisions encompass the possibility of applying for a conciliatory mechanism, which later gave origin to the Court on Conciliation and Arbitration[234]. The Court aims to "settle, by means of conciliation and, where appropriate, arbitration, disputes which are submitted to it"[235]. Directed to the resolution of conflicts between states, the Court's decisions are legally binding. Nevertheless, there have never been appeals to the Court on Conciliation and Arbitration.

All these mechanisms, except for the Convention on Conciliation and Arbitration, are activated only on the basis of discussion and formulation of recommendations without binding character, which may question implementation[236]. Table 1 describes the OSCE mechanisms for the peaceful settlement of disputes, according to their purpose (human dimension, military or other), invoking (if it requires consensus), reach (whether it embraces situations between states, within states or both) and activation (whether the mechanism has ever been applied).

OSCE mechanisms for the peaceful settlement of disputes				
Mechanisms	Berlin mechanism Berlin Council Meeting, 1991	Moscow mechanism CSCE Moscow Meeting on the Human Dimension, 1991	Valletta mechanism Meeting of Experts on Peaceful Settlement of Disputes, 1991	Vienna mechanism Vienna Document, 1994
Purpose	emergency situations, major disruptions endangering peace, security or stability	human dimension	peaceful settlement of disputes	unusual military activities
Invoking	no consensus required	no consensus required	no consensus required	no consensus required
Reach	inter-state intra-state	inter-state intra-state	inter-state	inter-state intra-state
Activation	no	yes	no	yes

Table 1: OSCE mechanisms for the peaceful settlement of disputes[237]

The fact is that although the OSCE has four mechanisms for the peaceful settlement of disputes, until now only the Moscow mechanism on the human dimension and the Vienna mechanism on unusual military activities have been applied. As for the others, they remain on-the-text good intentions. Why have the other mechanisms never been applied? Are they inadequate? The Valletta mechanism, for example, provides measures for the settlement of disputes *between* states when the major challenges are coming from *within* states, so it does not offer a veritable procedure since it is not addressing the main issues. It is based on the assumption that states have the control of

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[234] The 1992 Stockholm Convention on Conciliation and Arbitration within the OSCE is a complement to the peaceful settlement of disputes mechanism, Annex 2 to the Summary of Conclusions from the 3rd Council Meeting, Stockholm, Dec. 14-15, 1992 and *Helsinki Document 1992*, Helsinki Decisions, section V, parag.58. See also Tanja, G., "Peaceful Settlement of Disputes within the Framework of the CSCE", *Helsinki Monitor*, vol.5, n.3, 1994, p.42.

[235] Court on Conciliation and Arbitration, article 1.

[236] See Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, pp.224-230; Heraclides, A., *Helsinki II and Its Aftermath*, p.16; Lehne, S., *The Vienna Meeting of the CSCE*, p.17; Valsalice, L., "The CSCE Follow-up Process: An Assessment" in Andren, N. and Birnbaum, K. (eds.), *Belgrade and Beyond*, p.83.

conflicts as well as of the instruments of violence, which is not true in many conflicts in the former Soviet Union. Issues such as territorial integrity, national defence, title to land territory, or competing claims with regard to the jurisdiction over other areas are excluded.

The Berlin mechanism is formulated in very general terms. It is vague as regards the definition of emergency situations and the aspects they encompass. It also demonstrates a more reactive than a proactive attitude to conflict resolution. Moreover, issues falling within its reach could be easily addressed at the PC level. Most of these mechanisms are based on the principle of the sovereignty of states and function accordingly to this principle. Nevertheless, when parties are not states, how can the mechanisms be applied and have significance? The participating states' lack of political will to render the mechanisms operational is another crucial aspect for their non-implementation. This has been due to several factors including lack of clear knowledge about the contents and reach of each mechanism, the understanding of the appliance of the mechanism as confrontational, rather than as co-operative, and that the application of the mechanisms is cumbersome and time-consuming[238]. Moreover, the lack of harmonisation between the different mechanisms must be overcome in order to avoid inefficiency when applying them, in particular the Berlin and the Vienna mechanisms. In this sense, each mechanism is directed to a specific concern and should only be applied to solve issues falling within its scope. "Complexity is the adversary of utility, and an instrument not used loses its power"[239].

2.4.2.3. Post-conflict rehabilitation

The OSCE's understanding of post-conflict rehabilitation is not restricted. The organisation does not confine its application to situations in which conflict has already been formally settled. It mixes settlement and conflict rehabilitation measures in order to instil dynamism into negotiations. Moreover, the term "rehabilitation" does not imply the return to the previous status quo, but the implementation and consolidation of stability and democratic development as envisaged by the OSCE principles[240]. In a post-conflict rehabilitation effort, the OSCE applies its comprehensive concept of security, which links human dimension issues to economic and military aspects, as analysed in the introductory chapter. In the OSCE's view, this comprehensive addressing is instrumental in the implementation of a political agreement where economic, social and even environmental developments play a role. The best instrument at the organisation's disposal are again the Field Missions, prepared to advise and formulate recommendations on these issues, as well as supervise the implementation of agreed commitments in the field[241].

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[237] Source: CSCE/OSCE documents.

[238] Seminar on "Early Warning and Preventive Diplomacy", consolidated summary, ODIHR, Warsaw, Jan. 19-21, 1994.

[239] Zaagman, R., "Focus on the Future: A Contribution to Discussions on a New OSCE", *Helsinki Monitor*, vol.6, n.3, 1995, p.47.

[240] Seminar on "Experiences with Post-Conflict Rehabilitation Efforts", consolidated summary, Tbilisi, Jan. 26-27, 2000, SEC.GAL/13/00, Feb. 8, 2000.

[241] An issue revisited in chapter 5, section 5.2.

Post-conflict rehabilitation measures are of a long-term nature, with long-term results. The implementation of a settlement agreement as part of the rehabilitation process must accompany the return to normalcy. Psychological and emotional re-adaptation does not always follow material rebuilding. Allied to politico-military and economic efforts, strengthening civic society principles and fostering a strong sense of belonging and acceptance within the community are fundamental aspects. In this regard the use of local human and material resources is of the utmost importance. Moreover, the establishment of effective international regimes on arms control, disarmament, economic and humanitarian co-operation and the fostering of CSBMs can reduce the risk of a return to violence. In the OSCE's understanding, it is from a combined and comprehensive approach that stability in its area can be enhanced.

2.4.3. What resources can the OSCE draw on? The value of the new instruments

The development of the OSCE in the areas of conflict prevention, crisis management and post-conflict rehabilitation has been the result of a learning process undergone by the organisation to which the events in the field have made a major contribution[242]. As a consequence of the OSCE's development, the organisation is currently endowed with various instruments at different levels, including agreements, norms, institutions, and mechanisms to deal with the new challenges. Nevertheless, some of these new tools have revealed inadequacy. What resources, then, can the OSCE draw on?

The Berlin and the Valletta mechanisms on the peaceful settlement of disputes, the possibility of carrying out peacekeeping operations, and the Court on Conciliation and Arbitration have never been made operational by the OSCE participating states. As a result, questions of inadequacy and inappropriateness immediately emerge due to the non-activation of these tools. Firstly, the range of mechanisms at the OSCE's disposal is not synonymous with adequacy to address the new challenges. This may be justified by the inter-state character of these mechanisms, by their particular area of application, or by unclear wording, as analysed before. Moreover, the participating states' political will to activate these procedures has been lacking, in particular as regards peacekeeping operations under an OSCE mandate. The successive postponement of the decision to deploy a peacekeeping force in the Nagorno-Karabakh region is an example, involving not only the limits of the OSCE itself, but also the issue of the Russian Federation's positioning as regards such deployment[243]. The inter-relation of the OSCE with other international organisations and the Russian Federation is relevant in this regard, as analysed further in the thesis. The Court on Conciliation and Arbitration's decisions are legally binding and its ruling is directed to inter-

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[242] Oslo Ministerial Declaration, MC(7).JOUR/2, Annex 1, section II, Dec. 3, 1998. The adoption of new instruments and the evolution verified in their appliance, particularly as regards the Field Missions, is also an example of this gradual learning process. See chapter 5 for more detail on this aspect.

[243] Refer to the previous chapter as regards the OSCE peacekeeping mandate, and to the next chapter for the OSCE-Russia relationship. Chapter 5, section 5.3.2.2 deals in more detail with the Nagorno-Karabakh issue.

state disputes. In most of the former Soviet republics the nature of problems is internal and the actors involved are not always states. This reflects the problems with some of the new OSCE procedures, not really appropriate to deal with new situations.

2.4.3.1. OSCE agreements: consensus decision-making and broad membership

The OSCE's broad and heterogeneous membership, where asymmetric interests become in many instances obstacles to decision-making, can be seen as a weakness in the achievement of consensus, possibly causing a sort of stagnation. The consensus procedure has hindered efforts to decide on delicate matters and has caused a vague and generalist wording of OSCE decisions[244]. This, in turn, might be disadvantageous for the divergent and ambiguous interpretations it may suggest, as regards for example implementation of OSCE decisions in the field. In this sense, paralysis or inefficiency may prevail over flexibility, putting into question its real significance.

Nevertheless, the OSCE's supporters argue the 'new' OSCE is unique due to its all-inclusive membership, which may constitute an advantage for the diversity and multitude it comprises. The more recent expansion of the organisation Eastwards to include the former Soviet republics makes the OSCE a fundamental forum to address their problems and work on the prevention and/or management of current conflicts in the region. Moreover, when decisions are adopted, their political character is, in the organisation's view, particularly strong due to their consensual nature, making violations a cause of discredit in the face of the other participating states. Moreover, consensus decision-making also promotes mutual trust, since the laborious process to reach a decision confers on it more political weight and higher moral credibility[245]. Therefore, OSCE agreements gain strength and after their adoption they remain valid for all OSCE states. Certainly, a tool the OSCE can draw on at the institutional level and in the field.

At the core of the organisation's procedures, consensus decision-making has been generating different opinions. Some believe that the consensus rule allows the OSCE to remain unique and reliable to its participating states, while others believe that a majority voting system would render the OSCE more efficient, avoiding the paralysis problem. On the one hand, Goodby considers that if the consensus rule is not modified, the OSCE will be "doomed to being a talk shop"[246]. Danish Prime Minister Rasmussen[247] shares the same opinion, arguing that "the consensus rule is a remnant of the Cold War era... The new and more operational role of the CSCE requires the possibility of taking decisions even against the will of some states... our experience confirms that a consensus requirement often leads to weak decisions or no decisions at all, in

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[244] Hiester, D., "New Definitions of European Security", *Paradigms*, vol.5, n.1/2, 1991, p.63; Mastny, V., *The Helsinki Process and the Reintegration of Europe*, p.2; Kemp, W., "Giving Teeth to the OSCE?", *The World Today*, vol.50, n.10, Oct. 1994, p.184.

[245] Adler, E., "Seeds of Peaceful Change: The OSCE's Security Community Building Model" in Adler, E. and Barnett, M. (eds.), *Security Communities*, p.137; Heraclides, A., *Helsinki II and Its Aftermath*, p.21.

[246] Goodby, J., "Peacekeeping in the New Europe", *The Washington Quarterly*, vol.15, n.2, Spring 1992, p.168.

[247] Danish Prime Minister Rasmussen cited in "Standing Committee of the CSCE Parliamentary Assembly", *OSCE Newsletter*, vol.1, n.1, Feb. 4, 1994, p.3.

which case the initiative passes to other *fora* or even to the battleground". Dorman and Treacher[248] refer to organisational paralysis. The same opinion is shared by Bloed, Buzan, Ghébali and Hyde-Price, among others[249].

On the other hand, Tersman[250] argues that a change to the consensus principle will question the faith the OSCE participating states have in it as a co-operative framework, thus being inadvisable. Moreover, Kornblum[251] believes that on the basis of an agreed set of values and procedures, participating states can, through open debate and consultation, achieve workable consensus. In the opinion of Walker[252], the differences in influence among participating states should not be institutionalised through an alteration of the consensus principle, which has been one of the great strengths of the OSCE. Other authors share the view that altering consensus would undermine a fundamental characteristic of the OSCE[253].

The advantages arising from adopting a majority voting procedure could be shadowed by its disadvantages, calling into question the sovereign equality of the OSCE's participating states as regards decision-making, particularly appreciated by smaller countries. Some countries will continue to have more influence than others, but that should not be institutionalised. Consensus decision-making usually tends to allow vague and ambiguous formulations which despite revealing a purpose, may become irrelevant for their non-implementation in real situations. The fact is that, despite the difficulties, consensus is a foundation of the organisation and will probably remain so.

2.4.3.2. Norm-setting and institutional identity

The OSCE has been since its creation an important forum for norm-setting, having established a collection of norms regulating relations among its participating states, such as illustrated by the "Helsinki Final Act", the "Code of Conduct" or the "Charter for European Security". The OSCE is

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[248] Dorman, A. and Treacher, A. (eds.), *European Security: An Introduction to Security Issues in Post-Cold War Europe*, Dartmouth Publishing Company, 1995, p.143. Opinion also shared by Heraclides, A., *Helsinki II and Its Aftermath*, p.21.

[249] Bloed, A., "The Human Dimension of the OSCE: More Words Than Deeds?", *Helsinki Monitor*, vol.6, n.4, 1995, p.25; Buzan, B. et al., *The European Security Order Recast*, p.49; Ghébali, V., "The CSCE in the Era of Post-Communism: The Jewel that Has Lost its Gleam?", *Paradigms*, vol.6, n.2, Winter 1992, p.8; Hyde-Price, A., "Alternative Security Systems for Europe" in Pugh, M. (ed.), *European Security Towards 2000*, p.132. See also "The Future of the CSCE: Address by President Havel to its Council of Ministers", *East European Reporter*, vol.5, n.3, May/Jun. 1992, p.35; "The OSCE: Assessment and Future Prospects", Conference Report, OMRI, Prague, Oct. 28, 1995, p.9.

[250] Tersman, I., "Small Steps in the Right Direction: A Report on the CSCE Long-term Missions", National Defence Research Establishment, Stockholm, Dec. 1994, p.5.

[251] Kornblum, J., "Conflict Prevention and Crisis Management", Proceedings of the International Seminar on "The CSCE and the New Europe", Helsinki, Apr. 3-4, 1992, p.20.

[252] Walker, J., "The CSCE and Ethnic Conflict", Proceedings of the International Seminar on "The CSCE and the New Europe", Helsinki, Apr. 3-4, 1992, p.45.

[253] Booth, K. and Wheeler, N., "Contending Philosophies about Security in Europe" in McInnes, C. (ed.), *Security and Strategy in the New Europe*, p.18; Eiff, H., "The OSCE in the Development of a New Security Structure", *Europai Szemle, European Review*, "OSCE 1995", E Europaische Rund-Schau, Special Issue, vol.VII, Budapest, 1996, p.73; Rotfeld, A., "Prescriptions for Improving OSCE Effectiveness in Responding to the Risks and Challenges of the 21st Century", 3rd International Security Forum and 1st Conference of the PfP Consortium of Defence Academies and Security Studies Institutes, On-line publications, Zurich, Oct. 19-21, 1998.

privileged as regards norm-setting and the codification of standards regulating relations among states. Moreover, some provisions refer to intra-state aspects of security, particularly on the human dimension and as regards certain military aspects, where an intrusive character has been added to the OSCE activities. Nevertheless, establishing a community united by norms has revealed a difficult task[254] in the face of the different participating states' commitment to OSCE norms, as well as the OSCE's lack of leadership and many times reactive institutions. Though violation of commitments occurs, these norms have nevertheless the undeniable function of influencing the participating states' behaviour. The OSCE can rely both at headquarters and in the field, through its institutions and Missions, on its normative dimension strengthened by its consensus-based nature as a source of moral legitimacy and on its politically-binding character as a source of its participating states' credibility.

Non-implementation has prevailed in many instances, calling into question the OSCE's relevance. If nicely worded documents are agreed and adopted but not implemented in practice, their value becomes minimal. The bigger the expectations and engagement of the participating states, the better the results of the OSCE's activities are likely to be[255]. The OSCE's mechanisms for the supervision and monitoring of implementation may be helpful as regards the most delicate areas, but are not vested with compulsory or enforcement means[256]. In the face of non-implementation, the OSCE has been described as "suffering from institutional constipation and a Cold War hangover"[257]. Institutions cannot substitute for political will[258]. As such, it is probably not so much the consensus procedure that is hampering the OSCE, but the reluctance of its participating states to implement the adopted standards of conduct[259]. The reach of the OSCE is to a large extent a 'hostage' of the relations and attitudes of the most powerful participating states[260].

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[254] See for example Middelkoop, E., "The OSCE: An Inadequate Community of Values", *Helsinki Monitor*, vol.6, n.4, 1995, p.32.

[255] Cotti, F., "The Role of the OSCE and the Plans of the Chairmanship in 1996", *Europai Szemle, European Review*, "OSCE 1995", E Europaische Rund-Schau, Special Issue, vol.VII, Budapest, 1996, p.13.

[256] Van Eckelen, W., "The Security Agenda for 1996: Background and Proposals", CEPS Paper 64, 1995, p.22; Eiff, H., "The OSCE in the Development of a New Security Structure", *Europai Szemle, European Review*, "OSCE 1995", E Europaische Rund-Schau, Special Issue, vol.VII, Budapest, 1996, p.71; Holsti, K., "A 'Zone of Civility' in European Diplomatic Relations? The CSCE and Conflict Resolution" in Bryans, M. (ed.), "The CSCE and Future Security in Europe", p.80; Hyde-Price, A., "Alternative Security Systems for Europe" in Pugh, M. (ed.), *European Security Towards 2000*, p.133; Tornudd, K., "The OSCE Institutional and Operational Responses to Post-Cold War Risks and Challenges", 3rd International Security Forum and 1st Conference of the PfP Consortium of Defence Academies and Security Studies Institutes, On-line publications, Zurich, Oct. 19-21, 1998; Switalski, P., "An Ally for the Central and Eastern European States", *Transition*, vol.1, n.11, Jun. 30, 1995, p.29.

[257] "The OSCE: Assessment and Future Prospects", Conference Report, OMRI, Prague, Oct. 28, 1995, p.4.

[258] "Without the political will to act, the most elaborate bureaucracies for dealing with 'crisis management' and 'conflict prevention' cannot realise the aspirations of the Helsinki process", Korey, W., "The Unanticipated Consequences of Helsinki", *OSCE-ODIHR Bulletin*, vol.6, n.2, Fall 1995, p.14.

[259] Bloed, A., "The Human Dimension of the OSCE: More Words than Deeds?", *Helsinki Monitor*, vol.6, n.4, 1995, p.24; Borawski, J., "Towards an OSCE Charter: A Question of Identity", *Helsinki Monitor*, vol.9, n.4, 1998, p.5; Rotfeld, A., "The Evolution of the Helsinki Process", *OSCE-ODIHR Bulletin*, vol.3, n.3, Fall 1995, p.6.

[260] Rupp, R. and McKenzie, M., "The OSCE: Institutional Reform and Political Reality" in McKenzie, M. and Loedel, P. (eds.), *The Promise and Reality of European Security Co-operation*, p.125. See also

Intentions must be translated into concrete action, thus repeated calls for participating states to confer more emphasis on substance rather than on form. It is time to consolidate the institutionalisation process, instead of looking for new organisms or new procedures. OSCE participating states must build political consensus for action, turn phraseology into concrete action, and express expectations of clear results.

The way in which participating states feel committed to the organisation and to its activities is fundamental. Does this mean that the OSCE has no will of its own? Several considerations must be taken into account. Firstly, the OSCE exists because of its participating states. As such, it is the result of the gathering of a number of states in the pursuit of certain objectives. In this sense, the OSCE is the sum of its parts. Secondly, the OSCE budget for all OSCE activities and institutions is made up from OSCE participating states' contributions, according to a scale of distribution[261]. The exception to the rule is the salary of the personnel seconded by national Governments, which remains the responsibility of the seconding national administration. Thus, the organisation is dependent both on the timely payment of each country's share and on the secondment of personnel from participating states, without which it cannot work properly. Thirdly, decision-making under the rule of consensus among fifty-four participating states is not simple, and the interests of participating states are in many instances evident. The Russian Federation's positioning within and towards the OSCE is an example, an issue revisited in chapter four and the case-studies. Fourthly, in the midst of various international organisations, the participating states' choice of which organisation(s) to act in each particular situation is also fundamental, reflecting the roles the OSCE might play in the former Soviet space in post-Cold War Europe.

Nevertheless, the "OSCE is a collection of states, but it is also developing an organisational identity which is more than the sum of its parts"[262]. The organisation has power of initiative in the person of the CIO as regards, for example, the sending of a Personal Representative or the formation of ad hoc steering groups to assess specific crises or deal with conflict situations, even against the will of the state or states concerned. Moreover, the HCNM also has power of initiative, not requiring a formal decision by participating states. He can freely move, not being subject in the carrying out of his activities to a veto by a participating state. The activities of OSCE institutions such as the HCNM, the ODIHR or the Representative on Freedom of the Media, as well as the Field Missions, have been contributing to the development of the organisation's own identity, expressed in particular procedures and approaches, as further analysed in chapter five and the case-studies. These are resources on which the OSCE can draw in the pursuit of its goals in the former Soviet space.

Kooijmans, P., "The OSCE: A Problem Child with Growth Disorders", *Helsinki Monitor*, vol.6, n.4, 1995, p.17.

[261] See annex 2, "Scale of distribution for the regular OSCE budget" as of June 30, 2000.

[262] Kemp, W., "Political Will, Public Relations and the OSCE", 3rd Pan-European International Relations Conference and Joint Meeting with the International Studies Association, Vienna, Sep. 16-19, 1998, p.7.

The task of the OSCE is to negotiate, rather than execute standards for the behaviour and policies of the participating states. The OSCE assists the participating states co-operating with them in the implementation of commitments, rather than acting in a coercive manner to enforce obligations against their will. In fact, the OSCE does not enjoy enforcement powers, which along with its decision-making by consensus and the politically-binding nature of its decisions, at first sight part of the organisation's weaknesses, reveal its source of strength and allow its enlarged involvement in the former Soviet space.

2.4.3.3. The OSCE's tight budget and poor human resources

If on the one hand the OSCE is praised for being a low cost organisation, this advantage has on the other hand many drawbacks. The lack of financial resources and of specialised staff has caused restraint to the OSCE's activities, both at the Secretariat level and in the field[263]. Poor material and human resources have imposed many difficulties on the organisation's functioning. With increasing competencies and understaffed, OSCE bodies do not always function efficiently. "The OSCE Secretariat has the equivalent of one and a half people working in this function [public relations] while the Council of Europe or NATO have twenty or thirty times more!"[264]. OSCE salaries are not very competitive and staff members search either for better-paid positions or better benefits[265]. In this sense, the OSCE is at a disadvantage and has difficulties in retaining qualified personnel and professional staff.

The delay in payment of the participating states' contributions to the OSCE has also affected the organisation's functioning[266]. It has implications not only at headquarters level, but also, and in particular, in the field, where many Missions are deployed and in need of funding for their activities[267]. When comparing the OSCE's budget to that of the United Nations (2,94 billion Euros for 2000/2001) or of the North Atlantic Treaty (1,68 billions Euros for 1998)[268], the difference is noticeable, around fifteen times less the UN budget and nine times less NATO's budget.

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[263] Cotti, F., "The Role of the OSCE and the Plans of the Chairmanship in 1996", *Europai Szemle, European Review*, "OSCE 1995", E Europaische Rund-Schau, Special Issue, vol.VII, Budapest, 1996, p.13; Hurlburt, H. and Shou, D., "A Gesamtkonzept for Conflict Management Bringing Capabilities into Line with Exigencies", *Helsinki Monitor*, vol.5, n.3, 1994, p.55; Kovacs, L., "The OSCE: Present and Future Challenges", *Helsinki Monitor*, vol.6, n.3, 1995, p.10.

[264] Round Table "Evaluating the State of the OSCE: Interlocking Institutions, Long-term Missions and Internal Structure", European Centre for Minority Issues, Flensburg; Hamburg Institute for Peace Research and Security Policy, and Institute for Advanced Studies of the Humanities, Essen, Bonn, Oct. 23-25, 1997.

[265] Permanent Committee Journal 29, agenda item 4, PC/J29, Jul. 21, 1994 on the salary structure. "There is no justification for the OSCE to be a 'second class employer'", address by Foreign Minister Vollebaek, OSCE CIO, to the PC, CIO.GAL/57/99, Jul. 1, 1999.

[266] 4th Council Meeting, Rome, 4C/Dec1, Dec. 1, 1993, chapter VII, parag.9.

[267] "The OSCE has literally been left to starve by the Governments of the OSCE countries. This inequality in resources makes all experiments in civilian conflict management meaningless", *Der Standard*, Jul. 19, 1999, "Press Profile", *OSCE Newsletter*, vol.6, n.7, Jul. 1999, p.20.

[268] UN budget in "UN programme budget for 2000-2001 would be some $2.536 billion by budget Committee text", Press Release GA/AB/3356, Dec. 23, 1999; and NATO's budget in http://basicint.org/natobudget.htm.

CSCE/OSCE Budget		
Year	Total for Field Activities and Missions	Grand total
1993	3.51	14.47
1994	3.20	16.22
1995	8.15	22.40
1996	9.02	22.53
1997	6.79*	22.49
1998	27.0	44.78
1999	69.65	104.21
2000	151.03	191.03

Table 2: The OSCE budget in millions of Euros[269]

The limited OSCE resources are reflected in the organisation's appliance of its encompassing role in the former Soviet Union, demanding an efficient resource-sharing with other international organisations in the area, as analysed in chapter three and the case-studies. The activities falling within the OSCE's economic dimension are a clear example in this regard. The analysis in the following chapters, but in particular in chapter five and the case-studies, will permit us to draw conclusions on the operational results from the activation of these OSCE tools, as regards their relevance and reach to address difficulties in the former Soviet area.

2.5. Conclusion

The OSCE has gone through fundamental changes. The development of permanent decision-making and operational organisms in the various dimensions of OSCE activity has allowed the incorporation of its new tasks of preventive diplomacy, crisis management and post-conflict rehabilitation. Specialised institutions such as the HCNM, the Representative on Freedom of the Media or the ODIHR, for example, have been established. Regular meetings and assessment implementation reviews allow the co-ordination of activities and an evaluation of the level of implementation of OSCE commitments by participating states. As regards the organisation's innovative character, the intrusive approach in human dimension and military-related affairs of the participating states has been particularly relevant.

The OSCE's activity is based on common shared principles, as reflected in the Helsinki Final Act and following documents, with special relevance to the "Charter for European Security". Elaborating a common reading of democratic principles and the rule of law, economic freedom, and socio-political development, the OSCE envisages the development of common ground among

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[269] * Excluding the Mission to Bosnia and Herzegovina.
Sources: Annual Report 1993 on CSCE Activities, The Secretary General, Annex, p.18; Revised 1994 budget, Permanent Committee, Journal 35, agenda item 8, Annex 1, Sep. 29, 1994; 1995 unified budget, 29th CSO Meeting, 29CSO/J, Annex 2, Nov. 18, 1994; 1996 budget, 52nd PC Meeting, Journal 52, PC.DEC/97, Annex 1, Dec. 19, 1995; 1997 budget, 95th PC Meeting, Journal 95, PC.DEC/150, Dec. 19, 1996; 1998 budget, 145th PC Meeting, Journal 145, PC.DEC/207, agenda item 1, Annex 1, Dec. 16, 1997; 1999 budget, 202nd PC Meeting, Journal 202, agenda item 6, Dec. 17, 1998; 2000 budget, 262nd PC Meeting, Journal 262, PC.DEC/331, agenda item 1, Annex 1, Dec. 15, 1999.

its participating states to enhance stability in its area. The organisation places its activity on the inter-relation of all dimensions it deals with, ranging from political and humanitarian aspects to the economy, environment, and scientific and technological issues, as discussed in the introductory chapter. The close linkage among all dimensions of OSCE activity has contributed to the raising of awareness and confidence-building and to the development of broad and integrated approaches to the issues it deals with, reflecting the organisation's innovative character. Nevertheless, the ideals for which the OSCE stands, a united and peaceful Europe built on common values and shared principles, are still far from achieved.

The OSCE faces several limitations, as analysed in the chapter, which prevent it from taking on a more preponderant role in the international scene. Its broad membership, restricted and non-specialised personnel and tight budget are examples. The lack of political will or sufficient experience of participating states to make the new assets operational and/or implement agreed commitments has many times constrained the reach of the organisation's activities. If there is no true commitment from participating states to the OSCE's principles and their translation into reality, their value will always be limited.

The OSCE is not alone in the fight for a peaceful and stable Europe where values of co-operation prevail. Other international organisations such as the UN, the EU, the WEU, the Council of Europe and NATO, not to mention non-governmental entities, work for the same purpose, though using different strategies and means. How do they inter-relate in the field and at headquarters level? Is there confluence of efforts and co-operation or instead competition for preponderance, and thus inefficiency? What, if anything, can be done to ameliorate difficulties in the relationships among international institutions? Can developing collaboration with other international organisations enhance the OSCE's work? Or will it instead be downgraded? The following chapter will focus on these problematic issues, aiming to set the institutional context in which OSCE development takes place and clarifying the place it occupies in the European security architecture.

Chapter 3 Turf wars in the development of the European security architecture

3.1. Introduction

Following the analysis of the historical development of the OSCE, entrusted with permanent administrative and executive institutions, new mechanisms and procedures for conflict prevention, management, and post-conflict rehabilitation, we will now draw attention to the context in which this evolution has taken place. The OSCE's development has been processed in an integrated environment where the organisation forms part of an overall institutional framework for the promotion of security and stability in Europe. The UN, NATO, the Council of Europe, the EU and the WEU are part of this framework[270]. With the end of the Cold War, new states along with new issues emerged, demanding innovative responses from the international community. The Cold War rationale was over, giving place to an uncertain future with different contours. In the new context, these international organisations were challenged in their aims and procedures. The adaptation of former structures and the establishment of new ones has been a shared goal in the agenda of these organisations, with the general aim of contributing to the building of a stable and peaceful Europe.

This chapter will concentrate on these international organisations as pillars of the European framework for the promotion of security. It will draw on the consequences arising from the organisations' post-Cold War development, particularly as regards the way in which the different international organisations interact, not only at headquarters level, but also in the field, in the former Soviet area. The way in which these organisations inter-operate affects the role, place and validity of each organisation, and here especially of the OSCE, in post-Cold War Europe. Complementary and at times competitive, these organisations work for the building of stability, applying, however, different approaches, mechanisms and procedures. Which is the best defining feature of the inter-relationship between the different organisations: rivalry or collaboration? Which alternatives might be formulated to cope with competition? What might be the relevance of the OSCE in post-Cold War Europe, in its context of interplay with other organisations? And what place for NGOs and what prospects for the OSCE-NGO relationship? In seeking answers for these questions, this chapter aims to clarify the OSCE's place in the European context, inferring on its relevance in the midst of the 'alphabet soup' of international organisations.

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[270] See annex 3 on the European security infrastructure.

3.1.1. New assets to respond to new challenges

To benefit from political, economic and possibly military protection, the new republics in the former Soviet Union have sought closer co-operation with these international organisations through membership when possible, or through the formalisation of co-operation agreements. It should nevertheless be made clear that the new republics are not a homogenous bloc. Their divergent interests have marked the different orientations and policy options they have followed, of a more pro-Western orientation, a pro-Asian attitude, or indeed a pro-Russian posture. To exemplify their heterogeneity, while the Baltic states are Western-oriented, Asian republics like Kazakhstan or Kyrgyzstan pursue more Asian-oriented policies, and Belarus seeks integration within the Russian Federation[271]. These differences are reflected in the different grades of interest and viability of integration in Western structures, in particular NATO, the EU and the Council of Europe.

In the face of the numerous challenges in the former Soviet Union, these international organisations have either enlarged to the East, such as the UN[272], the Council of Europe[273] and the OSCE, or elaborated co-operative agreements and partnership programmes for collaborative actions with the new republics, in particular NATO[274] and the EU[275]. In the framing of their relationship with the new countries in the former Soviet Union, these international organisations have adopted more flexible and pragmatic procedures in the face of the tensions and conflicts in the former Soviet area. The aim of the post-Cold War reform effort has been to render the organisations operational to address more efficiently the new challenges at the economic, political,

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[271] This issue will be revisited in chapter 5, section 5.3.

[272] The UN has anchored all new republics of the former Soviet Union as participating members, an area where it has missions or representations deployed.

[273] Council of Europe members from the former Soviet area include Estonia, Latvia, Lithuania, Moldova, Russia, and the Ukraine. As regards the former Soviet republics which are not yet Council of Europe members, the Council has developed policies and reinforced contacts with the objective of future accession, such as the case of Azerbaijan. In this context, the Council of Europe has also discussed with the relevant authorities the conflict in Nagorno-Karabakh and has also offered support for the settlement of the problems in Georgia, in particular as regards the status question. "OSCE and Council of Europe Hold 7th High-level Meeting", OSCE Press Release, Nov. 21, 1999. See also Pinto, D., "From Assistance to Democracy to Democratic Security", *From Assistance to Democracy to Democratic Security, Co-operation and Assistance Programmes for Central and Eastern Europe*, Council of Europe, pp.5-16.

[274] NATO has developed co-operation programmes with the new independent republics, namely the Euro Atlantic Partnership Council (EAPC) and the Partnership for Peace (PfP) programme. In the former Soviet area the EAPC brings together Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. The PfP programme includes the same countries, except for Tajikistan. See also Balanzino, S., "A Year After Sintra: Achieving Co-operative Security Through the EAPC and PfP", *NATO Review*, vol.46, n.3, Autumn 1998, pp.4-8; George, B., "In Quest of 'Mutually Reinforcing Institutions': OSCE, NATO and NACC", Draft Interim Report of the Sub-Committee on Transatlantic and European Relations, Committee of the North Atlantic Assembly, Sep. 20, 1996; "Further development of the EAPC", *NATO Basic Fact Sheet*, Jan. 26, 2000; "Partnership for Peace (PfP)", *NATO Basic Fact Sheet*, n.9, Nov. 1995. Refer also to section 3.2.2.2.

[275] The EU has signed Trade and Co-operation agreements with the Baltic states and Partnership and Co-operation agreements with most of the former Soviet republics, including Russia. See also Lundin, L., "The Charter for European Security from a EU Perspective", *Helsinki Monitor*, vol.11, n.1, 2000, p.21.

societal and/or military level[276]. In the end, improvements to one or more of these aspects will significantly affect the others, having a comprehensive scope.

3.2. Mutually-reinforcing institutions?

The adoption of new instruments, concepts and even enlarged memberships have been the responses found by the participating members of the UN, NATO, the EU, the WEU and the Council of Europe, as well as the OSCE, to respond to the new risks, in particular through the development of conflict prevention and management tools. Nevertheless, the shared goal of a peaceful and stable Europe has raised questions about the reinforcing characteristics of these institutions as complementary. Despite obviously different strategies and means, many aspects in their daily activities are similar, suggesting overlap and calling into question the efficiency of resource-sharing and resource-allocation. The result of the strengthening process undergone by these international organisations is an ensemble of organisations, better prepared and equipped to face tensions and conflicting situations. However, the question arises: do these international organisations have overlapping competencies and compete for a preponderant role?

All these international organisations have repeatedly made clear their willingness to co-operate, as formulated in adopted documents and through statements or other procedures, including letters or informal meetings. In particular, with regard to the OSCE, they have committed themselves to put their various strengths at the service of the organisation for purposes of conflict prevention and management. Whether the wording of documents has been applied in practice, and the extent to which the vague formulation of some commitments has prevented efficient action, will be analysed in the following sections.

3.2.1. The wording of documents and formal interventions

A historical analysis of the main documents of these organisations leads us to interesting conclusions. From 1990 onwards there is clear progress in the wording of documents as regards the nature of relations among these organisations. At first vague and not going into much detail, the commitments agreed did not allow much scope for action. Nevertheless, with time the roles and tasks of the different organisations became clearer, and the increasing complexity and demands for action led inevitably to a more serious addressing of the inter-institutional relationships. Participating members of the different organisations realised the need to find appropriate ways for clarifying these inter-relations since overlap and duplication did not bring benefits, neither in human nor material terms, not to mention the institutional legitimacy which could be questioned. What is noticeable is the increment in references and the more concrete

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[276] Miszlivetz, F., "Redefining European Security", *Journal of World Affairs*, vol.IV, issue 1, Winter/Spring 1997, pp.211-212.

wording of documents. Calls for intensification of contacts abound and specificity is translated, for example, into separate references for co-operative approaches at the headquarters level and in the field.

Participating states have called for a co-operative approach among international organisations, including the finding of methods for general participation in the different organisations' activities. The existence of multiple links among international organisations was recognised, permitting the commitment of the various organisations to work in a constructive, complementary and mutually-reinforcing way[277]. In this process of affirmation of the complementary nature that should serve as the basis of the international organisations' relations, the different institutions have called for pragmatic and flexible principles, built on a non-hierarchic structure[278]. The establishment of regular consultations and dialogue, high-level visits and cross-representation at meetings were a first set of principles to 'regulate' activities[279]. Increasing transparency in means and procedures through information exchange should contribute to the creation of synergy among international organisations. The appointment of liaison officers or points of contact was also suggested to provide the linkage among the various organisations, with the goal of ameliorating relations not only at headquarters level, but also in the field[280].

As regards headquarters[281], suggestions pointed to the need for better co-ordination among Foreign Ministries in order to clarify approaches and possibly co-ordinate them. The maximum use of consultation mechanisms at headquarters' level was expected to permit the achievement of concrete results in terms of co-operation in the field. Moreover, the previous definition of mandate and working methods of any Mission deployment was suggested, to allow a clear understanding of the roles and limits of the different organisations' activities, so that relations in the field could be co-operative.

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[277] *Charter of Paris for a New Europe*, "A new era of democracy, peace and unity", 1990; 5th Ministerial Council Meeting, Budapest, Dec. 7-8, 1995, Decision 2, MC(5).DEC/2, parags.2-3; UN 81st GA Meeting, A/RES/51/57, Dec. 12, 1996, parag.3.

[278] 6th Ministerial Council Meeting, Copenhagen, Dec. 18-19, 1997, Decision n.5, Annex 1 to MC(6).DEC/5 and *Charter for European Security*, 1999, chapter III, parag.12.

[279] Rome Declaration on Peace and Co-operation, North Atlantic Council, Nov. 7-8, 1991, parag.10; UN 47th GA Meeting, resolution 48/5, Oct. 22, 1993; CSCE 4th Council Meeting, Rome, Nov. 30-Dec. 1, 1993, chapter VI, 4C/DEC.1, parags.2-3; "Regional organisations and UN meet to discuss co-operation", UN Headquarters, New York, Aug. 1, 1994, *CSCE Newsletter*, vol.1, n.8, Sep. 7, 1994, p.3; UN 50th GA Meeting, agenda item 30, A/50/L.62, Dec. 14, 1995; Ministerial Meeting of the North Atlantic Council, Berlin, Jun. 3, 1996, parag.21; "Lisbon Declaration on a Common and Comprehensive Security Model for Europe for the Twenty-first Century", 1996, parag.10; "Joint Declaration", Annual talks between the OSCE and the Council of Europe, London, Mar. 12, 1998.

[280] 1st Senior Council Meeting, Prague, Mar. 21-22, 1996, Chairman's Statement, Annex to SC(1/96), Journal n.1; 6th Ministerial Council Meeting, Copenhagen, Dec. 18-19, 1997, Decision 5, Annex 1 to MC(6).DEC/5; *Istanbul Document 1999*, Istanbul Declaration, parags.35-36; *Charter for European Security*, 1999, chapter IV; "Joint Declaration", Annual talks between the OSCE and the Council of Europe, London, Mar. 12, 1998.

[281] *Annual Report 1998 on OSCE Activities*, The Secretary General, Dec. 1, 1997-Nov. 30, 1998, chapter 8, SEC.DOC/2/98, Dec. 2, 1998; address by the Secretary General of the Council of Europe, Mr. Daniel Tarschys to the OSCE PC, Vienna, Nov. 19, 1998, PC.DEL/507/98, Nov. 18, 1998; 1999 Review Conference of the OSCE, Vienna, Sep. 20-Oct. 1 and Istanbul, Nov. 8-10, 1999, agenda item 7, RC(99),JOUR/10, Annex 4, Oct. 1, 1999.

As regards the field level[282], many recommendations have been formulated on the need to improve collaborative approaches. Early and comprehensive consultations before the deployment of an operation with effective information sharing and the definition of a working project, as well as defined timetables for executing the programmes, emerge in the sequence of the suggested improved contacts at headquarters' level. Moreover, the personality and capacity of adaptation of the individuals deployed and the inter-relations they manage to build inside their team-work and with other teams in the field, are fundamental. A profound knowledge of the problems they are addressing, and of the other institutions in the field, are also detrimental aspects.

In practical terms, the conduct of joint operations as regards, for example, the monitoring of elections or even peacekeeping has been suggested as a possible area for improved co-operation. In election monitoring, resource-sharing plays a particularly relevant role, both in material and human terms. Due to these organisations' differences in mandates and means, co-operation in the area of peacekeeping is also necessary. The Atlantic Alliance and the WEU have offered their resources and expertise to the OSCE[283], since this last has the mandate, but not the means.

In this evolving course of the international organisations' relations, it is frequent to find in the wording of documents references to lack of co-ordination and to the missing of opportunities to jointly address specific aspects. Moreover, repeated calls for avoiding the duplication of efforts are found both in regard to human and material resources[284]. In fact, the UN Secretary General[285] has even drawn attention to the fact that if disagreements and multiplicity of views become public, they may erode legitimacy, calling into question the relevance of the various organisations' activities. As such, participating states recognise the need for complementary approaches, but also recognise the difficulty in making the concept of inter-locking institutions operational. The continuous affirmation of co-operative commitments and the calls for joint initiatives and further co-operation demonstrate how difficult it has been to implement the agreed provisions when it

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[282] "Co-operation between the United Nations and Regional Organisations/Arrangements in a Peacekeeping Environment, Suggested Principles and Mechanisms", part II, parags.V to XVII, Mar. 1999; 1999 Review Conference of the OSCE, Vienna, Sep. 20-Oct. 1 and Istanbul, Nov. 8-10, 1999, agenda item 7, RC(99), JOUR/10, Annex 4, Oct. 1, 1999.

[283] *Helsinki Document 1992*, Helsinki Declaration, parag.10 and Helsinki Decisions, chapter III, parag.52; Oslo Meeting of NATO Foreign Ministers, Jun. 1992; "Alliance Interaction with the OSCE", *NATO Basic Fact Sheet*, n.6, Nov. 1995; WEU Petersberg Declaration, part II, parag.4, Jun. 1992. See also Boyer, Y., "Perspectives on a Future European Security System" in Sato, S. and Taylor, T. (eds.), *Prospects for Global Order*, p.44; von Moltke, G., "NATO and the OSCE: An Evolving Partnership for a New Europe", *Europai Szemle, European Review*, "OSCE 1995", E Europaische Rund-Schau, Special Issue, vol.VII, Budapest, 1996, p.62; Zannier, L., "Relations between the OSCE and NATO with Particular Regard to Crisis Management and Peacekeeping" in Bothe, M. et al. (eds.), *The OSCE in the Maintenance of Peace and Security*, p.258.

[284] *Budapest Document 1994*, Budapest Decisions, part I, parags.8 and 26; 1st Senior Council Meeting, Prague, Mar. 21-22, 1996, Chairman's Statement, Annex to SC(1/96), Journal n.1; OSCE Review Meeting, Vienna, Nov. 4-22, 1996, Report of the CIO to the Lisbon Summit, Nov. 29, 1996, REF.S/91/96; Speaking notes regarding the meeting between the United Nations and the Regional Organisations in New York, Feb. 15-16, 1996, Vienna, Ref.No.2138/sr, REF.SEC/102/96, Mar. 1, 1996; Recommendation 1381/1998 of the Council of Europe Parliamentary Assembly, Sep. 1998 in *Annual Report 1998 on OSCE Activities*, The Secretary General, Dec. 1, 1997-Nov. 30, 1998, chapter 8, SEC.DOC/2/98, Dec. 2, 1998.

comes to the field. The extent of this complexity in inter-institutional relations will be analysed in the following sections.

3.2.2. Translation of words into action

The texts of the documents point, as argued before, to the co-operative nature of inter-institutional relations and to the sharing of expertise and resources. There is general agreement on the need for complementary efforts and the avoidance of duplication as a major source of inefficiency and even paralysis. Generally, co-operative commitments are defined as the most appropriate way for the international organisations to inter-relate. However, most of these commitments are vague in wording and lack objective and concrete steps to render co-operation operational, which may call into question their implementation. In their evolving process, these organisations are constrained not only by the international environment, but also by their membership. The participating states' commitment to the strengthening or not of the different organisations is fundamental to their reformation effort, as analysed in the previous chapter with regard to the OSCE. Moreover, it will also reflect the weight they confer on the different organisations they integrate in dealing with different problems: an aspect of much relevance for the understanding of the OSCE's role in the former Soviet Union, as further analysed in the thesis.

Rivalry among participating members in different organisations is perceivable in attempts to confer primacy on one organisation to the detriment of the others. Focusing on the institution which they consider to be the most efficient, participating states may generate inadequacy in the joint efforts developed by the different organisations[286]. Without the participating members' willingness, functional decision-making and implementation may be compromised by the imposition of administrative or bureaucratic obstacles. In practical terms, these national preferences have had an effect in reality. In broad terms, the United States' intention to strengthen NATO in order that it may maintain a preponderant role in Europe, has rendered difficult the Alliance's relationship towards the OSCE, which was downgraded so as not to shadow the Atlantic Alliance. Russia, for its part, preferred the OSCE to be the leading organisation restraining NATO's preponderance, and if possible reducing its relevance in post-Cold War Europe. The European powers argued in favour of a European led approach through the enhancement of the EU in close collaboration with the WEU as Europe's defence pillar. This

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[285] Speaking notes regarding the meeting between the United Nations and the Regional Organisations in New York, Feb. 15-16, 1996, Vienna, Ref.No.2138/sr, REF.SEC/102/96, Mar. 1, 1996.

[286] "[T]hese 'twining plants' are simply to weak to fight. What does take place, by contrast, are national rivalries over the roles of their respective favourite IGOs", Mouritzen, H., "Twining Plants of International Co-operation, Reflections on the Peculiarities of 'Security' IGOs" in de Wilde, J. and Wiberg, H. (eds.), *Organised Anarchy in Europe*, p.80. Maresca adds that international organisations have no will of their own. "(...) simply incorrect to say that 'the UN failed in Bosnia' - or that NATO failed, or that the OSCE failed. These failures were not failures of the organisations, but rather of the member-states, their governments and peoples", Maresca, J., "Why an OSCE Role in the Caucasus?", *Security Dialogue*, vol.27, n.1, 1996, p.87.

quarrel has made difficult co-operative approaches among the different institutions, on the basis of the participating states' memberships and interests.

Though very simplistic, this reasoning demonstrates how national interests might contribute to or hinder the development and strengthening of a particular organisation. Moreover, inside each organisation, interests also diverge and the same logic might be applied, conditioning the organisation's evolution. As such, the membership of a certain organisation and the states' commitment to its goals are detrimental to the efficacy of that organisation in theoretical and practical terms. In fact, the translation of words into action calls into question many times the nicely-worded commitments. How are, then, mutually-reinforcing commitments applied in practice?

The OSCE has regular meetings and consultations[287] with representatives from these organisations and the exchange of letters is also a common procedure for exchange of information and discussion of current issues. In their collaborative efforts, international organisations work to avoid duplication of roles and procedures and for more efficiency, as the practical efforts to diminish costs as regards the convening of conferences and seminars exemplify[288]. The inter-institutional relations are developed both at the headquarters and the field level, when applicable. Nevertheless, obstacles still persist as regards the implementation of commitments in practice.

3.2.2.1. OSCE and UN: easing the UN burden?

As regards the instruments for co-operation, OSCE-UN consultations and exchange of information take place regularly and ad-hoc consultations at all levels were introduced. No clear set rules exist for these consultations, which both organisations intend to maintain flexible and pragmatic. The mutual participation in seminars and meetings also contributes to a rapprochement of the two organisations[289]. The "Framework for Co-operation and Co-ordination between the UN Secretariat and the CSCE" was signed on May 26, 1993. The need for enhanced co-operation and co-ordination between the two organisations has ever since been reiterated[290]. The CSCE Helsinki Summit framed the relationship between the CSCE and the UN, stating that as a regional

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[287] For example, 7th Ministerial Council Meeting, Oslo, Dec. 2-3, 1998, MC.DOC/1/98, Dec. 3, 1998, part V, Reports of the Oslo Ministerial Council Meeting, Indicative List of Contacts between the Representatives of the OSCE and International Organisations and Institutions in 1998, CIO's progress report, Annex 3.

[288] Report on the Co-operation with International Organisations in Conference Services and other Fields, which included interpretation services and the translation of documents, Aug. 24, 1995, OSCE DOC 465/95, REF.PC/421/95.

[289] For example, "Special Representative for Children and Armed Conflict calls on OSCE to implement concrete measures on behalf of war-affected children", at a Human Dimension Seminar in Warsaw, UN Press Release HR/4473, May 23, 2000; Informal Meeting between the Secretary General and Representatives of Regional Arrangements, Agencies and other Intergovernmental Organisations, Feb. 15-16, 1996 and Aug. 1, 1994; UN 54th GA Meeting, A/RES/54/117 and A/54/L-64 and Add.1, Feb. 9, 2000, parags.3 and 6-7; UN 53rd GA Meeting, A/RES/53/85, Jan. 26, 1999, agenda item 36, parag.3.

[290] UN 54th GA Meeting, A/RES/54/117 and A/54/L-64 and Add.1, Feb. 9, 2000, agenda item 30, parag.21; 53rd GA Meeting, A/RES/53/85, Jan. 26, 1999, agenda item 36, parag.15; 55th GA Meeting, A/52/L.38 and Add.1, Nov. 25, 1997, parag.18; 81st GA Meeting, A/RES/51/57, Dec. 12, 1996, parag.12; 57th GA Meeting, A/RES/49/13, Nov. 15, 1994, parag.2; 56th GA Meeting, A/RES/48/19, Nov. 16, 1993, parag.1.

arrangement under the provisions of chapter VIII of the UN Charter, the CSCE constitutes an important link between European and global security[291].

According to the UN Charter, "such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council"[292]. The UN Charter confers on regional organisations the mandate to carry out peacekeeping operations when there is consensual acceptance of its intervention from all parties to the conflict and after the cessation of armed hostilities[293]. Moreover, implementation of the UN's Security Council resolutions demands the political engagement of organisations like the OSCE for the building of dialogue and confidence, and to the achievement of progress for a lasting peace.

OSCE documents also refer to the CSCE/OSCE activities in conflict prevention, crisis management and post-conflict rehabilitation, defining the organisation's efforts as "contributing to stability and the maintenance of peace", aims the UN fully supports[294]. As regards the CSCE/OSCE Field Missions, the UN has emphasised their "importance and successful work"[295] and offered support to the OSCE activities in Nagorno-Karabakh[296], Georgia[297], Belarus[298] and Moldova[299]. The OSCE and the UN are represented in various republics of the former Soviet Union. In Georgia and until very recently in Tajikistan, both organisations had Field Missions deployed. Practical examples of co-operation include joint election monitoring in Armenia and Azerbaijan[300], and the restitution of property of returnees, in particular as regards the conflict between Georgia and South Ossetia. The HCNM has also collaborated with the UN High Commissioner for Refugees on issues related to statelessness, in order to facilitate the reintegration of returnees. Due to joint UN-OSCE efforts, the Governments of Uzbekistan and

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[291] *Helsinki Document 1992*, Helsinki Decisions, chapter IV, parags.2 and 25. The CSCE was granted observer status in the UN in October 1993, UN 29th GA Meeting, A/RES/48/5, Oct. 13, 1993.

[292] UN Charter, chapter VIII, "Regional Arrangements", art.52, parags.2-3. The same principle is stated by the CSCE participating states which "will make every effort to achieve pacific settlement of local disputes before referring them to the United Nations Security Council", *Helsinki Document 1992*, Helsinki Decisions, chapter IV, parag.2 and *Budapest Document 1994*, Budapest Documents, chapter I, parag.26.

[293] See Burci, G., "Division of Labour between the UN and the OSCE in Connection with Peacekeeping" in Bothe, M. et al. (eds.), *The OSCE in the Maintenance of Peace and Security*, pp.289-313.

[294] UN 57th GA Meeting, A/RES/49/13, Nov. 15, 1994, parags.4-5.

[295] UN 81st GA Meeting, A/RES/51/57, Dec. 12, 1996, parag.11; 57th GA Meeting, A/RES/49/13, Nov. 15, 1994, parag.6.

[296] UN 54th GA Meeting, A/RES/54/117, Feb. 9, 2000, agenda item 30, parags.16-17; 53rd GA Meeting, A/RES/53/85, Jan. 26, 1999, agenda item 36, parag.12; 55th GA Meeting, A/52/L.38 and Add.1, Nov. 25, 1997, parag.16; 81st GA Meeting, A/RES/51/57, Dec. 12, 1996, parag.9; 57th GA Meeting, A/RES/49/13, Nov. 15, 1994, parags.6 and 8.

[297] UN 54th GA Meeting, A/RES/54/117, Feb. 9, 2000, agenda item 30, parag.18; 81st GA Meeting, A/RES/51/57, Dec. 12, 1996, parag.8.

[298] UN 55th GA Meeting, A/52/L.38 and Add.1, Nov. 25, 1997, parag.14.

[299] UN 54th GA Meeting, A/RES/54/117, Feb. 9, 2000, agenda item 30, parag.19; 53rd GA Meeting, A/RES/53/85, Jan. 26, 1999, agenda item 36, parag.14.

[300] "OSCE Relations with International Organisations", http://www.osceprag.cz/info/facts/intorg.htm.

Ukraine have signed an agreement facilitating the return of Crimean Tartars through the easing of procedures for obtaining Ukrainian citizenship. Moreover, the UN High Commissioner for Refugees and the OSCE ODIHR[301] have signed a Memorandum of Understanding with the aim of improving the mechanisms for co-operation already in place, such as exchange of information, appointment of liaison officers, cross representation at relevant meetings, joint assessment of situations of common concern, coherence of approach in the field, and the possibility of holding target-oriented meetings.

UN-OSCE interaction in the field has been co-operative, but not without difficulties. According to the UN Secretary General, co-operation is better at the top, and more precarious when it comes to the field, an idea corroborated by the OSCE's Secretary General[302]. There is no defining parameter, but nevertheless co-operative attitudes of the personnel involved in field activities is fundamental[303]. Moreover, a clear understanding of roles and division of tasks should be pursued to avoid prestige considerations and competition. In the case of Estonia there have been reports of competitive incidents between the OSCE Mission to the country and the UNDP office in Tallinn. These included duplication in mandate, in particular as regards the implementation of the Integration Strategy launched by the Estonian authorities in 1997, to which both organisations have been contributing. According to a UN official[304], the OSCE acted beyond its competencies in the area duplicating UN activities. Nevertheless, these incidents have been surpassed and according to the same official and OSCE sources[305], relations today are more co-operative and open, an issue further developed in chapter six.

In Georgia there have been some implementation problems[306] since the UN refused to be represented in South Ossetia, where the OSCE plays the leading role, and the OSCE was not allowed a relevant role in Abkhazia. As such, the conflicts in Abkhazia and South Ossetia, part of the same problem, are being dealt with separately by the UN and the OSCE, respectively[307]. Given disagreements between the Georgian and Abkhaz authorities over when and how to deploy UN troops, in May 1994 the UN Secretary General decided not to send peacekeeping troops to Georgia. As a result CIS-sanctioned Russian peacekeeping forces were deployed, leaving an image

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[301] *Annual Report 1998 on OSCE Activities*, The Secretary General, Dec. 1, 1997-Nov. 30, 1998, chapter 8, SEC.DOC/2/98, Dec. 2, 1998; UN 53rd GA Meeting, A/RES/53/85, Jan. 26, 1999, agenda item 36, parag.4.
[302] Speaking notes regarding the meeting between the United Nations and the Regional Organisations in New York, Feb. 15-16, 1996, Vienna, Ref.No.2138/sr, REF.SEC/102/96, Mar. 1, 1996. The OSCE Secretary General referred in this regard to the refusal of ID cards by UNPROFOR to the members of the OSCE Mission in Sarajevo as a concrete example of insufficient co-operation.
[303] "What we consider a problem are not the political frameworks or agreements but the preparedness of the people on the ground to enter into practical co-ordination unburdened with bureaucratic or prestige aspects", Zeleniec, Czech Minister of Foreign Affairs at the CSCE Rome Council, Dec. 1, 1993 cited in Kemp, W., "The OSCE and the UN: A Closer Relationship?", *Helsinki Monitor*, vol.6, n.1, 1995, p.26.
[304] Interview with Kristina Mauer, UNDP Programme Officer, Tallinn, May 13, 1999.
[305] Interview with Lt. Col. Christian Bistrup, Deputy Head of OSCE Mission to Estonia, Tallinn, May 11, 1999.
[306] Burci, G., "Division of Labour between the UN and the OSCE in Connection with Peacekeeping" in Bothe, M. et al. (eds.), *The OSCE in the Maintenance of Peace and Security*, p.298.
[307] See Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, pp.281-283.

of UN weakness[308] which, allied to the setbacks suffered in the former Yugoslavia, may for some time confine the UN's operational role in Eurasia to a relatively modest one, focused largely on assistance to refugees and internally displaced persons[309].

As regards the Georgian-Abkhaz conflict, despite the OSCE not playing a direct role in the region, UN officials believe any efforts to focus international attention on the humanitarian consequences of the conflict would be welcome[310]. At Istanbul, the UN and the OSCE roles in Georgia, particularly in Abkhazia, were addressed. The OSCE offered its support to work with the UN, in the formulation of a draft document addressing the distribution of constitutional competencies between the central authorities of Georgia and Abkhaz authorities[311]. More pragmatic co-operation has been evinced in the proposal for the opening of a joint OSCE/UNHCR office in Sukhumi[312].

While in Moldova the OSCE is the leading organisation mediating the conflict, together with Ukraine and the Russian Federation[313], in Tajikistan both organisations have shared responsibilities. The UN Mission to Tajikistan (UNMOT) was responsible for the repatriation of refugees and displaced persons[314] and the OSCE facilitated their reintegration into Tajik society. The UNMOT mandate expired on May 15, 2000 and the UN withdrew its Mission from Tajikistan. According to Secretary General Kofi Annan, the UN played a stabilising role in the country through its active involvement in bringing about the peace agreement and in ensuring its implementation. Despite having a long way still to go, Tajikistan is "on the path to national reconciliation and democracy"[315]. According to OSCE and UN sources, the close co-operation achieved between the OSCE Mission and the UN authorities in Tajikistan was positive[316].

Nevertheless, the UN and the OSCE involvement in the former republics of the Soviet Union assumes different contours which emerge from differences in mandate and means. Both organisations have Missions deployed in the Caucasus region; nevertheless, while the UN has enforcement power translated into the possibility of imposing sanctions or embargoes, the OSCE

[308] Allison, R., "Peacekeeping in the Soviet Successor States", Chaillot Paper 18, Nov. 1994, Institute for Security Studies, Western European Union, Paris, http://www.weu.int/institute/chaillot/chliste.htm.

[309] Burci, G., "Division of Labour Between the UN and the OSCE in Connection With Peacekeeping" in Bothe, M. et al. (eds.), *The OSCE in the Maintenance of Peace and Security*, p.309.

[310] Statement by the UN High Commissioner for Refugees at the PC of the OSCE, Vienna, PC.DEL/442/98, Oct. 15, 1998; UN 81st GA Meeting, A/RES/51/57, Dec. 12, 1996, parag.8.

[311] *Istanbul Document 1999*, Istanbul Declaration, parags.11, 17 and 37.

[312] 66th PC Meeting, Journal 66, PC.DEC/115, agenda item 3, Apr. 25, 1996 and "OSCE Relations with International Organisations", http://www.osce.org; UN 53rd GA Meeting, A/RES/53/85, Jan. 26, 1999, agenda item 36, parag.13; 55th GA Meeting, A/52/L.38 and Add.1, Nov. 25, 1997, parag.15.

[313] An issue revisited in chapter 7, section 7.4.1.

[314] UN 81st GA Meeting, A/RES/51/57, Dec. 12, 1996, parag.10. See also "Follow-Up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States", 70th GA Meeting, A/RES/52/102, Dec. 12, 1997.

[315] UN Secretary General Kofi Annan cited in "After a successful mission, UN set to withdraw observers from Tajikistan", *UN News service*, Mar. 20, 2000, http://www.un.org.

[316] 11th PC Meeting, Journal 11, PC.DEC/26, agenda item 4, Mar. 9, 1995; UN 55th GA Meeting, A/52/L.38 and Add.1, Nov. 25, 1997, parag.17. The OSCE involvement in Tajikistan is further developed in chapter 5, section 5.3.3.1.

has no such compelling devices. This might either mean that the OSCE is more easily welcomed in these countries or that its effectiveness may be questioned due to its lack of enforcement mechanisms, an issue further analysed in chapter five and the case-studies.

A diminishing presence of the UN in European conflicts is possible with increasing OSCE involvement as a consequence. In this sense, the OSCE could lighten the burden of UN activities. The UN Secretary General argued in a meeting with regional organisations in February 1996 that the "UN is not eager to get involved in all the disputes; we just do not have the capacity for this"[317]. In the 1992 "Agenda for Peace", UN former Secretary General Boutros Boutros-Ghali referred to "regional action as a matter of decentralisation, delegation and co-operation with the UN as lightening its burden and contributing to a wider sense of participation, consensus and democratisation in international affairs"[318]. As such, the UN Secretary General highlighted the importance of high-level and all-level consultations and flexibility with regional organisations, which might assume part of the responsibility, such as the OSCE in the former Soviet Union area.

3.2.2.2. Implementing OSCE-NATO co-ordination principles

The framing of OSCE-NATO relations has been the result of numerous meetings and the adoption of several documents enumerating the co-ordination principles between the two organisations. These principles include regular contacts and exchange of information, and mutual participation in seminars, conferences and meetings[319], such as the OSCE participation in the Political-Military Steering Committee/Ad-Hoc Group on Co-operation in Peacekeeping (EAPC/PfP framework) and NATO's Secretary General or other NATO representatives' attendance of OSCE meetings. In their evolving process, NATO and the OSCE have come closer in addressing issues in the former Soviet area[320]. In this sense, the Alliance instruments to deal with the problems in the independent republics of the former Soviet Union, the EAPC and PfP programmes[321] are the most similar in mandate to the OSCE.

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[317] Speaking notes regarding the meeting between the United Nations and the Regional Organisations in New York, Feb. 15 and 16, 1996, Vienna, Ref.No.2138/sr, REF.SEC/102/96, Mar. 1, 1996.

[318] *An Agenda for Peace*, United Nations, New York, 1992, p.37.

[319] For example, OSCE participation in the NATO Seminar on "Public Relations Aspects of Peacekeeping", Brussels, Apr. 10-11, 1997, NATO Press Release (97)39, Apr. 9, 1997; NATO has participated in several CSCE/OSCE Seminars. See also Ministerial Meeting of the North Atlantic Council, Berlin, Jun. 3, 1996, parag.21; Ministerial Meeting of the North Atlantic Council, Brussels, Dec. 5, 1995, parag.10.

[320] NATO has shown its support for OSCE activities in the former Soviet space in several instances, as regards Nagorno-Karabakh or the Baltic states. See for example, Ministerial Meetings of the North Atlantic Council, Brussels, Dec. 16, 1997, parag.16; Berlin, Jun. 3, 1996, parag.21; Brussels, Dec. 5, 1995, parag.10; Oslo, Jun. 4, 1992, parags.4 and 14.

[321] NATO's EAPC and PfP programmes are directed to the enhancement of relations with Eastern countries, through the promotion of confidence and co-operative efforts to reinforce security, better opportunities for consultation and the development of common approaches for peacekeeping and humanitarian operations through joint training and exercises. PfP work is based on bilateral agreements between NATO and the countries interested in joining the programme, envisaging the implementation of concrete co-operation activities of a political and military nature. Its general aims are the democratisation of the military and the application of internal socio-political norms and practices to the military level, more transparency in the defence budget, development of joint planning and joint military exercises, and the preparation of partner countries to operate with NATO forces in various missions. Despite not offering the same guarantees as to its

According to NATO sources, NATO's EAPC and PfP programmes should be regarded as complementary and supportive of OSCE activities[322]. The OSCE's human dimension and the focus on civilian aspects might be complemented by the EAPC as a partner of the OSCE for peace support[323]. The NATO offer of support for OSCE peacekeeping operations[324] made clear the link between the OSCE and PfP, a programme directed towards peacekeeping training operations and the integration of NATO partner countries in these operations. In this sense, NATO and the OSCE could combine efforts to promote stability in the OSCE area. Both the OSCE and the EAPC work for the promotion of peaceful change, thus, in membership and activities there is a tendency for overlap. How the EAPC-OSCE connection is supposed to work is not clear and has generated criticisms of competition.

According to Hans van Mierlo, the Dutch Minister of Foreign Affairs, the advantage of the EAPC over the OSCE is that it is better placed for consultation and co-operation on military aspects of security issues, such as peacekeeping. If agreement is reached as regards the deployment of a peacekeeping Mission in Nagorno-Karabakh under OSCE auspices, then the EAPC could provide the link between NATO and the OSCE, possibly playing a role in such an operation at the OSCE's request[325].

Despite evident similarities with the OSCE activity in the former Soviet Union republics, these programmes do not have the same scope in conflict prevention and human rights issues as the OSCE Missions have, in particular due to the degree of acceptance of the OSCE in the area, in comparison with a reluctant Russia to accept NATO intervention[326]. The differences in membership between the two organisations and the geographic limits for peacekeeping activities in

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member states, NATO committed to consult with any PfP signatory perceiving a direct threat to its territorial integrity, political independence or security. "The Enhanced Partnership for Peace Programme (PfP)", Press Info, NATO Madrid Summit, Jul. 8-9, 1997; "Partnership for Peace (PfP)", *NATO Basic Fact Sheet*, n.9, NATO Office of Information and Press, Nov. 1995; "Partnership-for-Peace: Framework Document Issued by the Head of State and Government Participating in the Meeting of the North Atlantic Council", Brussels, Jan. 10, 1994. EAPC substituted NACC as a new forum, more comprehensive in scope, more flexible in the formats of its meetings and allowing for deeper consultations between allies and partners. As a continuation of NACC, the EAPC functions like a political complement to a stronger and more operational PfP, where consultations on a wide range of issues, including regional security co-operation, international terrorism, defence-related environmental issues, the proliferation of weapons of mass destruction and the development of a politico-military framework for future NATO-led PfP operations, take place. Almost all non-NATO EAPC members have established diplomatic missions accredited to NATO, expanding consultations and permitting more efficient co-operation with the organisation. Balanzino, S., "A Year after Sintra: Achieving Co-operative Security Through the EAPC and PfP", *NATO Review*, vol.46, n.3, Autumn 1998, p.6. The EAPC was established at the Sintra Meeting of Foreign Ministers, Portugal, May 30, 1997, "Basic Document of the Euro-Atlantic Partnership Council", Sintra, Portugal, May 30, 1997; "Further development of the EAPC", *NATO Basic Fact Sheet*, Jan. 26, 2000; "The Euro-Atlantic Partnership Council", Press Info, NATO Madrid Summit, Jul. 8-9, 1997.

[322] "Alliance interaction with the OSCE", *NATO Basic Fact Sheet*, n.6, Nov. 1995; Statement by Lord Robertson, NATO Secretary General to the OSCE Istanbul Summit, November 19, 1999.

[323] George, B., "NATO, the EAPC and the OSCE", Column, *Helsinki Monitor*, vol.8, n.4, 1997, p.86.

[324] "Final Communique of the Ministerial Meeting of the North Atlantic Council (including the Oslo decision on NATO support for peacekeeping activities under the responsibility of the OSCE)", Oslo, Jun. 4, 1992, parag.11.

[325] Speech by the Minister of Foreign Affairs of the Netherlands, Hans van Mierlo, EAPC Meeting in Ministerial Session, Dec. 17, 1997, http://www.nato.int/docu/speech/1997/s971217s.htm.

the former Soviet Union which NATO faces[327] are major differentiating aspects which might contribute to co-operative measures and to the strengthening of the OSCE role in the area.

Both organisations have proper mandates which envisaging common goals, such as the promotion of stability and security throughout Europe, follow distinct paths. NATO's concentration on politico-military aspects of security does not run against OSCE procedures, in particular in the human dimension, the core dimension of the organisation[328]. Moreover, the Atlantic Alliance is still better suited to deal with military than civilian tasks, despite the adjustments it has been making to the new demands. The common security approach of the OSCE is distinct from the collective defence approach of NATO[329]. There are, nevertheless, conditions for more than co-operation by exclusion, since through the EAPC, PfP and the strengthening of relations with Russia, NATO has acquired a role in the stabilisation processes in the former Soviet Union area.

3.2.2.3. The OSCE and the EU-WEU: practical co-operation?

Despite the non-physical deployment of EU Field Missions in the former Soviet Union area, the EU involvement in various co-operation initiatives has allowed close OSCE-EU co-ordination of activities. The European Commission and the OSCE ODIHR have signed an agreement on a joint programme for advancing human rights and democratisation in Central Asia which the European Commission is financing, including fifteen technical assistance projects in Kazakhstan, Kyrgyzstan and Turkmenistan[330]. In some instances, both organisations shared responsibilities in the implementation of joint projects, such as in the case of Moldova where the reconstruction of the Gura-Bicului bridge was planned and monitored by the OSCE, with EU funds[331]. Any actions directed towards rebuilding efforts and stabilisation are welcomed in the overall project of democratisation. In this sense, the EU projects and co-operation activities are complementary to those of the OSCE.

Relations between the OSCE and the EU have developed positively, although institutional difficulties have arisen due to the different nature of the two organisations[332]. While the EU is a treaty based organisation which follows formal and bureaucratic procedures, the OSCE is a non-

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[326] This issue will be revisited in chapter 4, section 4.2.4.2.

[327] "There is no possibility of action by NATO in the territory of the former Soviet Union, at any rate with the permission of the Russian Federation", Mierlo, H., "The Significance of the OSCE in the European Security Architecture", *Helsinki Monitor*, vol.6, n.4, 1995, p.11.

[328] Refer to chapter 2, section 2.3.3. See also Switalski, P., "An Ally for the Central and East European States", *Transition*, vol.1, n.11, Jun. 30, 1995, p.29.

[329] Refer to the introductory chapter. See also Hoynck, W., "The OSCE and its Contribution to New Stability", *Europai Szemle, European Review*, "OSCE 1995", E Europaische Rund-Schau, Special Issue, vol.VII, Budapest, 1996, p.27.

[330] *ODIHR Semi-Annual Report Spring 1999*, Warsaw/Poland, Jun. 1, 1999, p.4.

[331] Interview with Witold Karp, Member of the OSCE Mission to Moldova, Public Relations Officer, Acting Head of Mission, OSCE Mission office in Chisinau, June 14, 1999 and *Annual Report 1999 on OSCE Activities*, Dec. 1, 1998 - Oct. 31, 1999, The Secretary General, SEC.DOC/2/99, Nov. 17, 1999, p.70.

[332] Lundin, L., "The Charter for European Security from a EU Perspective", *Helsinki Monitor*, vol.11, n.1, 2000, p.18.

treaty based organisation with a more flexible organisation. These fundamental differences generate co-operation problems as regards, for example, EU contributions to the funding of OSCE field activities or other projects, since the formalities of the EU and of the OSCE are not compatible. Nevertheless, both organisations have been working on procedures to allow such funding to become effective. With the adoption of the "Charter for European Security" it is expected that these procedures will become simplified, since the implementation of common projects through the Platform for Co-operative Security is envisaged[333]. In the Republic of Moldova, as mentioned above, there are joint EU-OSCE projects underway, which demonstrate how these difficulties might be surpassed.

The WEU has also contributed to the mutually-reinforcing institutions principle through the establishment of regular consultations, mutual participation of representatives in meetings and exchange of information and reports of activities with the OSCE. The OSCE has been invited to observe WEU exercises[334]. The WEU is not represented in the former Soviet Union territory, nevertheless it has demonstrated its readiness to support conflict prevention and crisis management measures, including peacekeeping under the aegis of the OSCE or the UN[335]. In WEU documents, statements of support of OSCE activities in general, and in the former Soviet space in particular, are common, including for example Nagorno-Karabakh or Chechnya[336]. There are, therefore, no reasons for major difficulties in the relationship between the OSCE and the WEU.

3.2.2.4. OSCE-Council of Europe: duplication of efforts?

The interface between the OSCE and the Council of Europe is maintained by liaison officers, mutual participation in meetings and exchange of letters[337]. The intensification of information exchange to the stage of systematic consultation is also envisaged, to allow efficacy not only in planning, but also in activities[338]. Both organisations have also promoted joint seminars in areas of common concern, since both share the goals of building stability and security in Europe based on

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[333] *Charter for European Security*, 1999, parag.40 and Lundin, L., "The Charter for European Security from a EU Perspective", *Helsinki Monitor*, vol.11, n.1, 2000, p.18.

[334] "European Security and Defence: WEU's Role, Relations with the UN and the OSCE", WEU, http://www.weu.int.

[335] WEU Council of Ministers, Luxembourg Declaration, Nov. 22, 1993, chapter II, parag.1; "European Security and Defence: WEU's Role, Relations with the UN and the OSCE", http://www.weu.int. See also Reuters News Service, 1998 and Philippe Rater, AFP-WW67, 15 Mars 1998 in *WEU - 50th Anniversary of the Brussels Treaty, 1948-1998*, Press Review, Special Issue, WEU Press and Information Office, 1998, pp.40 and 41, respectively.

[336] WEU Council of Ministers, Porto Declaration, May 16, 2000, parag.22; Luxembourg Declaration, Nov. 23, 1999, parag.16; Rome Declaration, Nov. 17, 1998, parag.2; Rhodes Declaration, May 12, 1998, parag.3; WEU Extraordinary Council of Ministers, Madrid, Nov. 14, 1995, parags.75 and 84; WEU Council of Ministers, Lisbon Declaration, May 15, 1995, parag.I.4.1; Noordwijk Declaration, Nov. 14, 1994, chapter VI, parag.29.

[337] For example, Council of Europe 646th Meeting of the Committee of Ministers, item 2.6, b), decision (13.iii.c), Oct. 21-22, 1998; Council of Europe Parliamentary Assembly, "General Policy: Council of Europe and OSCE", Doc.8187, Sep. 10, 1998, parags.40-41.

[338] Council of Europe 646th Meeting of the Committee of Ministers, item 2.6, b), decision (13.iii.d), Oct. 21-22, 1998.

democracy and respect for human rights, which signal co-operative efforts[339]. Consultations on practical aspects of co-operation such as the channelling of humanitarian assistance to Chechnya and meetings to address other humanitarian causes involving the OSCE, the UN and the Council of Europe have been convened[340].

The Council of Europe and the OSCE reiterate a co-operative atmosphere both at headquarters and in the field[341]. The Council of Europe co-operation with the OSCE includes all relevant OSCE institutions in the field of human rights, democratic institutions and the rule of law, thus, the CIO, the Field Missions, the HCNM, the ODIHR and the Secretariat[342]. Moreover, this co-operative effort should be extended to the level of the Foreign Ministries of these organisations' participating states, in order that the decision on mandates and means may allow "substantial positive impact on the respective performance of both organisations"[343].

The OSCE's operational capabilities in conflict management on the one hand, and the Council of Europe's extensive experience in legal aspects and standard-setting on the other hand, should be made complementary, based on an equal footing and results-oriented[344]. In this sense, the Council of Europe codifies and upholds legal rules, and the OSCE uses them to encourage better behaviour in areas of tension[345]. The OSCE can offer institutional flexibility and reaction capabilities, provide strong political impetus for practical work on human rights and exercise external political pressure for the promotion of universal standards[346].

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[339] Seminar on the "Relationship between the OSCE and the Council of Europe", Message by Professor Bronislaw Geremek, OSCE CIO, The Hague, June 5, 1998, CIO.GAL/25/98, Jun. 9, 1998. In co-operation with the OSCE Mission to Georgia, a joint OSCE-Council of Europe Seminar on "State Structures in Complex Ethnic Situations" took place in Dec. 1997 as part of a common effort to solve the problems in South Ossetia.

[340] Annual Report 1995 on OSCE Activities, The Secretary General, chapter IV, 1995, p.39; Council of Europe 106th Session of the Committee of Ministers, CM/Press (2000)1, May 10-11, 2000; Council of Europe 650th Meeting of the Committee of Ministers, CM/Del/Dec(98)648/2.1a, CM(98)9, 178, item 11.6, Nov. 24-25, 1998.

[341] Final Declaration of the 2nd Summit of Heads of State and Government of the Council of Europe, Strasbourg, Oct. 10-11, 1997. The Council of Europe has shown support for OSCE Field Missions' activities, such as Georgia or Nagorno-Karabakh, Council of Europe Parliamentary Assembly, Resolution 1119(1997)1 on the Conflicts in Transcaucasia; 492nd Committee of Ministers Declaration on the Escalation of the Nagorno-Karabakh Conflict, Apr. 15, 1993; 471st Committee of Ministers Declaration on the Nagorno-Karabakh Conflict, Mar. 11, 1992. The experience in Bosnia and Herzegovina has been quite successful. In the field, the Council of Europe has provided logistical, legal and staff support for the establishment of the Human Rights Commission and the Ombudsperson for Bosnia appointed by the OSCE. Daniel Tarschys argued this co-operative example has shown that "the call for a system of interlocking institutions, in order to guarantee security, stability and co-operation on the continent, has been more than a pious hope", Tarschys, D., "The Council of Europe: Strengthening European Security by Civilian Means", NATO Review, vol.45, n.1, Jan. 1997, p.7.

[342] Council of Europe 646th Meeting of the Committee of Ministers, item 2.6, b), decision (13.iii.c), Oct. 21-22, 1998.

[343] Council of Europe Parliamentary Assembly, "General Policy: Council of Europe and OSCE", Doc.8187, Sep. 10, 1998, parag.26.

[344] Address by the Secretary General of the Council of Europe, Mr. Daniel Tarschys to the OSCE PC, Vienna, November 19, 1998, PC.DEL/507/98, Nov. 18, 1998.

[345] "Europe's Council of Correctness", The Economist, vol.351, n.8118, May 8-14, 1999, p.45; Council of Europe Parliamentary Assembly, "General Policy: Council of Europe and OSCE", Doc.8187, Sep. 10, 1998, parags.25, 28 and 53.

[346] As reaffirmed in the main OSCE documents.

As regards membership, all Council of Europe members are also OSCE members. Despite these similarities, the two organisations have different responsibilities, structures, working tools and methods to achieve their goals. While the Council of Europe operates mainly from its Strasbourg headquarters[347], the OSCE has several Missions deployed in the former Soviet area. Moreover, the Council of Europe relies on specialised human resources from different categories of national, regional and local administration of its member states, as well as from research institutions and NGOs linked to the Council's work. The OSCE's politically motivated approach to situations in the field implies the use of human resources from the diplomatic services of its participating states[348], most of the time not so specialised as the Council's personnel. Moreover, while the OSCE has developed an operational approach to human rights, encompassed in its whole concept of security, as analysed in the introductory chapter, the Council of Europe emphasises the development of legal infrastructures in the area, supported by high-quality legal expertise[349].

In order to foster joint co-ordination of activities, the OSCE CIO suggested the maintenance of mechanisms for consultation at various levels, organising more target-oriented expert meetings, exchanging information on each other's procedures and activities, and seeking advice about ideas under discussion. The same view is shared by Council of Europe's representatives[350]. The close association of the Council of Europe's Secretariat with the development and implementation of the OSCE's REACT in order to avoid duplication of the Council's activities for development and consolidation of democratic stability, is an example of complementary activities[351]. Efforts should be devoted to the use of comparative advantages and resources in the most efficient manner. This may be achieved through operational exchange of information on activities, and the OSCE drawing more on the Council's expertise in the field of human rights, democratic institutions and the rule of law[352]. An example has been the reliance of the OSCE HCNM and Representative on Freedom of the Media on the Council of Europe's legal instruments, such as the Framework Convention on the Protection of National Minorities and the

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[347] The Council of Europe deploys short-term Missions in particular circumstances, such as for the observation of electoral processes or for the evaluation of the humanitarian situation in a particular country.

[348] Declaration of the Secretary General of the Council of Europe to the PC of the OSCE, REF.PC/453/96, Jul. 11, 1996, p.9.

[349] Council of Europe Parliamentary Assembly, "General Policy: Council of Europe and OSCE", Doc.8187, Sep. 10, 1998, parags.6 and 8.

[350] Seminar on the "Relationship between the OSCE and the Council of Europe", Message by Professor Bronislaw Geremek, CIO of the OSCE, The Hague, June 5, 1998, CIO.GAL/25/98, Jun. 9, 1998; Council of Europe Communication on the Activities of the Committee of Ministers: Statutory Report (1999), parag.1.8.2, Relations with the OSCE. Council of Europe 646th Meeting of the Committee of Ministers, item 2.6, b), decision (13.iii.c), Oct. 21-22, 1998.

[351] Council of Europe Communication on the Activities of the Committee of Ministers: Statutory Report (1999), parag.1.8.2, Relations with the OSCE.

[352] "General Policy: Council of Europe and OSCE", Council of Europe Parliamentary Assembly, Recommendation 1381 (1998), text adopted by the Assembly on Sep. 22, 1998, CIO.GAL/57/98, Sep. 28, 1998 and "Assembly calls for closer links with the OSCE", Council of Europe Press Service, Strasbourg, Sep. 23, 1998.

European Convention on Human Rights[353]. The OSCE HCNM has commented on the positive co-operation he has developed with the Council of Europe, referring to daily contacts, the development of common strategies and the selection of personnel as fundamental aspects[354]. It has also been suggested that there should be increased participation of Council of Europe experts in OSCE Field Missions to render more efficient the use of the Council's unique expertise in the field of human rights, democratic institutions and the rule of law[355].

Problems in the Council of Europe-OSCE relationship have occurred, but according to an OSCE official these have taken place more at the headquarters level than in the field[356]. In his personal experience, the OSCE has not been treated as an equal partner and only sporadic contacts did not contribute sufficiently to ameliorate this situation. Thus, further intensification of contacts is required. In the field, for example in Moldova, co-operation has been fruitful and the OSCE has even offered a corner in its Chisinau office to the Council of Europe's representative in the country[357].

OSCE ODIHR-Council of Europe relations are more problematic, since the ODIHR is the OSCE organism most closely associated in mandate to the Council of Europe, with consequences in the field. Co-operation has occurred, as regards for example the question of property restitution for persons displaced by the Georgian-Ossetian conflict, also in collaboration with the UN. Nevertheless, overlapping emerging essentially from lack of information-sharing, and the desire to dominate has generated discomfort between the two institutions[358]. A simultaneously surprising and ironic situation occurred at the monitoring of the Albanian elections, where OSCE and Council of Europe teams met unexpectedly to supervise the ballot[359]. In this regard, further co-ordination of activities as regards election observation was demanded[360].

In November 1996, a document on co-operation and joint activities between the Council of Europe and the ODIHR was issued, envisaging a clarification of postures and the suggestion of possible co-operative strategies[361]. The broad goals formulated in the document consisted of the avoidance of duplication, the building on experience and the strengthening of resources, and

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[353] "High-level Meeting Council of Europe/OSCE, London, 12 March 1998, Joint Declaration", Council of Europe Press Service, Strasbourg, Mar. 13, 1998.
[354] OSCE Seminar on "Co-operation Among International Organisations and Institutions: Experience and Prospects in South-Eastern Europe", consolidated summary, Bulgaria, May 17-19, 1999, SEC.GAL/64/99, Jun. 11, 1999, p.18.
[355] Council of Europe Parliamentary Assembly, "General Policy: Council of Europe and OSCE", Doc.8187, Sep. 10, 1998, parag.13, c).
[356] Interview with Mihaly Toth, OSCE Liaison Officer for Moldova, Conflict Prevention Centre, OSCE Vienna Secretariat, Feb. 17, 1999. Gabor Kardos also shares the view that problems arise essentially at the institutional level, Kardos, G., "Facing a New Reality: The Humanitarian Dimensions of the CSCE" in Williams, A. (ed.), *Reorganizing Eastern Europe*, p.156.
[357] See also chapter 7, section 7.5.
[358] See Ghébali, V., "The OSCE in the Era of Post-Communism: The Jewel that Has Lost Its Gleam?", *Paradigms*, vol.6, n.2, Winter 1992, p.9.
[359] Interview with Walter Kemp, Press and Information Officer, OSCE Secretariat, Vienna, Sep. 1998.
[360] Address by the Secretary General of the Council of Europe, Daniel Tarschys to the OSCE PC, Vienna, November 19, 1998, PC.DEL/507/98, Nov. 18, 1998.
[361] "Co-operation between the Council of Europe and the ODIHR", REF.PC/731/96, Nov. 11, 1996.

increasing the impact of international assistance to individual countries, by developing complementary and mutually-reinforcing assistance programmes. To achieve these aims, the Council of Europe includes representatives of the ODIHR in various working groups of experts and Steering Committee Meetings, for example on media, migration or the rule of law. For its part, the ODIHR invites Council representatives to activities falling within its area of activity.

Annually, the Council and the ODIHR organise joint meetings to exchange information, reports, documents and proposed programmes. Moreover, when an ODIHR Mission is to be deployed to a Council of Europe country or recipient of the Council's assistance, there are consultations between the relevant divisions of both organisms. "2+2" meetings (Council of Europe and OSCE Chairmanships and Secretaries General) between the OSCE and the Council or tripartite meetings, involving also the UN, complement the co-ordination efforts between the two organisations[362]. At these meetings, various political issues are discussed, including for example the situation in the republics of the former Soviet Union or the protection of national minorities[363]. In general, despite similarities in mandate, the Council of Europe's activity is more normative and legally-oriented, while the OSCE pursues more practical tasks of monitoring and providing assistance to democracy-building.

3.2.3. Inter-institutional conflicts: co-operation or competition?

The previous sections aimed to show how the enhancement of normative and operational roles led on the one hand to the strengthening of the organisations, and on the other hand to duplication of responsibilities. Efforts and resource duplication suggest the need to define responsibilities and working relationships in order to avoid inappropriate decisions and overlapping competencies which may generate inefficiency and conflicting postures. Nevertheless, there is shared agreement that no fixed parameters should be defined[364] since every case is distinct and this framing could

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[362] The "2+2" Meeting in Vienna between the two organisations where the full range of both OSCE and Council of Europe activities were discussed on April 12, 2000, is example. "OSCE and Council of Europe hold high-level meeting in Vienna", OSCE Press Release, Apr. 12, 2000; *OSCE Newsletter*, "In brief", vol.VII, n.5, May 2000, pp.11-12. See also Council of Europe Communication on the Activities of the Committee of Ministers: Statutory Report (1999), parag.1.8.2, Relations with the OSCE. The following meetings took place during 1999, "2+2" Meeting, Berlin, Oct. 20, 1999; 648th Meeting of the Committee of Ministers, Oct. 13, 1999, item 2.3; Follow-Up to the Joint CSCE/OSCE Meeting, Vienna, Oct. 4, 1999, CM/Del/Dec(99)679/2.5, GR-OSCE (99) 13, 14, DAP/PR/Inf(99)388; 677th Meeting of the Committee of Ministers, Jul. 27-28, 1999, item 2.5; Council of Europe-OSCE Exchange of Views, Apr. 1999; "2+2" Meeting held in Strasbourg on January 26, 1999 and High-Level Tripartite Meeting, Strasbourg, Feb. 12, 1999. At the "2+2" Meeting on Jul. 16, 1998 in Vienna, it was decided that the traditional High-Level "2+2" Meetings between the OSCE and the Council of Europe would be held at the beginning of the year, and a "2+2" Meeting at the level of Senior Officials, early in the second half of the year, in order to prepare the High-Level Meetings, ensure their follow-up and allow proper and timely co-ordination and co-operation throughout the year.
[363] Council of Europe 677th Meeting of the Committee of Ministers, Jul. 27-28, 1999, item 2.5, parag.1; Council of Europe Communication on the Activities of the Committee of Ministers: Statutory Report (1999), parag.1.8.2, Relations with the OSCE.
[364] 7th Ministerial Council Meeting, Oslo, Dec. 2-3, 1998, MC.DOC/1/98, Dec. 3, 1998, part V, Reports of the Oslo Ministerial Council Meeting, CIO's activity report for 1998, parag.4.

limit not only the international organisations' relationship, but also their reach and possible contribution to the amelioration of the issues in question. In the development effort pursued by the different organisations, common patterns might be found in the addressing of the issues.

'Willingness to co-operate', 'intensification of contacts' and 'exchange of information' are often just nice words stated in official documents without practical implementation. Lack of communication among the different institutions both in the field and at the Secretariats level, as well as bureaucratic aspects, have been examples of non-cooperative attitudes. Extensive consultations and exchange of information should take place in order to permit successful and efficient implementation and the co-ordination of activities, for example as regards the deployment of an operation in the field, avoiding uncoordinated decisions and activities[365]. More practical co-ordination of activities and the avoidance of institutional competition inside each organisation could contribute to ameliorate the state-of-affairs.

Experience in the field has shown that co-ordination of activities among international organisations must take place in the decision-making phase, when planning operational aspects, and at the level of reporting and evaluation. These different phases, not mutually exclusive, must be taken into account by the different organisations in order to allow a continuous share of information leading to a real culture of co-operation. An efficient headquarters-field relationship within each organisation and between organisations is also fundamental in order that procedural agreements between international organisations might become visible and efficient.

Lack of knowledge on the part of the personnel in the field as regards the mandate of their own organisation and/or of the others inter-operating in the field has hampered co-operation. Reasons include ill-prepared staff seconded by national Governments often without adequate training or awareness of the tasks ahead, including the country's history and problems. The frequent rotational character of staffing of field deployments and at headquarters levels may also contribute to this lack in knowledge. Moreover, the psychological profile of the personnel deployed in the field is also fundamental in this regard since it is from the interaction of the different Mission members within each Mission and in relation to other Missions that the more open or less co-operative character in inter-personal relations will be determined[366].

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[365] Seminar on "Co-operation Among International Organisations and Institutions: Experience in Bosnia and Herzegovina", consolidated summary, Slovenia, Sep. 29-30, 1997, SEC.GAL/24/97, Oct. 29, 1997, panel discussion: "Concept of mutually-reinforcing institutions: lessons learned in Bosnia and Herzegovina", p.22. The first such experience occurred before the deployment of the OSCE Mission to Kosovo. According to OSCE sources, prior to the Mission deployment there was early planning and consultations with the Council of Europe, UNHCR and UNHCHR. The Council of Europe offered secondment of personnel in the areas of media affairs, police training, democratisation, human rights and the rule of law. Moreover, the OSCE and the Council of Europe are sharing the same building in Pristina, which according to the OSCE has allowed better interaction and co-ordination of activities. *Annual Report 1999 on OSCE Activities*, Dec. 1, 1998-Oct. 31, 1999, The Secretary General, SEC.DOC/2/99, Nov. 17, 1999, p.69.

[366] These issues will be further developed in chapter 5, section 5.2. The issue of the personal character of the individuals deployed in the field was highlighted at the 1999 OSCE Review Conference, "Review of OSCE activities, institutions, structures and instruments, including consideration of proposals designed to enhance the role of the OSCE and further strengthen its capabilities", RC(99).JOUR/10, Annex 4, Oct. 1, 1999.

Although NATO, the EU and the WEU do not have Field Missions deployed in the Soviet Union area, they have developed a co-operative framework with the new republics and their contribution for the amelioration of the internal situation of these states through stability-building is fundamental. Although not directly involved in field activities, indirectly these organisations might also influence the political, military and economic options of the new states. For their attractiveness in political, functional or economic terms, these organisations have a comparable advantage, though not an unlimited one. The involvement of some of the former republics of the Soviet Union, such as Moldova, Estonia, Latvia, Armenia, Azerbaijan and Georgia in the NATO PfP programme and the EAPC activities is an example of how NATO can extend its support to the new countries. The advantages arising from the participation in these programmes, oriented to the democratisation of the military forces and their integration within civilian life, are fundamental steps in the overall building of democratic structures and foundations. In this sense, the complementary role offered by NATO strengthens the OSCE's approaches in these countries.

The Association Agreements signed between the new republics and the EU, focusing on economic and trade relations, also incite the establishment of stronger economies, not a response to the overall problems, but a major part of that response. Co-operation between the southern Caucasus countries with the EU on the revival of the ancient 'Silk Road' through the formulation of a concrete project for a pipeline bringing oil from the Caspian Sea to Europe is an example[367]. Nevertheless, the EU approach is not restricted to economic aspects since it links the economy to social, political and cultural matters central to the establishment of democratic states. Examples include common approaches to citizenship problems in the Baltic states[368] and the EU critical response to the Russian action in Chechnya, for the massive use of force and the gross violations of fundamental freedoms. Moreover, the ongoing problems in many former republics of the Soviet Union are frequently discussed at NATO and EU meetings.

The search for comparative advantages is a useful process, avoiding duplication and permitting a more efficient management of resources. While it is important to avoid the shadowing effects of one organisation to the detriment of the others, it is also fundamental to observe their complementary nature and the extent to which the different organisations may strengthen each other. It is not just the issue of competition that matters, but also the understanding of the mutually-reinforcing nature of actions among international organisations. For example, through the provision of material funding, the EU has been strengthening the OSCE's work in the Republic of Moldova[369]. The OSCE has been strengthened by co-operative approaches developed with other international organisations in the former Soviet Union. But it has also become clear that the duplication of tasks has called into question the use of OSCE resources on the ground. The case of Estonia provides examples in this regard, as further analysed in chapter six.

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[367] De Witte, P., "Fostering Stability and Security in the Southern Caucasus", *NATO Review*, vol.47, n.1, Spring 1999, pp.14-16.
[368] This issue will be revisited in chapter 6, section 6.5.

Due to their nature these international organisations are 'mutually dependent'[370], because all have limits and their activities are increasingly interconnected. The OSCE suffers from the lack of military capabilities, but it has a legitimising mandate. NATO and the WEU have military capabilities, but lack legitimising power. Their peacekeeping activities must be taken under UN authority or OSCE responsibility. It is fundamental to keep a tight relationship between mandate and means, and thus between the OSCE or the UN which have the mandate, and other organisations, such as NATO or the WEU, which have the means[371]. Although sharing roles and functions, the differences among these international organisations offer a wide variety of approaches to deal with the issues, which complement each other. Thus, by exploring the advantages offered by each organisation, more successful outcomes can be expected.

Official recognition of the need to develop collaborative approaches is a first step for the attainment of a truly co-operative framework. Repeated calls for the establishment of a system of mutually-reinforcing institutions are found not only in the OSCE documents, but also in the general literature on security[372], as a fundamental concept for better resource-management and more successful outcomes as regards the numerous security problems in Europe. Nevertheless, problems persist and innovative approaches are required to overcome difficulties. The organisation and reciprocal representation of these institutions in conferences, seminars and meetings allows regular exchange of information and contacts, constituting a concrete step for ameliorating relations. Moreover, the definition of Memoranda of Understanding in the field, which provide for co-ordination of activities among the various organisations working in the same geographical area, complements the co-operative approach. Added to this, the adoption within the OSCE of the 'Platform for Co-operative Security', to which the various organisations have contributed, is another positive step for the goal of mutually-reinforcing and interlocking institutions.

3.2.4. Building co-operation: the 'Platform for Co-operative Security'

The objective of an all-inclusive and united Europe, though facing obstacles, must according to OSCE wording, proceed and be strengthened. As regards the reformation of objectives, updating of procedures and the implementation of innovative tasks by the different organisations, this

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[369] Refer to chapter 7, section 7.5.

[370] Waever, O., "Europe, State and Nation in the New Middle Ages" in de Wilde, J. and Wiberg, H. (eds.), *Organised Anarchy in Europe*, p.123.

[371] See Sperling, J. and Kirchner, E., *Recasting the European Order*, p.75.

[372] Refer to the introductory chapter. See also Boyer, Y., "Perspectives on a Future European Security System" in Sato, S. and Taylor, T. (eds.), *Prospects for Global Order*, p.49; Braillard, P., "La Difficile Quête d'un Système de Sécurité en Europe, Les Limites de l'Approche Institutionnelle", *Études Internationales*, vol.XXVI, n.1, Mars 1995, p.16; Ghébali, V., "The OSCE in the Era of Post-Communism: The Jewel that Has Lost Its Gleam?", *Paradigms*, vol.6, n.2, Winter 1992, p.9; Kovacs, L., "The Hungarian Chairmanship", *Europai Szemle, European Review*, "OSCE 1995", E Europaische Rund-Schau, Special Issue, vol.VII, Budapest, 1996, p.9; Torstila, P., "The OSCE - The New CSCE - Is Still About the Individual", *OSCE-ODIHR Bulletin*, vol.3, n.3, Fall 1995, p.32; "The OSCE: Assessment and Future Prospects", Conference Report, OMRI, Prague, Oct. 28, 1995, p.3.

section addresses the OSCE's suggestions for avoiding inefficiency through the fostering of co-operative and transparent approaches among the different intergovernmental organisations under the definition of a 'Platform for Co-operative Security'. Modalities for co-operation between the OSCE and other international organisations were discussed under the Platform, and adopted in the form of the "Charter for European Security" at the 1999 Istanbul Summit[373]. This exercise did not intend to create a new structure; instead, it envisaged codifying already existing practices among the international organisations[374].

Discussions were launched at the 1994 Budapest Summit and have proceeded within the OSCE framework for five years with contributions from the OSCE's participating states, the various international organisations and NGOs[375]. Transparency, the evolving nature of international institutions, and a multidimensional character including the human dimension and economic aspects, were proposed items for the development of the Platform within the OSCE framework[376]. In order to achieve these co-operative goals, the following were suggested: systematic information exchange, regular high-level consultations and the creation of liaison structures among the different international organisations[377]. The integration of present security elements of an economic, cultural or social nature was a fundamental step in order to avoid divisions and to enable the creation of constructive and pragmatic solutions. According to Helveg Petersen, former OSCE CIO, the goal was to "achieve a co-operative framework, founded on

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[373] *Charter for European Security*, Istanbul, SUM.DOC/1/99, November 1999.

[374] "Geremek: Charter should provide a 'vision of Europe'", *OSCE Newsletter*, vol.5, n.11, Nov. 1998, p.4; George, B., "A Better Peace: The Co-operative and Collective Security Fusion of OSCE and NATO in the New Europe", NATO Sub-Committee on Transatlantic and European Relations, Draft Interim Report, Mar. 19, 1999, "B. A Document Charter on European Security", parag.24.

[375] UN 53rd GA Meeting, A/RES/53/85, Jan. 26, 1999, agenda item 36, parag.5, "welcomes the invitation addressed to contribute to the discussion on a Platform for Co-operative Security"; Ministerial Meeting of the North Atlantic Council, Brussels, Dec. 15, 1999, parag.37; Statement by Lord Robertson, NATO Secretary General to the OSCE Istanbul Summit, Nov. 19, 1999; Ministerial Meeting of the North Atlantic Council, Brussels, Dec. 15, 1999, parag.37; Washington Summit Communique, Apr. 24, 1999, parag.39; Meeting of the North Atlantic Council in Defence Ministers Session, Brussels, Dec. 17, 1998, parag.29; Ministerial Meeting of the North Atlantic Council, Brussels, Dec. 8, 1998, parag.11; Meeting of the North Atlantic Council in Defence Ministers Session, Brussels, Jun. 11, 1998, parag.23; Ministerial Meetings of the North Atlantic Council, Luxembourg, May 28, 1998, parag.12; Brussels, Dec. 16, 1997, parag.16; Meeting of the North Atlantic Council in Defence Ministers Session, Brussels, Dec. 2, 1997, parags.9 and 30; Madrid Declaration on Euro-Atlantic Security and Co-operation, NATO, Jul. 8, 1997, parags.1 and 21; Statement of the OSCE CIO of the OSCE, Federal Councillor Flavio Cotti to the Ministerial Meeting of the North Atlantic Council, Brussels, Dec. 11, 1996; Ministerial Meetings of the North Atlantic Council, Berlin, Jun. 3, 1996, parag.21; Brussels, Dec. 5, 1995, parag.10; WEU Council of Ministers, Luxembourg Declaration, Nov. 23, 1999, parag.15; Rome Declaration, Nov. 17, 1998, parag.44; Rhodes Declaration, May 12, 1998, chapter X, parag.53; Erfurt Declaration, Nov. 18, 1997, chapter VIII, parag.51; Paris Declaration, May 13, 1997, chapter X, parag.48; Ostend Declaration, Nov. 19, 1996, chapter VIII, parag.41; WEU Extraordinary Council of Ministers, Madrid, Nov. 14, 1995, parag.16.

[376] 7th Ministerial Council Meeting, Oslo, Dec. 2-3, 1998, MC.DOC/1/98, Dec. 3, 1998, part V, Reports of the Oslo Ministerial Council Meeting, Basic framework of the Charter on European Security, CIO's progress report, Annex 2.

[377] "The Security Model Discussion 1995-96", Report of the OSCE Chairman-in-Office to the Lisbon Summit, (progress report on the discussions), Lisbon, Nov. 30, 1996.

common agreed principles where each organisation plays its role based on common will to address the challenges facing European security as we approach the 21st century"[378].

The "Charter for European Security" codifies in the section dedicated to the Platform for Co-operative Security the relevant defining elements of co-operation among international organisations. The underlining principles and commitments of the Platform include the strengthening of the mutually-reinforcing nature of the relationship between organisations, OSCE co-operation with other organisations which subscribe to principles of transparency and predictability in the spirit of agreed documents; whose members individually and collectively adhere to OSCE principles and commitments; whose membership is based on open and voluntary commitments; and which are ready to deploy expertise and resources, when appropriate, to support the OSCE's work, in particular in the areas of conflict prevention and crisis management[379].

The underlining concept of the Platform is based on the belief that no one organisation can, by itself, effectively address the multifaceted challenges to security, which require a pragmatic interplay among international organisations. Thus, a complementary approach is emphasised as opposed to a rigid hierarchic structure. The OSCE's reasoning follows the generally-shared opinion in the literature about the non-hierarchic relations among the different international organisations dealing with security in Europe[380]. Inter-institutional relations are based on the principle of the equal status of the various organisations and on the recognition of their distinctive characteristics. As such, there is the need to explore the advantages offered by the different organisations with the aim of finding pragmatic answers, through the pursuit of their distinct, though inter-connected tasks. The comparative advantages of each organisation should be made operational while avoiding duplication[381].

Practical suggestions have been formulated as regards the implementation of the concept of interlocking institutions. Unity of action must encompass clear lines of command and the provision of capable personnel prepared to work in a co-operative manner with other institutions. Clear and close lines of communication and dialogue should be established between the various

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[378] Petersen, H., "Towards a European Security Model for the 21st Century", *NATO Review*, vol.45, n.6, Nov./Dec. 1997, p.7. In the words of Secretary General Giancarlo Aragona, "The Document Charter is designed to address the new security challenges and contribute to a common security space within the OSCE area, and underscores why our partnership with organisations like NATO is so important", "50th Anniversary - NATO 1949-1999", *NATO Review*, Commemorative edition, 1999, p.45.

[379] *Charter for European Security*, 1999, "Operational Document - The Platform for Co-operative Security", part I, parags.1-2. See also UN 54th GA Meeting, A/RES/54/117 and A/54/L-64 and Add.1, Feb. 9, 2000, agenda item 30, parag.5.

[380] Gyarmati, I., "Security and Stability in Europe: Dangers and Means to Face Them", *Europai Szemle*, *European Review*, "OSCE 1995", E Europaische Rund-Schau, Special Issue, vol.VII, Budapest, 1996, p.46; Pond, E., "An Overview" in Wells, S. Jr. (ed.), *The Helsinki Process and the Future of Europe*, p.1; Zagorski, A., "New European Unity: The End of the CSCE?", *Paradigms*, vol.5, n.1/2, 1991, p.79; Final Report of the Independent Working Group on "A Future Security Agenda for Europe", SIPRI, *Helsinki Monitor*, vol.7, n.4, 1996, p.81.

[381] As analysed in this chapter with regard to the inter-relations between the different international organisations. See also Ghébali, V., "The OSCE's Istanbul Charter for European Security", *NATO Review*, vol.48, Spring/Summer 2000, pp.25-26.

organisations, at all levels[382]. As concrete steps to deepen co-operation, the Charter suggested the maintenance of regular contacts, including meetings, a continuous framework for dialogue, the identification of liaison officers or points of contact, cross-representation at appropriate meetings, and other contacts intended to increase understanding of each organisation's conflict prevention tools. Particularly as regards co-operation in the field, regular information exchanges and meetings, joint needs assessment missions, secondment of experts by other organisations to the OSCE, appointment of liaison officers, development of common projects and field operations, and joint training efforts were suggested[383].

Many of the formulations of the Platform have already been put into practice with positive results, such as the organisation of common initiatives or the implementation of joint projects shows. Nevertheless, the provisions contained in the Charter will only be valuable if taken seriously by its signatories. Participating states must demonstrate their commitment and willingness to transpose to reality the envisaged commitments, giving them substance. Otherwise, these commitments might become no more than nicely-worded proposals without real value due to non-implementation.

3.3. The uniqueness of the OSCE: why is it relevant?

In the midst of all these organisations working for the building of stability in Europe, where does the OSCE fit? Which are the unique characteristics of the OSCE which differentiate it from the other organisations and confer on it relevance and meaning in the new security framework? As analysed in this chapter, the network of relations among the UN, NATO, the EU, the WEU, the Council of Europe and the OSCE is very complex. In a few words, it could be argued that all are working for the same general goal, though following separate and at times cross-cutting paths.

The OSCE distinguishes itself from the other organisations in an institutional and operational manner. It has a broad pan-European membership. While including the United States, Russia and all the former Soviet republics as participating members, the OSCE's all-inclusiveness permits the debate of a broad range of issues, making the OSCE particularly well-suited to discuss the current problems in the former Soviet area. "It is probably only through the OSCE that the countries can politically, physically (with their diplomats on the ground), and directly express concern - and act, through persuasion and dialogue - to influence the settlement of conflicts in Russia and the CIS"[384]. As a norm-setting forum the OSCE has proven its relevance, as analysed in

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[382] OSCE Seminar on "Co-operation Among International Organisations and Institutions: Experience and Prospects in South-Eastern Europe", consolidated summary, Bulgaria, May 17-19, 1999, SEC.GAL/64/99, Jun. 11, 1999, p.20.
[383] *Charter for European Security*, 1999, "Operational Document - The Platform for Co-operative Security", part II, parags.1, 4 and 6.
[384] Switalski, P., "An Ally for the Central and Eastern European States", *Transition*, vol.1, n.1, Jun. 30, 1995, p.29. And as Hoynck argues, "if not the CSCE, then who was to provide international support in lessening tensions in such places as Estonia or Moldova? For political or practical reasons no other international

chapter two. The Council of Europe, it could be argued, is also fulfilling this role with the advantage of its rules having a legally-binding character. However, the limited scope of the Council of Europe's decision-making, centred essentially on human rights principles, does not allow an all-encompassing approach like that of the OSCE. Moreover, the political approach of the OSCE has proved to be an asset as regards its involvement in the former Soviet space. The adoption of the "Charter on European Security" by the OSCE participating states, recalling not only previous OSCE commitments but also other agreements between OSCE participating states outside the OSCE framework, is a good example of the broader reach of the OSCE, which ranges from politico-military aspects to economic, scientific, environmental and humanitarian ones, as analysed in chapter two.

At the operational level, in post-Cold War Europe the OSCE has added to its activity an ensemble of new tools. The HCNM or the Representative on Freedom of the Media are examples. Moreover, through the deployment of fact-finding, assessment and long-term Field Missions, the OSCE has extended its principles to a wide area[385]. The Russian Federation's acceptance of the OSCE's presence, not without constraints as analysed in the next chapter, is positive for the organisation's involvement. Nevertheless, the OSCE alone does not have the capability to answer all needs of the former Soviet area. It is through the combination of the OSCE and the other organisations' efforts, through the particular contributions each can make, that an ample strategy can be applied. This will have the benefit of providing a more structured and well-supported approach, fundamental to the new republics' development. Nevertheless, besides the OSCE only the UN has Missions deployed in the former Soviet Union, restricted to the Caucasus. The Council of Europe organises regular short-term assessment visits to the republics, but has no permanent Field Missions deployed in the area. As such, the OSCE's role in the former Soviet space is strengthened, becoming an important source of stabilisation in the area.

The OSCE's relevance in the former Soviet Union is in part derived from the other organisations' weaknesses in the area. Nevertheless, the analysis of OSCE activity in the former Soviet space should not be confined to a negativist approach in the sense of doing what the others are not willing or are unable to do. As analysed in the previous chapter and reaffirmed in the next one, the OSCE has several assets at its disposal which contribute to its relevance in the former Soviet area. To sum up, the OSCE's broad membership and all-encompassing concept of security are fundamental aspects of its involvement in the former Soviet space. Its new tools, such as the HCNM, the Representative on Freedom of the Media, the ODIHR and the Field Missions are valuable assets for the organisation's pursuit of preventive diplomacy and crisis management efforts. Moreover, the OSCE's permanent decision-making and executive bodies confer permanence and reliability on the organisation's activities. The OSCE's flexibility allied to the

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framework was suitable", Hoynck, W., "The CSCE in the New Europe", Speech at the Royal Institute of International Affairs, London, May 18, 1994 in *From CSCE to OSCE*, Statements and Speeches of Dr. Wilhelm Hoynck, Secretary General of the OSCE, 1993-1996, OSCE Secretariat, Vienna, p.131.

low-cost character of the organisation, and its politically-binding and non-enforcing nature, are also assets in its favour with regard to the other organisations. Nevertheless, many have been the difficulties encountered by the OSCE in the pursuit of its mandate in different republics of the former Soviet Union. The extent to which the OSCE's relevance may be questioned will be further analysed in the next chapters, and in particular in the case-studies.

3.3.1. The place of non-governmental organisations in the post-Soviet area

Non-governmental organisations have spread in post-Cold War Europe[386]. Their establishment and consolidation in the new countries in the former Soviet Union has not been simple, irrespective of the particular field of activity they are addressing. They are dependent on funding for survival. However, in many of the new republics there is no tradition as regards the private sector supporting such organisms. Moreover, NGOs are many times identified as pursuing the Government's goals, thus not acting independently. This misunderstanding and eventually misappropriation of the NGOs' role has contributed to their negative image in many of the former Soviet republics. Only recently has a new awareness of the role of NGOs and the impact these may have in the building of democracy and respect for human rights started to take shape[387]. The CSCE/OSCE relationship with NGOs in post-Cold War Europe is analysed in the following section, focusing on the evolution of relations and expectations, as well as the extent to which the OSCE and NGOs activities complement each other.

3.3.1.1. The OSCE-NGOs relationship: complementary?

NGOs have been developing a co-operative relationship with the OSCE. From Paris onwards the OSCE relationship with NGOs has been consolidating under new foundations. At the 1990 Paris Summit[388], CSCE participating states agreed that NGOs should become involved in appropriate ways in the activities and new structures of the CSCE. At Helsinki in 1992[389], participating states affirmed their commitment to strengthen this link by opening all CSCE meetings, seminars and workshops to NGO participation. Moreover, the CSCE encouraged written presentations at meetings, increasing contacts and the exchange of views and the designation of a CSCE Liaison Person for contacts with NGOs. At Budapest in 1994[390], this co-operative idea was recapped by

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[385] These issues are reviewed in chapter 5, section 5.3.

[386] Rotfeld, A., "Prescriptions for Improving OSCE Effectiveness in Responding to the Risks and Challenges of the 21st Century", 3rd International Security Forum and 1st Conference of the PfP Consortium of Defense Academies and Security Studies, Zurich, On-line publications, Oct. 19-21, 1998; Zaagman, R., "Focus on the Future: A Contribution to Discussions on a New OSCE", *Helsinki Monitor*, vol.6, n.3, 1995, p.45.

[387] This is the feeling of an NGO leader in the Republic of Moldova. Interview with Yuri Ataman, Chairperson of the Joint Committee for Democratisation and Conciliation (JCDC), Chisinau, Jun. 19, 1999.

[388] *Charter of Paris for a New Europe*, "Non-governmental Organisations", 1990.

[389] *Helsinki Document 1992*, Helsinki Decisions, chapter IV, parags.12-17.

[390] *Budapest Document 1994*, Budapest Decisions, chapter VIII, parags.3 and 17.

suggesting the possible contribution of NGOs as an addition to state-to-state dialogue. At the OSCE Istanbul Summit in 1999[391], a more practical application of this co-operative effort was stated through the active involvement of the OSCE's Field Missions in the fostering and building of civic bases in the countries where they were deployed, and on their support of the establishment of local NGOs as a source of civic strength.

The human dimension and rule of law aspects were the main topics linking NGO activity to the OSCE. Nevertheless, the addressing of other issues such as environmental and economic aspects, and even political processes, such as in the case of the Republic of Moldova, have increased the bulk of OSCE contacts with NGOs[392]. In this last respect, the OSCE understands that an extended contribution may be provided in the areas of education and training, information collection and its processing, communal dialogue and sub-diplomatic peaceful intervention[393]. This relationship in the field of conflict prevention and management has been recognised in discussions between the OSCE and various NGOs as a valuable potential[394]. This understanding of the role of NGOs by the OSCE states has became clear in the field activities developed by the organisation in the former Soviet Union.

One of the areas of activity of the OSCE Field Missions is the contribution to the building of democratic structures and civic principles along with the rule of law. In this process, the creation and support of NGOs has been a strategy used by the OSCE as a means of promoting these same principles on a solid basis formed by locals engaged in the promotion of stability and democracy. As such, the OSCE Field Missions are contributing to the consolidation of the necessary national structures and for the later transfer of responsibilities, at the time of the Mission's withdrawal. This co-operative effort has involved the training of personnel, legal support and assistance in requests for funding[395]. In general, the support offered by the OSCE to NGOs has been related more to background and procedural aspects than financial assistance. Usually the OSCE assists these organisations as regards regulations and procedures for their official establishment and advises on possible funding for their activities[396].

Intensification of contacts, sharing of information and expertise, and participation of representatives from these organisations in OSCE meetings is current practice. In light of the efforts made by NGOs in monitoring and reporting and in their crucial role today in fostering civic principles, the OSCE ODIHR has also increased co-operation with NGOs throughout the OSCE area. OSCE-NGO interaction has proved to be positive for the exchanges of experience and knowledge, and at the field level for the results echoing from newly established NGOs acquiring

[391] *Istanbul Document 1999*, Istanbul Declaration, parag.3 and *Charter for European Security*, 1999, parag.27.
[392] Further developments as regards the Republic of Moldova in chapter 7.
[393] "OSCE contacts with non-governmental organisations (NGOs)", http://www.osce.org.
[394] "Exploring the potential for collaboration by the CSCE and NGOs on preventive diplomacy", Summary statement from a Seminar convened by the Balkans Peace Project with the support of the Secretary General's Office of the CSCE, StadtSchlaining, Austria, Sep. 23-24, 1994.
[395] These activities will be analysed in more detail in the case-studies, chapters 6 and 7.

projection in the daily running of their country. Benefits from OSCE and NGO co-operation may arise in different contexts, in particular as regards freedom of action and access to different sources, and in the use of common human and material resources in the development of joint efforts[397]. As such, the evolving relationship between the OSCE and NGOs has been pointing to their complementary role, involving a broader approach to the issues in the former Soviet area, with positive consequences, as further analysed in the case-studies.

3.4. Conclusion

This chapter has demonstrated how the UN, NATO, the EU, the WEU and the Council of Europe have developed their relationship with the OSCE, addressing strategies, practices and tools, and assessing evaluation of competitive versus collaborative tendencies. Despite mutually-reinforcing principles defined in the OSCE and the other organisations' documents, it became clear that when it comes to implementing agreed commitments, co-operation does not always prevail. Problems have occurred at both the headquarters and the field levels, though more serious in the field, where the role of Mission members and their personal characteristics are fundamental. Duplication of efforts and resources has led to mismanagement and inefficiency, while drawing attention to the advantages arising from the co-ordination of policies and activities. The lack of dialogue, information-sharing and of an advanced knowledge of the different organisations' activities in the field have been subjacent to problems of co-operation. Difficulties start at headquarters level but are exacerbated in the field due to ignorance or contradicting and overlapping mandates[398].

Within the OSCE, the adoption of the "Charter for European Security", particularly the section on the international organisation's inter-relations, is relevant. The contributions provided by the UN, NATO, the EU, the WEU and the Council of Europe to the wording of this section of the Charter also contributed to its strengthening. The wording of the Platform for Co-operative Security envisaged an ensemble of principles for collaborative action, while bringing to light possible means to make co-operation operational, focusing on intensive consultations, transparency and better management of resources and approaches. The fundamental principle underlying the Platform reiterates the promotion of inter-locking institutions, instead of the frequently inter-blocking institutions and procedures.

The international organisations' relationship, the interdependence aspect and their place in the new security architecture are intimately connected and only a whole approach can allow effective mechanisms for co-operation to work. Whether the Platform for Co-operative Security will serve as a basis for a better relationship among international organisations, only time will tell.

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[396] See Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, pp.96-103.
[397] Gutlove P. and Thompson, G., "The Potential for Co-operation by the OSCE and NGOs on Conflict Management", *Helsinki Monitor*, vol.6, n.3, 1995, pp.57-58; Middelkoop, E., "The OSCE: An Inadequate Community of Values", *Helsinki Monitor*, vol.6, n.4, 1995, p.33.
[398] These questions will be revisited in chapter 5 and the case-studies.

Nevertheless, in view of the long and very involved discussions it is expected that the different international organisations will adhere to the agreed principles and make them operational in their daily activities, particularly those involving the participation of various organisations. The participating states' commitment to implement decisions, and inside each organisation the active participation of all elements both at the headquarters level and in the field, is required to render the Platform principles operational. As an abridgement of the challenges, means and procedures framing the international organisations' relationship, the European Charter aims to become the regulating document of international organisations' interactions.

The chapter concludes with the relevance of the OSCE in the new scenario for the building of peace. Despite similarities in goals and procedures, the framing of relations among states and the stipulation of norms of action are fundamental for the development of a coherent new security system. No state or organisation alone can hold the burden of European security. As such, an interlocking system is suggested as the best alternative, since by encompassing a wide range of states and procedures, together these international organisations offer a wider scope for action. Practical co-operation must include a series of commitments, shared experiences and continuous dialogue not only at the level of the Secretariats, but also in the field, where co-ordination problems have been more acute. Joint planning in advance must be considered and allied to a pragmatic view allowing necessary adjustments in the field, responsible reactions to changing factors and case-by-case consultations. These measures, applied to relations in the field, might well contribute to better planning and resource-sharing.

Preventing and managing conflicts and contributing to the building of solid democratic foundations in the new republics is a fundamental goal pursued by these organisations. The Russian Federation's relations towards these institutions, and in particular the OSCE and the new republics neighbouring its borders, are a sign of the shaping of Russia's policy-orientation and a fundamental aspect of the development of European security. The next chapter will concentrate on the Russian Federation, elaborating on the country's new positioning in post-Cold War Europe and on its relations with neighbouring republics. The relationship between Russia and the OSCE will be the focus of special attention, since it is a fundamental aspect for an understanding of the OSCE's role and reach in the former Soviet Union area.

Chapter 4 Russia, its neighbours and the OSCE

4.1. Introduction

The previous chapter analysed the OSCE's relationship with the other organisations involved in the post-Soviet space, assessing the nature of these relations, and how it affected their reach. The relevance of the OSCE in the European security architecture and its role in the former Soviet Union area have been addressed, in the search for justifications for OSCE continuity in the European security architecture. Following the study of the international organisations' role in the former Soviet Union, it is now time to address the Russian Federation's role in the post-Cold War context. This chapter will focus on the Russian relationship with the OSCE, an organisation where Russia enjoys full membership. The OSCE activity in the former Soviet area, as well as that of the other organisations, is closely linked to the Russian Federation. In particular, the Russia-NATO relationship will be a focus of attention in the chapter. Russia is a fundamental player in the area due to its geographic location, military potential (despite the USSR's disintegration), and close ties with the former Soviet republics on account of a shared historical past.

The chapter begins by addressing the evolution of Russian Federation policy and decision-making after the end of the bipolar rivalry, and how it has contributed to Russian policy-making towards its neighbouring republics and as regards the OSCE. The definition of Russia's future relations with the new republics as well as with Western Europe and international organisations is fundamental. These relations will be shaped according to Russian decision-making procedures and to how Russian authorities are able to manage the numerous new variables in policy-making in the country. What course will Russian politics take, will it be introspective or show a desire for integration in a wider security community? How have internal pressures from more nationalist and communist forces been affecting Russian policy-making development? To what extent is foreign policy conditioned by domestic dynamics or by external constraints?

Following the analysis of domestic and foreign Russian policy, in particular as regards neighbouring countries and the Commonwealth of Independent States (CIS), the question is posed as to whether the evolving relationship between Russia and the new republics has been co-operative or instead based on hegemonic ambitions. The role of Russia within the OSCE, its posture and aims, and the policies pursued inside the organisation towards neighbouring countries are then analysed. To what extent has Russia been playing a constructive role within the OSCE or using the organisation as a tool for the pursuit of its own interests? Are internal politics and external constraints reflected in Russian positioning inside the OSCE? How does this positioning reflect in and affect OSCE activity in the former Soviet Union space? Addressing the relationship between Russia, its neighbours and the OSCE, and relating this to the conflicting situation in the

former Soviet Union area, this chapter aims to understand how the new context has affected Russian behaviour and its positioning within and towards the OSCE and as regards the organisation's field activities.

4.1.1. Post-Soviet Russia: the new instability

Openness, privatisation and pluralism did not simply mean unity or democracy in post-Soviet Russia. Policy formation is a complex process, dependent on many factors, internal and external, of a political, social and economic nature, and involving different groups with variable power. Post-Cold War Russia faces many difficulties and instability. The deficient functioning of civil institutions constitutes a serious difficulty for the consolidation of democratic principles, allowing the maintenance of corrupt elites[399]. Regional tensions, the spread of phenomena such as organised crime, terrorism and the illegal and uncontrolled arms and drugs trade, unemployment, mass migration, generalised social disenchantment and economic collapse define the problematic picture[400]. The problems in the army, added to pressure from lobbying groups from the military industrial complex, worsens the already poor situation. Moreover, the recent popular support for the Russian intervention in Chechnya seems to sanction authoritarian rule in exchange for promises of stability. "The enthusiasm with which voters supported a Prime Minister who built his image on war reveals the Russian hunger for what they call a 'tough hand'. And this, undermines democracy"[401].

Reforms in the Russian Federation have proceeded slowly, but profound changes have already been implemented at the political, social and economic level which should not be disregarded. Open markets and Russian involvement in the international economic system have made Russia an international player in the world economy. Its recourse to World Bank and IMF funds have also made Russia dependent on Western institutions for aid, deepening this inter-

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[399] "This system will not change whether the President is Primakov, Putin, or someone else because it serves the ruling elite which is constantly circumventing the state to gain economic factors" in "1999 in review: Yeltsin enters final year in power", *RFE/RL*, Dec. 27, 1999. See also "The chaos at the door", *The Economist*, Mar. 31, 2000; "A dose of law and order", *Newsweek*, Aug. 14, 2000, p.29; "East: Corruption Flourishes in Former Communist Countries", *RFE/RL*, Aug. 30, 2000; Lieven, A., "The Weakness of Russian Nationalism", *Survival*, vol.41, n.2, Summer 1999, p.54; McFaul, M., "A Precarious Peace: Domestic Politics in the Making of Russian Foreign Policy", *International Security*, vol.22, n.3, Winter 1997/98, p.10; Sakwa, R., *Postcommunism*, Open University Press, Buckingham and Philadelphia, 1999, p.52; Sakwa, R., "Russian Political Evolution: A Structural Approach" in Cox, M. (ed.), *Rethinking the Soviet Collapse Sovietology, The Death of Communism and the New Russia*, Pinter, 1999, p.193; Snyder, J., "Reconstructing Politics Amidst the Wreckage of Empire" in Rubin, B. and Snyder, J. (eds.), *Post-Soviet Political Order, Conflict and State Building*, Routledge, London, 1998, p.1; Yavlinsky, G., "Russia's Phony Capitalism", *Foreign Affairs*, vol.77, n.3, May/Jun. 1998, pp.69-70.

[400] "Most Russians do not have faith in their Government, but neither do they want to march behind red flags. There is anger in Russia now - but more pervasive is a profound disappointment", Nagorski, A., "To be governed by deceit", *Newsweek*, vol.CXXXII, n.16, Oct. 19, 1998, p.16; "The End of the Yeltsin Era", *Strategic Survey 1998/99*, IISS, Oxford University Press, 1999, pp.128-139; Rutland, P., "Mission Impossible? The IMF and the Failure of the Market Transition in Russia", *Review of International Studies*, vol.25, Special issue, Dec. 1999, pp.184 and 198.

[401] "1999 in review: Yeltsin enters final year in power", *RFE/RL*, Dec. 27, 1999.

relation. The right to private property, the easing of restrictions on travel, the spread of mass media, and the organisation of democratic electoral processes in Russia, for example, are fundamental rights acquired by the Russian population[402].

Many changes have occurred in policy-making in Russia since the demise of the Soviet empire and as a consequence of the reformation of the socio-economic and political system. Prior to the Soviet dissolution, any question relating to a republic was a domestic issue and policy-making followed centralisation and authoritarianism. The demise of the Soviet bloc has led to the emergence of new variables in Russian policy-making, embedded now in a net of bilateral and multilateral discussions which integrate the complex formulation of policy within Russia. Borders, tariffs, citizenship, access to seaports, economic links and division of Soviet assets are all new issues added to the Russian policy-making machinery[403]. The previously secure and controlled relations with neighbours have become a source of risks. Moreover, Russia has to cope with its new status, no longer that of a superpower and bloc leader, as in the Cold War period.

Russia wants to be treated as a major player in European security, as shown in the war in Yugoslavia and in its strong positioning *vis-à-vis* the Chechen rebels, for example. The desire for integration of the Russian Federation in the international community is also the reflection of the country's fear of being put aside and losing its prestige and preponderant position in the international arena. A Russia integrated in Western structures would enable the European countries to better understand the internal processes taking shape in both Russia and the CIS countries, while legitimising the formulation of Western positions regarding their conduct. Nevertheless, according to the Russian Foreign Minister, the West has used "too much of a 'wait-and-see' approach rather than active participation"[404]. The consequences of these internal and external factors for the course of Russian domestic and foreign policies are the focus of the following sections.

4.2. Russian foreign and domestic policy-making

Russian foreign policy has been evolving in differentiated stages, from introspection to more active engagement, from rhetoric to pragmatism and obeying domestic pressures and international constraints. This section addresses the different stages through which Russian foreign policy has been since the break up of the Soviet Union. These phases are in broad terms, the reflection of

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[402] According to OSCE sources, electoral processes in the Russian Federation have generally conformed to internationally-agreed democratic procedures; however, problems have arisen with legislation and recently as regards the Republic of Chechnya. See ODIHR Final Report on the Elections to the State Duma of the Russian Federation, Dec. 19, 1999, ODIHR.GAL/11/00, Feb. 14, 2000. Moreover, the recourse to illegal funds and restraints on the political campaigns of opposition members have been reported. See "Western Press Review: Russia's Prospects", *RFE/RL*, Mar. 31, 2000.
[403] See for example Holoboff, E., "The Soviet Union and the New European Security Order", *Paradigms*, vol.5, n.1/2, 1991, pp.92-94.
[404] Kozyrev, A., "Russia and the World's New Security Agenda", *International Relations*, vol.XIV, n.1, Apr. 1998, p.45.

general tendencies in policy-making, differentiated according to goals and means to pursue them. Nevertheless, this foreign policy characterisation attempts only to clarify general tendencies, since there are always factions and opposition inside any political orientation. It has, nevertheless, the value of an analysis instrument which permits us to infer on the weight of foreign policy-making on Russia's relations with its neighbours, the West and international organisations, in particular the OSCE.

4.2.1. The romantic period

Between 1992 and early 1993, the 'romantic period' was characterised by the definition and promotion of good relations with Western countries, defined as "Russia's natural allies"[405]. Russia sought integration in Western institutions, joined PfP and became a member of NACC, initiated talks to join the Council of Europe (which it effectively joined on January 25, 1996), developed co-operation with the EU[406], asked for economic aid and signed bilateral treaties with Western countries. In June 1992, Yeltsin told the United States Congress that "in joining the world community, we wish to preserve our identity and history (...) at the same time Russia does not aspire to remake the world in its own image"[407]. Russian President Yeltsin was committed to creating favourable conditions for the introduction of reforms, in order to overcome the Cold War legacies. It was understood that the economic integration of Russian neighbours would only be possible after Russia had solved its domestic problems, with a consequent introspection of Russian policy. As a consequence, Russian policy towards the new republics was amicable.

Nevertheless, Western help to the transition and reformation process was disappointing for many in the Russian Federation[408]. The attachment of numerous conditions to Western aid, which applied economic 'shock therapy' with negative results[409] further deepened Russian resentment and promoted anti-Western sentiment. Moreover, developments in the new independent republics, in particular the Baltic states, generated resentment in Russia as regards the treatment of Russian

[405] Kozyrev cited in Nogee, J. and Mitchell, R., *Russian Politics, The Struggle for a New Order*, Allyn and Bacon, 1997, p.156.

[406] A Partnership and Co-operation Agreement was signed between Russia and the EU in June, 1994, "Common strategy of the European Union on Russia", Agreement on Partnership and Co-operation between the European Union and the Russian Federation (in force from Dec. 1, 1997), Jun. 4, 1999, http://europa.eu.int. See also Community Legislation in Force, Doc 499X0414, "1999/414/CFSP: Common strategy of the EU of 4 June 1999 on Russia", Official Journal L068, 09/03/1998, p.003-0198.

[407] Yeltsin address to the United States Congress on June 17, 1992, *The New York Times*, Jun. 18, 1992.

[408] Galeotti, M., *The Age of Anxiety, Security and Politics in Soviet and Post-Soviet Russia*, Longman, London and New York, pp.175-176.

[409] MacFarlane, N., "The CIS and European Security" in MacFarlane, N. and Thranert (eds.), *Balancing Hegemony, The OSCE in the CIS*, Centre for International Relations, 1997, pp.28-29; Lawrence, "European Security: A New Era of Crisis?" in Bideleux, R. and Taylor, R. (eds.), *European Integration and Disintegration*, p.63. "Unfortunately, the Western democracies made 'a terrible mess' of the five years of transition, because we never really understood what we ought to be doing. We never saw, you might say, what history expected of us!", Beedham cited in Bideleux, R., "In Lieu of a Conclusion: East Meets West?", idem, p.281.

minorities abroad[410], leading to a step back in terms of policy. This dissatisfaction was exploited by nationalist and communist forces in Russia, which hardened pressure towards Yeltsin's socio-economic and political directives. These groups, led by patriotic elements, envisaged more active intervention in neighbouring countries, where they argued citizenship legislation restrained Russians' rights, demanding active Russian participation. Moreover, the establishment in March 1992 of the Russian Ministry of Defence and of the Russian Security Council in May the same year, diminished the monopoly of the Foreign Ministry in foreign policy-making[411].

President Yeltsin and Foreign Minister Kozyrev were criticised by their opponents for pursuing an unpatriotic policy based on passivity in the face of gross human rights violations in neighbouring republics. In the face of growing criticism, Yeltsin tried to balance his actions in order to please both the West and nationalist forces in the country. An example of this approach was Russian policy towards the Republic of Estonia. While Russia pursued the troop withdrawal from the country, it hardened demands on the border issue[412]. However, the strong Russian rhetoric has not always been matched by concrete action as regards, for example, supporting pro-Russian movements or organisations in the Baltic, where Russia claimed the national leaderships were violating Russian inhabitants' rights. Apart from too much rhetoric in defence of its ethnic kin abroad, no action has been taken, real support provided or viable alternatives suggested by the Russian Federation. Moreover, Russia has not made much use of the OSCE mechanisms at its disposal for closer examination of allegations of human rights violations in neighbouring republics, in particular discrimination against Russian citizens. Yeltsin and Kozyrev failed to foresee the strong power of nationalist forces at home which managed to change the course of foreign policy-making in Russia.

4.2.2. The re-assertion phase

From 1993, the 're-assertion phase' insisted on deflecting attention from the West to concentration on Russian national interests and areas of influence. Russian policy translated the nationalist aspirations of the resurgence of Russia as a great power while promoting democratic principles according to the Western approach, which became contradictory aims typical of the usual ambiguities of Russian policy. The nationalist tendency prevailed and Russia became the 'guarantor of stability' in the former Soviet Union, as advocated by the patriotic forces. In February 1993, Yeltsin's address to the Civic Union suggested the imminent shift in policy and the President's ceding to pressures. Moreover, it already noted the Russian desire to be recognised internationally as the legitimate guarantor of security and stability in the former Soviet Union area. Yeltsin argued that "Russia continues to have a vital interest in the cessation of all armed conflict

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[410] See chapter 6 for further development.
[411] Bowker, M., *Russian Foreign Policy and the End of the Cold War*, Dartmouth, 1997, p.207.
[412] This issue will be revisited in chapter 6.

on the territory of the former USSR. Moreover, the world community is increasingly coming to realise our country's special responsibility in this difficult matter. I believe the time has come for authoritative international organisations, including the UN, to grant Russia special powers as guarantor of peace and stability in the region"[413]. Andranik Migranyan, Yeltsin's foreign policy adviser, argued in January 1994 that post-Cold War events in Russia and the neighbouring republics had led the political establishment in Russia to realise, more and more clearly, that a special role in the post-Soviet space belonged to Russia[414].

The re-assertion period was consolidated after the 1993 December Parliamentary elections in Russia, in which nationalists and communists won the major share of seats in Parliament, Zhirinovsky leading the Liberal Democratic Party and Zyuganov the Communists. The election results demonstrated the strong domestic opposition Yeltsin was facing. With growing pressure from these groups, Yeltsin found himself in a delicate position and opted for a harder posture towards the near abroad. As a consequence, the post-Soviet space was defined as an area of strategic national interest for Russia and the influence of third countries was not welcomed. Russian interests included the avoidance of waves of migrants and refugees, and containing the spread of instability coming from the former republics to the Russian Federation, and meant the maintenance and even affirmation of Russian status in the region[415].

Concentration on the CIS absorbed much of Russian attention, leading to a sort of disengagement from Europe. The Russian-first approach earned Yeltsin much support at home from nationalists and communists; however, it also earned him much suspicion from neighbouring countries. Moreover, diplomatic moves towards Serbia, Iran, Iraq and North Korea, added to Russian reactions *vis-à-vis* NATO enlargement, were not reassuring in the West[416]. To appease Western suspicions, Kozyrev asserted that "raising the question about complete withdrawal and removal of any Russian military presence in the countries of the near abroad is just as extreme if not a more extremist suggestion, than the idea of sending tanks to all republics to establish an

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[413] Itar-Tass, Mar. 1, 1993.

[414] Andranik Migranyan cited in Smith, G., "Transnational Politics and the Politics of the Russian Diaspora", *Ethnic and Racial Studies*, vol.22, n.3, May 1999, p.507. See also Lawrence, "European Security, A New Era of Crisis?" in Bideleux, R. and Taylor, R. (eds.), *European Integration and Disintegration*, p.49.

[415] "This has been manifested in the not-so-subreptitious intervention by Russian units in the Georgian civil war, delayed troop withdrawals from former Baltic republics, support for 'brother Slavs' in the Bosnian war, and sometimes bitter complaints about Russia's treatment as a junior partner in its post-Cold War relations with onetime foes", Herman, R., "Identity, Norms and National Security: The Soviet Foreign Policy Revolution and the End of the Cold War" in Katzenstein, P. (ed.), *The Culture of National Security, Norms and Identity in World Politics*, Columbia University Press, New York, 1996, p.314.

[416] "We are now separated from Europe by a whole chain of independent states and find ourselves much farther from it, which inevitably involves (...) a substantial redistribution of our resources, our potentialities, our links and interests in favour of Asia", Sergei Stankevich, Yeltsin's State Counsellor in 1992 cited by Porter, B., "Russia and Europe after the Cold War: The Interaction of Domestic and Foreign Policies" in Wallander, C. (ed.), *The Sources of Russian Foreign Policy after the Cold War*, The John M. Olin Critical Issues Series, Westview Press, 1996, p.129.

imperial order there"[417], justifying the new interventionist Russian policy as the normal course resulting from a shared past.

In the autumn of 1993, Russia redefined its military doctrine based on the country's new political orientation. According to the stated principles, Russia had to cope with the potential threats emanating from neighbouring countries, translated into escalating conflicts. Russia would be responsible for intervening in the case of suppression of rights, freedoms and legitimate interests of Russian-speaking populations in foreign countries, and for localising and stopping armed conflicts, a source of instability[418]. With this shift in policy Russia intended to take on the responsibility for peace and stability in the former Soviet space. However, assuming this role proved not to be an easy task. Russia intervened politically in Estonia and Latvia and added a military dimension to its activities in other former republics, in particular Moldova, Georgia (Abkhazia and South Ossetia), Azerbaijan (Nagorno-Karabakh) and Tajikistan[419].

In 1994 Yeltsin argued "it is Russia's vocation to be the first among equals in its relations with the CIS"[420]. Kozyrev added that Russia was becoming a "locomotive of reforms that would become irresistibly appealing to its neighbours"[421], added to the Russian offer of security to the new republics under the nuclear umbrella. According to Russian policy-makers, through the CIS the Russian Federation could preserve domestic stability and territorial integrity, and offer to the CIS republics access to trade opportunities and Russian resources. To those unwilling to co-operate, Russia threatened economic, political and military sanctions. By the autumn of 1994, Russia had managed to downgrade conflicts in the former Soviet republics, although it was unable to find political solutions to them. Russia realised it needed international organisations, in particular the UN and the OSCE, to legitimise its actions and possibly share the burden of peacekeeping. However, Russia was faced with a dilemma. Despite recognising the need for assistance, it did not want to lose its privileged position conferring enlarged power on these organisations. In a September 1994 speech at the UN General Assembly, Yeltsin argued "Russia is undergoing change, it is regaining its identity, but in every respect it remains a great power. Russia is ready for equal co-operation within the framework of the international community, which in its turn should accept an active Russia and an open Russia"[422].

On September 14, 1995 Yeltsin issued a decree on the "Strategic Policy of the Russian Federation towards CIS Member States" which defined the major objectives of Russian foreign

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[417] Kozyrev speech in January 1994, cited in Baranovsky, V. (ed.), *Russia and Europe: The Emerging Security Agenda*, SIPRI, Oxford University Press, 1997, p.146.
[418] Galeotti, M., *The Age of Anxiety*, p.168.
[419] Refer to chapter 5 and the case-studies.
[420] Yeltsin cited in Petro, N. and Rubinstein, A., *Russian Foreign Policy: From Empire to Nation-State*, Longman, 1997, p.115.
[421] Idem.
[422] Yeltsin's speech of September 26, 1994 in Hurlburt, H., "Russia, the OSCE and European Security Architecture", *Helsinki Monitor*, vol.6, n.2, 1995, p.9. See also Greco, E., "Third-party Peacekeeping and the Interaction between Russia and the OSCE in the CIS Area" in Bothe, M. et al. (eds.), *The OSCE in the Maintenance of Peace and Security*, p.277.

policy in CIS countries[423]. It included the creation of an economically and politically integrated alliance of states forming a coherent bloc in the face of the outside world. The decree stated Moscow's intention to re-establish its political supremacy over the territory of the former Soviet Union, with a flavour of victory for those who never accepted the dissolution of the Soviet Union. "When co-operating with third countries and international organisations, Russia should make them realise that this region is, above all, a Russian zone of interest"[424]. Throughout 1995, elements of co-operation could be found in Russian-Western relations; however, major disagreement over issues such as NATO expansion, nuclear security and Bosnia[425] marked the differences.

4.2.3. The pragmatic phase

The Parliamentary elections of December 1995 marked a new phase in Russian foreign policy. Kozyrev resigned in January 1996 and was followed in the post of Foreign Minister by Primakov, who pursued a distinctly different political orientation from his predecessor. Highly critical of the West, Primakov centred his policy on the national interests of the country, reasserting positions on China, the Far East and with its traditional allies in the Middle East. The new Foreign Minister defined as priorities in Russian foreign policy the strengthening of Russia's territorial integrity, providing support to integrative tendencies within the CIS; stabilising regional conflicts (above all in the former Soviet Union and Yugoslavia); and preventing the spread of weapons of mass destruction. According to Primakov, Russia had to pursue its foreign policy according to its status as a great state in order to extinguish the hot spots existing in the world and to create the best possible conditions for domestic development[426].

In March 1997, a new Government of 'young reformers' was appointed, directing efforts towards socio-economic and military reforms in order to respond to the economic and social crisis in the Russian Federation. The more pragmatic approach was also reflected in relations with the CIS countries and in the search for viable solutions to the ongoing conflicts. The new approach to Russian security emphasised that Russia was only seeking bilateral and multilateral co-operation with its neighbours and not pursuing imperialist goals across its frontiers[427]. Russian policy shifted from imposition to the search for solutions with the parties concerned, and to the recognition that international involvement was detrimental in support of Russian efforts. Russia learnt from experience that aggressive policies were more damaging than rewarding and that the costs of

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[423] Foye, S., "Russia and the 'Near Abroad'", *Post Soviet Prospects*, vol.III, n.12, Dec. 1995, http://www.csis.org/ruseura/psp/pspiii12.html.

[424] President's Yeltsin decree on "Russian strategy in relation to the CIS member states", September 1995 in Jonson, L., "The Tajik War: A Challenge to Russian Policy", RIIA, Discussion Paper 74, p.24.

[425] *Strategic Survey 1995/1996*, IISS, Oxford University Press, Apr. 1996, p.121.

[426] Primakov cited in "Primakov's view of the world", *RFE/RL*, Mar. 6, 1996. Primakov added Moscow must more vigorously and effectively "defend Russia's interests but do so in a way that will not reignite a 'new Cold War'", cited in "Russia's Foreign Minister Primakov sets new tone", *RFE/RL*, Mar. 7, 1996.

[427] Muller, D. et al., "The New Approach to Russian Security in the Context of the Programme for Change", *Aussenpolitik*, vol.49, n.1, 3rd quarter of 1998, p.30.

keeping such interventions were much too high for Russia to support in the face of many internal economic difficulties.

Between 1997 and 1998 Moscow showed commitment to finding solutions to the conflicts in its near abroad, such as in Moldova, where it deepened its mediator involvement and pressed for the political settlement of the conflict. However, Russian intentions have met difficulties, as happened in Moldova, where secessionist leaders managed to find a strong support basis in the population and in the Russian State Duma. This support has allowed the secessionists to resist Russian pressure, exploiting even in some cases the vulnerability of Russian forces deployed in the field[428].

4.2.4. Which direction in Russian policy-making?

On December 31, 1999 President Yeltsin resigned from his post of the Presidency of the Russian Federation and entrusted Vladimir Putin, a man who had his confidence, as interim President until the Presidential elections in March. The vote on March 26, 2000 confirmed Putin as Russia's new President[429]. The future of Russian policy-making is unclear. Despite more pragmatic efforts to implement reforms, economic difficulties and the pressures from lobbying groups and regional leaders for political favours has constrained significant improvements[430]. Moreover, the election of Putin was based much on the war campaign against Chechnya, which may signal either that Russia will be ruled by a tough hand incorruptible in the face of domestic pressures and continue with reforms, or that a return to authoritarian practices may be close.

Russian military intervention in Chechnya in 1999/2000 and the violent combats that followed raised concerns in the West as regards the proclaimed democratic orientation of the Russian Federation as well as of its peaceful efforts to resolve disputes[431]. Moreover, at the Istanbul Summit of the OSCE in 1999 much 'inventive diplomacy' and long hours of negotiation were needed for Russia to accept the OSCE right of intervention[432], in particular as regards Chechnya. Nevertheless, the value of this Russian acquiescence will be tested only when negotiations take place with the OSCE inspection commission in the region. This process of negotiation demonstrates how easily Moscow dismisses Western criticisms and how the West's unwillingness to impose sanctions on the Russian Federation shows the limited Western ability to affect the policies of great powers[433].

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[428] An issue revisited in chapter 7.
[429] "Russia: Putin wins as expected", *RFE/RL*, Mar. 27, 2000.
[430] "How Russia is ruled - 1998", *RFE/RL*, 1998; "Special Article: Putin's Russia, The chaos at the door", *The Economist*, Apr. 1, 2000, pp.23-26.
[431] An issue revisited in chapter 5, section 5.3.2.3.
[432] "Western press review: for commentators, Chechnya won't go away", *RFE/RL*, Nov. 22, 1999, and "Russia has recognised that the war in Chechnya is not merely a matter of internal policy", *Frankfurter Allgemeine Zeitung*, idem.
[433] "East-West: Analysis from Washington, The limits of influence", *RFE/RL*, Dec. 10, 1999. See also Menon, R. and Fuller, G., "Russia's Ruinous Chechen War", *Foreign Affairs*, vol.79, n.2, Mar./Apr. 2000.

4.2.4.1. The role of the military

Russian declarations of its commitment to democratic values, international law and multilateral co-operation, have not always been matched by actions in the former Soviet space. This discrepancy between stated principles and reality is in part due to the autonomous intervention power of the military in the near abroad, as occurred in the Republic of Moldova[434]. The military are a major lobby group within Russian domestic politics. Disenchanted with the promised reforms and rewards, the Army's morale is not high and the decaying conditions of housing and equipment are not promising[435]. The independent power assumed by some military leaders calls into question the extent to which the military are under the control of civil organs in Russia[436]. Nevertheless, in the building of a stable democratic state, this is a fundamental prerequisite, as expressed in the OSCE Code of Conduct and the European Charter[437]. Civilian control of the armed forces has also not been clear in the Russian case when Russian commanders in the field acted on their own orders. This interventionism resulted from the belief that "military or paramilitary force is a guarantee against any escalation of conflict and even against its evolution to a violent stage"[438].

Russian troops perform different roles according to the place where they are deployed, ranging from peacekeeping activities to the monitoring of borders or the protection of communications infrastructures[439]. In places they have fought with no sanctioned power from Moscow, obeying local commanders' orders and acting on their own discretion, such as in the Republic of Moldova[440]. In other places they have acted according to international standards, such as in Georgia, where the peacekeeping deployment followed international rules[441]. This volatility

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[434] This issue is revisited in chapter 7, section 7.4.5. See also Galeotti, M., *The Age of Anxiety*, pp.180-181, and Foye, S., "Russia and the 'Near Abroad'", *Post Soviet Prospects*, vol.III, n.12, Dec. 1995, http://www.csis.org/ruseura/psp/pspiii12.html.

[435] Kay, S., *The Political Victory of the Russian Military: Assessing the Impact of the New Military Doctrine*, University of Massachussets, Department of Political Science, 1994; Lynch, D., *Russian Peacekeeping Strategies in the CIS, The Cases of Moldova, Georgia and Tajikistan*, MacMillan Press Ltd., 2000, pp.64-65; Sturmer, M., "What Kind of European Architecture?" in Wells, S. Jr. (ed.), *The Helsinki Process and the Future of Europe*, p.70; Taylor, B., "Russian Civil-Military Relations after the October Uprising", *Survival*, vol.36, n.1, Spring 1994, p.16.

[436] Arbatov, A., "Military Reform in Russia: Dilemmas, Obstacles and Prospects", *International Security*, vol.22, n.4, Spring 1998, p.84; Foye, S., "Russia and the 'Near Abroad'", *Post Soviet Prospects*, vol.III, n.12, Dec. 1995, http://www.csis.org/ruseura/psp/pspiii12.html; Helsinki Watch, "War or Peace? Human Rights and Russian Military Involvement in the 'Near Abroad'", vol.5, issue 22, Dec. 1993, p.2; Taylor, B., "Russian Civil-Military Relations after the October Uprising", *Survival*, vol.36, n.1, Spring 1994, pp.5-6.

[437] Code of Conduct, 1994, sections VII and VIII, and *Charter for European Security*, 1999, parag.16. Refer to chapter 2 for further development.

[438] Bothe, M. et al. (eds.), *The OSCE in the Maintenance of Peace and Security*, p.282 and Russian scholar V. Kremeniuk cited in Jonson, L., "The Tajik War: A Challenge to Russian Policy", RIIA, Discussion Paper 74, p.17.

[439] Such as for example in the Republic of Moldova and Georgia, respectively. Refer to chapter 5, section 5.3.2.1 and chapter 7.

[440] In 1992, under orders from General Lebed, the Military Commander of the 14th Army stationed on Moldovan soil, Russian troops intervened openly in the military confrontations between Chisinau and the secessionists in Transdniestria, clearly supporting the Transdniestrian separatist interests, with success. At the time, not only disengagement from Moscow was at stake, but also the issue of impartial action, since the troops sided with one of the parties, in this case Transdniestria. This issue is further developed in chapter 7.

[441] Refer to chapter 5, section 5.3.2.1. See also Kremeniuk, V., "Post-Soviet Conflicts: New Security Concerns" in Baranovsky, V. (ed.), *Russia and Europe*, p.262.

in actions pursued by the military is a reflection of the difficulties in domestic and foreign policy-making in Russia, and of the value the military attribute to their careers[442].

Russian military withdrawal from former republics, such as Estonia[443] and Latvia demonstrates a co-operative attitude from the Russian Federation, which has been welcomed. However, these withdrawals also reveal the financial problems Russia is facing and its inability to maintain such broad military contingents in neighbouring republics. Amounts of equipment and troops have been withdrawn from the Republic of Moldova under Russian arguments of demilitarisation. However, the authorities in Chisinau understand these military manoeuvres as a consequence of Russian economic problems and of its more recent involvement in Chechnya, where it needed matériel and more personnel to fight Chechen separatists[444].

Despite the poor conditions of the Russian armed forces, in the face of the new republics' weak regimes, fragile civic bases and embryonic forces, Russian leverage remains considerable. The Russian Government is implementing a restructuring programme to reform the armed forces. This reform envisages the creation of a military structure capable of guaranteeing the defence and security of the nation, within the limits imposed by present social and economic conditions and the country's means. There will be a reduction of personnel, land-based and naval groupings; an updating of equipment and technologies and better training of troops[445]. In the face of the current difficult economic situation in Russia, aggravated by the war effort in Chechnya, when these reforms will become operational is still uncertain.

4.2.4.2. Enlarging NATO: the Russian perspective

According to the Atlantic Alliance, with the end of the Cold War major military threats have disappeared, thus NATO does not represent a menace to the Russian Federation[446]. However, Russia questions why, then, is NATO needed, in fact why is an expanded NATO needed[447]? The Atlantic Alliance enlargement to Russian borders is understood in Russia as aiming at Russian

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[442] For more detail see Baev, P., *The Russian Army in a Time of Troubles*, Sage, London, 1996.

[443] An issue revisited in chapter 6, section 6.4.1.

[444] These issues are further developed in chapter 7, section 7.4.5.

[445] Sergeyev, I., "We Are Not Adversaries, We Are Partners", *NATO Review*, vol.46, n.1, Spring 1998, pp.16-17. Russia aims to increase its military budget, "however the Kremlin ambitious goals are only possible with international financial assistance", Staar, R., "A Russian Rearmament Wish List", *Orbis*, vol.43, n.4, Fall 1999, pp.605-612. See also Arbatov, A., "Military Reform in Russia: Dilemmas, Obstacles and Prospects", *International Security*, vol.22, n.4, Spring 1998, pp.85-129; Staar, R., "Beyond the Unipolar Moment: Moscow's Plans to Restore Its Power", *Orbis*, vol.40, n.3, Summer 1996, pp.375-389.

[446] Washington Summit Communique, Apr. 24, 1999, parag.27; Ministerial Meeting of the North Atlantic Council, Brussels, Dec: 16, 1997, parag.11; Brussels, Dec. 10, 1996, parag.10; Meeting of the North Atlantic Council in Defence Ministers Session, Jun. 13, 1996, parag.28; Ministerial Meeting of the North Atlantic Council, Berlin, Jun. 3, 1996, parag.16; Brussels, Dec. 5, 1995, parag.4; NATO Defence Planning Committee and Nuclear Planning Group Committee, parag.10. See also Klaiber, K., "The NATO-Russia Relationship a Year after Paris", *NATO Review*, vol.46, n.3, Autumn 1998, pp.16-19; Park, W., "A New Russia in a New Europe: Still Back to the Future?" in Park, W. and Rees, W. (eds.), *Rethinking Security*, p.103; Smith, R., "A Changing NATO", *NATO Review*, vol.45, n.3, May/Jun. 1997, pp.8-11.

[447] Interview with Vladimir Pryakhin, Senior Counsellor of the Permanent Mission of the Russian Federation to the OSCE, Vienna, Feb. 17, 1999.

exclusion from European affairs[448], and simultaneously as running counter to the deepening of democratic foundations in the country. NATO Eastwards enlargement, in particular to the Baltic states, has elicited negative reactions in Russia[449], which has threatened to reintroduce Russian combat forces and nuclear weapons into Russian and Belarus regions next to the NATO area, and to abandon international commitments on demilitarisation[450]. In the face of the Russian concerns, Western policies have been cautious in order to avoid misunderstandings or provocation which could degrade dialogue with Russia[451].

Despite periods of tension, NATO and Russia have managed to develop co-operation, as exemplified by the Russian participation in the EAPC and PfP initiatives[452]. According to Lord Robertson, NATO's Secretary General, NATO and Russia share common interests which suggest close collaboration, in particular exchange of information on security and defence policies and forces, peacekeeping in former Yugoslavia, limitation of armaments, non-proliferation and scientific co-operation[453]. Russia joined the NACC on May 15, 1995 after having joined PfP on June 22, 1994 through the acceptance of the Russian Individual Partnership Programme to pursue "broad enhanced dialogue and co-operation", in addition to the activities foreseen in the PfP framework. Russia and NATO have agreed to prepare a wide-ranging individual programme of partnership in keeping with Russia's size, importance and potential[454], which included, for example, the preparation of joint NATO-Russia peacekeeping missions. The PfP idea was designed to avoid Russian isolationism, allowing the Russian Federation a voice in European affairs, while also preventing the strengthening of political opposition in Moscow and any eventual signs of aggressiveness[455].

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[448] Opinion shared by Baev, P., "Russia's Stance Against Secessions: From Chechnya to Kosovo", *International Peacekeeping*, vol.6, n.3, Autumn 1999, p.77; Kay, S., *NATO and the Future of European Security*, Rowman and Littlefield Publishers, 1998, p.93; Kupchan, C., "Reviving the West", *Foreign Affairs*, vol.75, n.3, May/Jun. 1996, p.98; Light, M. et al., "A Wider Europe: The View From Moscow and Kyiv", *International Affairs*, vol.76, n.1, Jan. 2000, pp.77-88; Maximychev, I., "Russia's Concept of a New European Security Architecture" in Spillmann, K. and Wenger, A. (eds.), *Russia's Place in Europe, A Security Debate*, Peter Lang, 1999, http://www.fsk.ethz.ch/documents/studies/volume_1/title_contents.htm; Miszlivetz, F., "Redefining European Security", *Journal of World Affairs*, vol.IV, issue 1, Winter/Spring 1997, p.213; Pierre, A. and Trenin, D., "Developing NATO-Russian Relations", *Survival*, vol.39, n.1, Spring 1997, p.8; Stojkovic, M., "Geopolitical and Strategic Changes in Eurasia", *Review of International Affairs*, vol.XLVIII, n.1053-1054, Feb. 15-Mar. 15, 1997, p.39; Zagorski, A., "Russia and European Institutions" in Baranovsky, V. (ed.), *Russia and Europe*, p.521; Kennedy-Pipe, C., "Russia and Europe: New Frontiers - Old Dilemmas" in Flockhart, T. (ed.), *From Vision to Reality*, p.152.

[449] Kozyrev, A., "Partnership or Cold Peace?", *Foreign Policy*, n.99, Summer 1995, pp.3-14; Wettig, G., "Controversial Foundations of Security in Europe", *Aussenpolitik*, vol.46, 1st quarter 1995, pp.46-48.

[450] Taylor, T., "Security for Europe" in Miall, H. (ed.), *Redefining Europe*, p.172.

[451] "Despite the evidence of Russian quiescence, it would be a mistake to believe that Russia is impotent to act in an obstructionist manner, or that there might not be other costs for the West in pursuing policies which are consistently opposed by Moscow", Dannreuther, R., "Escaping the Enlargement Trap in NATO-Russian Relations", *Survival*, vol.41, n.4, Winter 1999/2000, p.146.

[452] The establishment of a Russian Mission to NATO was welcomed as sign of improved co-operation, Ministerial Meeting of the North Atlantic Council, Luxembourg, May 28, 1998, parag.6.

[453] Lord Robertson, NATO Secretary General, "A OTAN no Novo Milénio", *Notícias da OTAN*, ano XXX, n.4, Inverno 1999, p.6.

[454] *RFE/RL Research Report*, vol.3, n.33, Aug. 26, 1994.

[455] *RFE/RL Research Report*, vol.3, n.12, Mar. 25, 1994.

On May 27, 1997, NATO and the Russian Federation signed the "Founding Act on Mutual Relations, Co-operation and Security between the North Atlantic Treaty Organisation and Russia"[456], stating the purpose to build together a lasting and inclusive peace in the Euro-Atlantic area on the principles of democracy and co-operative security, echoing many of the OSCE's principles[457]. NATO members reiterated in the Act that they had no intention, plan or reason to deploy nuclear weapons on the territory of the new member countries[458], a reassurance to the Russian Federation concerns. Nevertheless, at the time of the first meeting of the Joint Council, Foreign Minister Primakov argued "the Founding Act was a painful compromise that has not changed Russia's negative view of NATO expansion plans", which he said ignores current realities[459]. Later, Russia's Foreign Minister Ivanov said that "the process of giving [the Founding Act] practical content is going only slowly"[460].

Russia-NATO relations have followed a twist-and-turn course sustained on the direction of foreign policy-making in Russia. In early 1994, Kozyrev proposed the transformation of NACC into an independent structure of military political co-operation closely linked to the CSCE. The Russian Foreign Minister intended to strengthen the role of the CSCE as a co-ordinating body over NATO, the WEU and the CIS, a proposal with no follow-up[461]. At a NATO meeting in Brussels in January 1994, Kozyrev postponed Russian participation in the PfP programme, arguing that "hasty and unwarranted expansion of the alliance is not to Russia's liking"[462]. And at the time of the Budapest Summit of the CSCE, President Yeltsin warned against the consequences of NATO enlargement to the East[463]. In 1995 and until mid-1996, Russia officially did not renew the PfP programme and limited or even withdrew from PfP exercises, justifying its absence by lack of financial support. During this period the former Soviet republics intensified contacts with NATO and the West[464].

By December 1997, Russian Foreign Minister Primakov manifested Russian opposition to moves that could divide Europe, arguing that "our continent needs real pan-European scope,

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[456] Founding Act on Mutual Relations, Co-operation and Security between the North Atlantic Treaty Organisation and the Russian Federation, NATO-Russia Summit, Paris, May 27, 1997. See also "The Partnership between NATO and Russia", NATO Press Info, Madrid Summit, Jul. 8-9, 1997.

[457] http://www.osce.org.

[458] Founding Act on Mutual Relations, NATO-Russia Summit, Paris, May 27, 1997, section IV, p.8.

[459] "NATO/Russia: Joint Council Meets for the First Time Today", RFE/RL, Sep. 26, 1997. See also Trenin, D., "Russia-NATO Relations: Time to Pick Up the Pieces", NATO Review, vol.48, Spring/Summer 2000, p.19.

[460] Igor Ivanov cited in "Russia: Foreign Minister Rules Out Membership in NATO and EU", RFE/RL, Oct. 29, 1998.

[461] Kozyrev, A., "Russia and European Institutions" in Baranovsky, V. (ed.), Russia and Europe, p.524.

[462] Kozyrev cited in Nogee, J. and Mitchell, R., Russian Politics, p.165; and "Fantasies about NATO", International Herald Tribune, Oct. 17, 1997.

[463] "Yeltsin's warnings at CSCE", RFE/RL, Dec. 6, 1994.

[464] Isakova, I., The CIS and Europe: Evolving Security Relationships, London Defence Studies, n.45, Brassey's, Jul. 1998, p.57; "Leaders: Russia's self-isolation", The Economist, Nov. 27, 1999, p.20.

demanding actions based on the consideration of the interests of all"[465]. Russia sees the OSCE, rather than NATO, as the best guarantor of pan-European security after the Cold War. The NATO military intervention in Kosovo in 1999 was again a cause of discord and distancing between the Atlantic Alliance and Russia. The May 24, 2000 re-encounter between Russian Foreign Minister Ivanov and the NATO Ministers at the Florence Summit of the Alliance[466] after more than one year apart was significant. Ministers committed themselves to intensifying dialogue and seek improved co-operation on a broad range of issues, including former Yugoslavia, with the goal of maintaining the positive momentum demonstrated during the meeting[467]. Issues of discord have been balanced with periods of positive dialogue and the sharing of concerns between Russia and NATO[468]. How this relationship and the Russian Federation policy-making orientations affect the OSCE are analysed further in the chapter.

4.2.5. Foreign and domestic policies: intermingled and interdependent

On some occasions it has been difficult to distinguish between official policy and competing policies by different factions. 'Twists and turns' in Russian policies have had a negative impact on attempts to formulate a consistent domestic and foreign policy, which have become imbued with a lack of co-ordination and contradictions. The President's power is much dependent on the support it gets from the military and the main Ministries, such as Defence, Security and Interior. There has been no clear chain of command or established procedures in decision-making. Although according to the new Russian Constitution of December 1993 the President concentrated more powers in his hands[469], there were competing factions within the Presidency itself challenging Yeltsin's directives.

The control of the formulation and implementation of foreign policy remained the responsibility of the Ministries, reflecting also cleavages among them. Power fragmentation within

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[465] Russian Foreign Minister Primakov cited in Doyle, A., "NATO overshadows security conference", Reuters, Dec. 18, 1997. See also Final Report of the Independent Working Group on a "Future Security Agenda for Europe", SIPRI, *Helsinki Monitor*, vol.7, n.4, 1996, p.84.

[466] "Statement on NATO-Russia Permanent Joint Council Meeting at Ministerial Level held in Florence on 24 May 2000", NATO Press Release, May 24, 2000.

[467] Ministerial Meeting of the North Atlantic Council, Florence, May 24, 2000, NATO Press Release M-NAC-I(2000)52, "we welcome the recent steps towards the resumption of consultation and co-operation in the Permanent Joint Council framework", parag.40. This meeting followed Atlantic Alliance calls for resumption of consultations, such as at the Ministerial Meeting of the North Atlantic Council, Brussels, Dec. 15, 1999, Press Release M-NAC 2 (99)166, parag.30.

[468] For a chronology of the major events in NATO-Russia relations between December 1991 and the signature of the Founding Act in May 1997, see "The Partnership between NATO and Russia", Press Info, Madrid Summit, Jul. 8-9, 1997.

[469] Kouvaldin, V., "Russia and the CIS" in "Europe and its Neighbours: Reflections for a Common Security Policy", European Meeting on Security Studies, Centro Alti Studi Difesa, WEU Institute for Security Studies, Rome, Sep. 16-27, 1996, p.56.

Russia worked as if Russia was pursuing different policies at the same time[470]. Foreign policy has often become dependent on domestic power struggles. Opposition to change has rendered difficult the implementation of reforms, and the lack of a clear strategy reveals the unsolved political quarrels within the Russian Federation. "The redefinition of national interest proved to be an open ended process in which the struggle between liberal and national-patriotic approaches to foreign policy reflected the larger struggle over the strategy for development and over Russia's own identity and place in the world"[471].

Russia is faced by many challenges, of an internal and external nature and the perception of which influences decision-making in the country. Challenges emerging in the newly-independent fourteen republics on Russia's borders, fears of isolation from European affairs and the awareness of increasing distance from mainstream European life, as exemplified by technological backwardness and NATO expansion, are external constraints with which Russia has to deal. The issues of intervention in the name of humanitarian principles, allied to the question of NATO expansion[472], have been the matters generating most consensus among the Russian political elites[473]. Just like in the Cold War period, external issues understood as threatening to Russia have generated consensus at home. Internally, the political disputes affect the unity of the state, the stability of social and economic mechanisms and the Government's legitimacy. Moreover, secessionist demands, such as the case of Chechnya, have revealed a difficult subject in Russian policy[474]. The course of Russian policy-making reveals how inter-connected domestic and foreign policies are. The orientation of the country flows according to national pressures, not only of a political nature, but also economic, cultural and ethnic.

Russia's ambiguous course has elicited different reactions in the West, which has been wavering between comprehension and accusation. On the one hand, the West recognises that the post-Soviet situation in the former Soviet Union cannot be overlooked, that Russia has the political and military potential to reduce conflicts in neighbouring countries or at least avoid spill-over effects, and that Russia might play a valuable role as a counter-balance to the Islamic threat. On the other hand, the assertiveness of Russian actions, in particular as regards neighbouring countries, has been a cause of concern in the West. If Russia wants to re-establish a sphere of influence, Western suspicion is not irrelevant. Certainly the image of the new Russia will be

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[470] "Hobbled by economic decline, the Government has become dysfunctional in some of its core responsibilities, including such pillars of central authority as the military, the courts and tax collection", "Russia is sinking into the void of a 'failed state'", *International Herald Tribune*, Feb. 27-28, 1999.

[471] Sakwa, R., Russian Foreign Policy notes to the Master in International Relations' lectures, 1995/1996. See also Sakwa, R., *Russian Politics and Society*, 2nd ed., Routledge, London, 1996; McFaul, M., "A Precarious Peace: Domestic Politics in the Making of Russian Foreign Policy", *International Security*, vol.22, n.3, Winter 1997/98, p.21.

[472] Refer to section 4.2.4.2 in this chapter.

[473] King, C. and Melvin, N., "Diaspora Politics, Ethnic Linkages, Foreign Policy, and Security in Eurasia", *International Security*, vol.24, n.3, Winter 1999/2000, p.121 and "Kosovo created in Russia a national security consensus", *Washington Post*, in "Western press review: Russia's prospects", *RFE/RL*, Mar. 31, 2000.

significantly dependent on its behaviour towards its neighbouring countries. For its part, Russia has faced the dilemma of continuing with interventionism in the near abroad, while maintaining co-operative policies with Western countries which are the major source of foreign aid to Russian reforms.

4.3. Russia and its neighbours

Russian policies towards neighbouring countries are the reflection of the contradictions and non-definitions in Russian policy-making. At times more interventionist, at others more isolationist, Russian policies reflect varying degrees of prudence or adventurism, transparency or secretiveness, liberalism or nationalism[475]. They also reflect the reactive character of most Russian interventions, taking place only after the escalation of tensions or the outbreak of armed hostilities. Russian interventions in the near abroad have raised numerous doubts and questions about the real intentions of the Russian Federation as regards its new neighbours. Is Russia pursuing imperialist goals or acting as a fair neighbour in defence of credible values? This section addresses the nature of the political and military involvement of the Russian Federation in the affairs of the new republics, calling its nature into question.

4.3.1. The Baltic States

The Baltic states were the only former Soviet republics not to join the CIS. Closer to the West since the regaining of independence after the disintegration of the Soviet bloc, these states have pursued a clear Western-oriented approach, including the search for integration in Western institutions. NATO and EU membership will hopefully, according to the Baltic countries' aspirations, complement accession to the UN, the OSCE and the Council of Europe. Foreign policy goals have been received with alarm in Russia, aggravated by the issue of NATO enlargement to its borders, which Russia does not regard as friendly and reassuring. Estonian and Latvian national political development, which has included the adoption of a number of new directives as regards citizenship issues, has been particularly criticised by the Russian Federation as discriminatory in nature. As such, Russian politics towards the Baltic have been a mixture of co-operative and non co-operative acts, perceptible in the evolution of post-Soviet Russian policy-making.

After the republics' independence Russia gave a free-hand to these states, but soon a more controlling and intervening policy took shape, which has been contested by the Baltic authorities as interference in their internal affairs. This Russian interventionism matches the re-assertion phase in the evolution of Russian policy-making. Added to diplomatic measures to defend the

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[474] Blum, D., "Disintegration and Russian Foreign Policy" in Blum, D. (ed.), *Russia's Future: Consolidation or Disintegration?*, Westview Press, 1994, pp.127-140.

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human rights of Russians inhabiting Estonia and Latvia, Russia made use of economic and political pressure to attain its goals in the region[476]. The Russian Federation reduced fuel deliveries and gas supplies in order to oblige the Estonian and Latvian Governments to make concessions, in particular as regards naturalisation and citizenship procedures. With time Russian posturing eased, allowing the removal of all troops from Estonian and Latvian territory. However, border issues and dissension over the status of Russian-speakers prevailed. The case of Estonia, where a give-and-take-away policy has been clear, demonstrates the contradictions inherent in Russian policy-making. A dual policy of pursuing proper aims to please national forces in the country, while keeping the West reassured as regards its non-imperialist goals, has been clear. The case of Estonia is further developed in chapter six.

4.3.2. The Commonwealth of Independent States

The Commonwealth of Independent States was established on December 8, 1991 following the disintegration of the Soviet Union, as a voluntary association by the signature of the "Belovezhskaia Pushcha Agreement", by the Heads of State of Russia, Ukraine and Belarus. From the agreement resulted a loose confederation with no powers of governance. Decisions were made by consensus and enforcement powers were not envisaged. Later, on December 21, 1991, through the signature of the "Alma-Ata Protocol", the Commonwealth was expanded to eleven members, Georgia joining two years later, in December 1993. Of the new republics, only the Baltic states opted not to join. Nevertheless, the 'option' possibility was conditioned by the Russian Federation's actions. Russia used political, military and economic pressure to compel some of the republics to join the Commonwealth, such as in the case of Azerbaijan and Georgia where Russia encouraged opposition and separatist forces[477].

The CIS envisages the development of relations on the basis of mutual recognition and respect for state sovereignty and self-determination; the promotion of principles of equality and non-interference in internal affairs; the settlement of contentious problems by mediation, repudiating the use of force or economic coercion, and commits its participating states to the observance of human rights and adherence to the UN Charter and the Helsinki Document principles. The fundamental aims were to build relations on the principles of the market economy and democracy and to preserve military stability in post-Soviet times based on a shared politico-military and economic doctrine. According to the CIS principles, each member considers itself

[475] Kortunov, A., "Russia, the Near Abroad and the West" in Lapidus, G. (ed.), *The New Russia, Troubled Transformation*, Westview Press, 1995, p.146.
[476] Cashu, I., "The Most Difficult Aspects of Democratisation for the Post-Communist Nations of East and Central Europe and the Former Soviet Union", http://www.ecst.csuchico.edu/~dinup/Political-Arena/. Lithuania was excluded due to its considerably smaller Russian minority, around 7%, and since it has provided passports to all residents in 1991. See also Goble, P., "Russia and its Neighbours", *Foreign Policy*, n.90, Spring 1993, p.84.

sovereign and independent and is free to choose which agreements it wants to join and which it prefers not to become part of.

CIS members signed several agreements on security but most of them were not enforced. On May 15, 1992 a Collective Security Treaty was signed in Tashkent between Armenia, Kazakhstan, Kyrgyzstan, Russia, Tajikistan and Uzbekistan. Azerbaijan and Georgia joined later. The treaty proclaimed as its general aim to oppose local wars and stop armed conflicts. However, its wording was unclear and focused mainly on aggression from external forces, having no consequences[478]. Moreover, the small number of signatories downgraded the reach of the treaty in the first place, and by 1999 only six states were still parties to the treaty. In order to contour the difficulties in reaching agreement in delicate areas, namely due to the participating members' reluctance to put their national sovereignty in jeopardy in the face of deeper integration, consensus-minus-one was introduced at the Tashkent Summit and simple majority voting allowed for procedural issues. These modifications did not have, however, the expected results as regards treaty implementation.

4.3.2.1. The CIS: potential and limits

Co-operation among CIS members was promising, given the extended rouble zone at the time of its creation, and the expected failure of most of the republics to be rapidly integrated into Western organisations, besides cultural and historical ties. Economic links were very strong due to the industrialisation policies pursued by the Soviet Union's rulers, and the aggregation of military assets after their division was also a potential strength for the new Commonwealth. The CIS could have been a fundamental integration factor in the area, allowing close co-operation among its members as regards economic or legislative harmonisation, but "without a Government or its own armed forces, lacking common citizenship and with few of its documents signed by all of its member states, and with no mechanisms to ensure that its decisions were implemented, the CIS was an unloved child of the break-up of the Soviet Union"[479].

By the end of 1992 the CIS was a failure as a mechanism for integration. Instability in the near abroad was aggravating and the CIS proved to be an ineffective forum for the resolution of conflicts in the former Soviet Union area. On the one hand, Russia's dominance of military structures led to its activity as the leading state within the CIS, casting doubt on the

[477] See for example "Conflitos Caucasianos e braço-de-ferro Russo-Americano", *Le Monde Diplomatique*, ano 2, n.19, Outubro 2000, p.12. Refer also to chapter 5, sections 5.3.2.2 and 5.3.2.1, respectively.

[478] Jonson, L., "In Search of a Doctrine: Russian Interventionism in Conflicts in Its 'Near Abroad'", *Low Intensity Conflict and Law Enforcement*, vol.5, n.3, Winter 1996, p.444.

[479] Sakwa, R., "Russia and the CIS: Paths to Integration", p.35. See also Bowker, M., *Russian Foreign Policy*, pp.187-188; Greco, E., "Third-Party Peacekeeping and the Interaction between Russia and the OSCE in the CIS Area" in Bothe, M. et al. (eds.), *The OSCE in the Maintenance of Peace and Security*, p.271; Herolf, "Unity and Divergence in Western European Security Thinking", *Visions of European Security*, The Olof Palme International Center, 1996, p.214; Royen, C., "Conflicts in the CIS and their Implications for Europe" in Baranovsky, V. (ed.), *Russia and Europe*, p.232; Zagorski, A., "Russia and the CIS" in Miall, H. (ed.), *Redefining Europe*, p.78.

Commonwealth's credibility[480]. On the other hand, Ukraine and Azerbaijan's intention to maintain independence in military decisions due to fundamental disagreements as regards security interests with those of Russia, did not allow much progress. Despite difficulties as regards manpower and equipment, the new republics established their own armies, eroding the possibility of creating a cohesive military structure within the CIS. "[T]here is very little sense of common identity within the CIS, or sense of community or joint endeavour. Instead, there are divergent processes of state formation, nation-building, economic diversification and foreign policies in constant uncomfortable interaction with one another"[481]. This resulted in Russia assuming the main bulk of tasks pertaining to the CIS. Russia has sought to reach a prominent role through the CIS, securing a vital sphere of influence, controlling conflicts and preventing international involvement in the area[482]. In this regard, Commonwealth politics have since its inception been over-shadowed by Russian domestic politics and particular interests.

4.3.2.2. Russia's peacekeeping: CIS endorsement, but OSCE legitimacy?

On March 20, 1992, an agreement on "Military Observer and Collective Peacekeeping Groups in the CIS" was adopted in Kiev, together with two protocols on the neutrality and impartiality of the forces and prohibiting troops from participating in combat operations. CIS peacekeeping was defined at the time in accordance to UN rules and CSCE standards. Russian peacekeeping policy fits well the more assertive policy towards neighbouring countries which was consolidated in Russia from 1993. In October 1993, Kozyrev argued that "either we learn to carry out military peacekeeping operations in zones of our traditional geopolitical interests, or we will lose influence, and other forces will fill the vacuum including those who are not necessarily friends to us, and are in any case competitors"[483]. These words have been supported by the belief that Russia must secure the role of political and military guarantor of stability in the whole territory of the former USSR[484].

On January 19, 1996, the "Concept on prevention and settlement of conflicts on the territories of the member states of the CIS" was adopted, although Azerbaijan, Belarus, Ukraine and Kazakhstan did not sign it. The two additional documents, "Statutes of CIS collective peacekeeping forces" and the "Agreement on preparations and training of military and civil personnel for their participation in peacekeeping operations" were signed only by six states. Moldova and Turkmenistan were added to the group of those not signing the first document[485].

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[480] Pipes, R., "Is Russia Still an Enemy?", *Foreign Affairs*, vol.76, n.5, Sep./Oct. 1995, p.71.
[481] Sakwa, R. and Webber, M., "The Commonwealth of Independent States, 1991-1998: Stagnation and Survival", *Europe-Asia Studies*, vol.51, n.3, May 1999, p.379.
[482] McFaul, M., "A Precarious Peace: Domestic Politics in the Making of Russian Foreign Policy", *International Security*, vol.22, n.3, Winter 1997/98, pp.26-27.
[483] Kozyrev, Russian Foreign Minister cited in Jonson, L., "The Tajik War: A Challenge to Russian Policy", RIIA, Discussion Paper 74, p.24.
[484] Foreign Affairs Committee of the Russian Parliament quoted by *The Economist*, Nov. 14-20, 1992, p.60.
[485] Jonson, L., "In Search of a Doctrine: Russian Interventionism in Conflicts in Its 'Near Abroad'", *Low Intensity Conflict and Law Enforcement*, vol.5, n.3, Winter 1996, p.445.

Russian-led peacekeeping operations within the CIS have been limited to those countries which signed the 1992 Tashkent accord on collective security.

Russia argues in favour of a special intervention right in the neighbouring republics, justifying it on the grounds of the humanitarian discrimination suffered by ethnic Russians abroad, and furthermore that areas in conflict expect Russian support to alleviate tensions and suffering, that conflicts emerging on the country's periphery threaten Russia and that the international community is unable or unwilling to intervene in most of these conflicts[486]. Moreover, the control of economic resources such as oil and gas and the containment of religious fundamentalism, in particular the spread of Islam, were strong motives for the Russian interventionist attitude. Russia saw in the emerging conflicts a serious threat to its interests, resorting to the CIS framework as a legitimate mechanism to address the escalating tensions. Russia also used the presence of Russian national minorities, the republics' dependence in economic terms and the fact of having troops deployed in the republics to pursue its interests under the flag of legitimacy. Nevertheless, the lack of sustainable decision-making and the non-existence of supervision organisms raised suspicions about Russia's interventionist practices through the CIS as serving Russia's own interests[487].

Russian authorities have been trying to raise the CIS status to that of a sub-regional organisation within the OSCE and the UN. Russia would influence the UN Security Council so that the CIS would have a right of first intervention in local conflicts under a general OSCE legitimising umbrella. In order to obtain UN endorsement of OSCE-CIS peacekeeping operations, Russia would make use of its seat in the UN Security Council. The aim was to get legitimacy for Russian peacekeeping interventions in the former Soviet republics through the CIS framework[488]. As such, Russia would like to see a right of first intervention in local conflicts legitimated by the OSCE. An example was the February 1994 request to the UN to grant observer status to the CIS, followed in March by the Russian call for the recognition of the CIS as a 'regional structure'[489], requests which were not acceded to. As well as the legitimisation of intervention, Russia is also interested in burden-sharing for its military operations, since there appears to be an increasing distance between Russian ambitions for peacekeeping and the resources available to perform the

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[486] Allison, R., "Peacekeeping in the Soviet Successor States", Chaillot Paper 18, Nov. 1994. See also Bowker, M., *Russian Foreign Policy*, p.186; Melvin, N., "Forging the New Russian Nation: Russian Foreign Policy and Russian Speaking Communities of the Former USSR", RIIA, Discussion Paper 50, 1994, p.3.

[487] Sakwa, R., "Russia and the CIS: Paths to Integration", p.14; Greco, E., "Third-Party Peacekeeping and the Interaction between Russia and the OSCE in the CIS Area" in Bothe, M. et al. (eds.), *The OSCE in the Maintenance of Peace and Security*, p.278.

[488] Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, pp.324-327; Menon, R. and Spruyt, H., "Possibilities for Conflict and Conflict Resolution in Post-Soviet Central Asia" in Rubin, B. and Snyder, J. (eds.), *Post-Soviet Political Order*, p.122; Sperling, J. and Kirchner, E., *Recasting the European Order*, p.58; Lynch, D., *Russian Peacekeeping Strategies in the CIS*, pp.81-82.

[489] At the Budapest Review Conference, the Russian representative declared that "to us, the concept of 'CSCE first' does not mean 'CSCE only'. (...) We are against the intention to artificially monopolise the peacekeeping activities in the space of the CIS to counterbalance Russia and other countries of the Commonwealth. (...) We believe that the Commonwealth as an international sub-regional structure could very well undertake the functions of 'rapid reaction' to emerging sources of tension and conflicts. (...) The

envisaged tasks[490]. In general, sufficient material and economic resources do not accompany Russia's peacekeeping activities, so Moscow looks for support in the UN and the OSCE for legitimisation as well as for economic burden-sharing.

According to the CSCE 1992 Helsinki Summit decisions, "other institutions and mechanisms, including the peacekeeping mechanism of the CIS", may also be asked by the CSCE to support peacekeeping in the CSCE region[491]. This statement translates the Russian pressures for recognised CIS legitimacy, though not conferring on Russia the demanded legitimacy[492]. While showing the Russian desire for obtaining international legitimacy for its operations, this statement also reveals the recognition of the CSCE participating states about the stabilising role Russia can play in the former Soviet Union area. In effect, Russian peacekeeping operations and interventions did not bring these conflicts to an end; however, they had a significant impact in the cessation of violence, recognised by the international community[493]. At Helsinki II, the CIS also stated its readiness to assist the CSCE in the pursuit of its objectives[494]. However, the issue was how to confer legitimacy on the CIS in this regard without granting Russia an exclusive sphere of influence which would be in sharp contrast to the CSCE and UN principles.

The CSCE participating states agreed at the Rome Council meeting to consider "on a case-by-case basis and under specific conditions, the setting up of CSCE co-operative arrangements in order to ensure that the role and functions of a third-party military force in a conflict area are consistent with CSCE principles and objectives"[495]. The concept of 'third-party peacekeeping' was introduced in Rome, indicating a country or group of countries acting with the political blessing of the CSCE. According to the new concept, all arrangements must conform to OSCE rules and objectives, including respect for the sovereignty and territorial integrity of states; the consent of the parties; impartiality; the multinational character of forces; a clear mandate; transparency; an integral link to a political process for conflict resolution; and a plan for orderly withdrawal[496]. The concept was adopted given the belief it would allow the CSCE to control Russian moves towards the republics, but not without clear reluctance expressed by the Ukraine, the Baltic states, Moldova and Azerbaijan, which feared Russia could enforce it to pursue military assertiveness in the former Soviet Union area. The Baltic states and the Ukraine have voiced their concern and strong opposition to the conferring of special rights legitimately endorsed by the international community

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resulting chain could then look in the following way: first the CIS followed by the CSCE and then the UN". Statement by the Russian Federation, Budapest Review Conference, Nov. 1, 1994.

[490] Allison, R., "Peacekeeping in the Soviet Successor States", Chaillot Paper 18, Nov. 1994; Shakleina, "Russia's Security Strategy in Post-Soviet Space and Its Impact on Europe", paper presented to the 3rd Pan-European International Relations Conference, Wirtschaftsuniversitat, Vienna, Sep. 16-19, 1998.

[491] Helsinki Document 1992, Helsinki Declaration, parag.20 and Helsinki Decisions, part III, parag.52. Refer also to chapter 2.

[492] "CIS 'peacemaking' plan for Moldova stillborn", RFE/RL, Jul. 14, 1992.

[493] See van Eckelen, W., "The Security Agenda for 1996, Background and Proposals", CEPS Paper 64, 1995, p.22.

[494] Helsinki Document 1992, Helsinki Declaration , parag.10.

[495] 4th Council Meeting, Rome, 1993, chapter II, parag.2.

[496] 4th Council Meeting, Rome, 1993, part II, parag.3.

for Russia to pursue military operations, including peacekeeping in neighbouring countries. They regard this move as acquiescence to Russian demands and an open door to the imposition of neo-imperialist rule all over the former Soviet Union[497]. Moldova argued the Russian claim "contravened the norms of international law" and that Moldovan authorities would "resolutely reject any attempt at intervention in its internal affairs"[498].

Nevertheless, the prospects for the use of the new peacekeeping concept were not bright due to the underdevelopment and lack of sustainable structures within the CIS to conduct legitimate peacekeeping operations. The non-recognition of CIS peacekeeping operations disappointed Russia, which became a reluctant player within the CSCE. In particular, it refused to accept the procedures of observation of peacekeeping activities, the political role of the CSCE and the provision of multinational forces for peacekeeping[499]. Moreover, as regards peacekeeping Yeltsin commented that "in fulfilling our duty as peacekeepers, Russia is concerned to share with our UN and CSCE partners political and material responsibility (...) but not to the detriment of the effectiveness of the operation, of course"[500].

The Russian tradition has not allowed the usual Western methods for the resolution of conflicts in the first place. The recourse to armed force has constituted a major mechanism for resolving conflicts. As regards peacekeeping, the main problems of co-operation between the OSCE and Russia are directly related to the contradictions found in Russian actions when matched to the OSCE principles. Russian interventions have distanced themselves from the UN and OSCE's peacekeeping conceptualisation. Peacekeeping rules are incongruous and diametrically opposed to those practised by the UN. CIS peacekeeping troops have mostly been Russian forces, contradicting the Commonwealth's principle of the multinational character of peacekeeping missions under a CIS mandate[501], as well as UN and OSCE principles.

Interventions have occurred with no proper mandates, with no independence and with recourse to force. The non-use of enforcement methods and impartiality have been violated by the support offered by Russia to some of the parties involved in the current conflicts in the former Soviet area. Russian troops have violated, in many instances, respect for human rights, like in Moldova and Tajikistan, the consent of the parties and respect for the sovereignty of the country in question[502]. In fact, in Tajikistan Russia not only did not get the consent of the two parties, but it

[497] Interviews with Peeter Miller, Political Department Counsellor, OSCE Co-ordinator, Estonian Ministry of Foreign Affairs, Tallinn, May 11, 1999 and Paul Lettens, Political Department Counsellor, Estonian Ministry of Foreign Affairs, Tallinn, May 13, 1999.

[498] "Moldova protests Yeltsin's 'special powers' request", RFE/RL, Mar. 5, 1993.

[499] Zagorski, A., "Russia and European institutions" in Baranovsky, V. (ed.), Russia and Europe, p.526.

[500] Yeltsin at the Budapest Summit of the CSCE, December 5, 1994, cited in Hurlburt, H., "Russia, the OSCE and European Security Architecture", Helsinki Monitor, vol.6, n.2, 1995, p.16. See also "Peacekeeping developments", RFE/RL, Dec. 7, 1994.

[501] For example, in Tajikistan the peacekeeping operations have a CIS mandate, but 95% of the troops are Russian. See Lucas, M., "Russia and Peacekeeping in the Former USSR", Aussenpolitik, vol.46, 2nd quarter of 1995, p.158.

[502] Lynch, D., Russian Peacekeeping Strategies in the CIS, pp.27-30.

also acted against one of them[503]. Moreover, military intervention was allowed both before and after a cease-fire was established, as in the case of Moldova. The lack of transparency and clear direction has been denounced by international organisations such as the UN and the OSCE, since Russian peacekeeping encompasses severe violations of agreed commitments and recognised international norms. It also raises doubts about the possibility of Russia deploying peacekeeping troops under an OSCE mandate, given the arbitrary and unprepared character of Russian troops. In the face of these remarks the question arises, does Russia pursue policies of good neighbourliness or does its policy-making reveal neo-imperialist tendencies?

4.3.3. Good neighbourliness or neo-imperialism?

Opinions diverge and there are authors who argue that Russia pursues a good neighbour policy and that its interventions in the former republics were not and are not a sign of imperialist tendencies. The Russian co-operative character in international organisations for the promotion of security and stability in the region is offered as an example. Moreover, Russian imperialism would certainly find resistance not only in the West but also in neighbouring republics, contributing to new divisions and leading to instability, which neither Russia, its neighbours nor the West intend. This view is shared by authors such as Stankevich, Webber and Jackson, among others[504]. According to a Russian official[505], the imperialist arguments are not serious. It is the context in which Russia and the new republics interact, since economically the republics are dependent on Russian energy and raw materials, that raises the spectre of imperialism.

Other authors[506] see in the Russian interventionist policies towards the near abroad a renewal of imperial aims, and the strengthening of nationalist and communist forces in Russia anxious for the restoration of the empire. The military intervention in Chechnya is cited as a flagrant example of Russian imperialist tendencies. According to academician Legiz

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[503] Greco, E., "Third-Party Peacekeeping and the Interaction between Russia and the OSCE in the CIS Area" in Bothe, M. et al. (eds.), *The OSCE in the Maintenance of Peace and Security*, p.280. See also chapter 5, section 5.3.3.1.

[504] Stankevich, S., "Toward a New National Idea" and Lukin, V., "Russia and Its Interests" in Stankevich, S. (ed.), *Rethinking Russia's National Interests*, Center for Strategic and International Studies, Washington DC, 1994, pp.27 and 109, respectively; Webber, M., "Coping with Anarchy: Ethnic Conflict and International Organisations in the former Soviet Union", *International Relations*, vol.XIII, n.1, Apr. 1996, p.27; Hale, H., "The Rise of Russian Anti-Imperialism", *Orbis*, vol.43, n.1, Winter 1999, pp.111-125; Kupchan cited in Mikoyan, S., "Russia, the US and Regional Conflict in Eurasia", *Survival*, vol.40, n.3, Autumn 1998, p.113; Jackson, W., "Russia After the Crisis, Imperial Temptations: Ethnics Abroad", *Orbis*, vol.38, n.1, Winter 1994, p.7; Mikheyev, D., "Russia as a Factor of Central European Security", paper presented to the Conference "Security in Central and Eastern Europe: Present and Future", Budapest, May 31-Jun. 2, 1995, p.63.

[505] Interview with Vladimir Pryakhin, Senior Counsellor of the Permanent Mission of the Russian Federation to the OSCE, Vienna, Feb. 17, 1999.

[506] Hassner, P., "An Overview of the Problem" in Freedman, L. et al. (eds.), "War and Peace: European Conflict Prevention", Chaillot Paper 11, Institute for Security Studies, WEU, Paris, Oct. 1993; Lucas, M., "Russia and Peacekeeping in the Former USSR", *Aussenpolitik*, vol.46, 2nd quarter of 1995, p.154; Carpenter, T., "Conflicting Agendas and the Future of NATO" in Carpenter, T. (ed.), *The Future of NATO*, Frank Cass, London, 1995, p.145.

Pozdnyakov[507] the solution for Russia's problems is the return to a strong unitary, centralised state which has always been the source of national unity.

Whatever the arguments, if the Russian Federation's intentions include a truly co-operative and good neighbour approach towards the republics of the former Soviet Union, it must replace coercive means by diplomatically-negotiated approaches based on democratic principles and respect for them. In Transdniestria, for example, the replacement of arms by the negotiators table has been positive. Nevertheless Russian leverage in the negotiations must demonstrate an all-encompassing approach according to internationally-recognised norms and principles, an attitude not always clear in the Russian positioning[508].

The Russian Federation's policies towards its neighbouring republics have not always demonstrated a clearly co-operative approach, which has included at times ambitious goals broadly understood as neo-imperialist. For example, it cannot be denied that Russian concerns for its minorities living abroad are legitimate. Nevertheless, when the means used to pursue an end involve the use of force or massive deployment of military troops, legitimacy might be questioned. Thus the issue is not so much one of the validity of Russian arguments, but more of the means Russia is pursuing to achieve its aims. Moreover, Russian interventionism has not followed a clear approach. The non-definition of Russian politics has led, in some cases, to the exacerbation of conflicts, and in others, to hindering the finding of possible solutions, such as in Moldova and Georgia[509].

The former Soviet republics look today at Russia with suspicion, on account of years of authoritarian ruling and of the current interventionist trend, which has many times raised the spectre of Russian expansionist ambitions. The new republics' reactions to the Russian interventionism have, however, been disparate, owing to their closer or more distanced relationship with the Russian Federation[510]. Despite a more pragmatic approach from the Russian Federation, statements like the one by Russian Foreign Minister Ivanov arguing that "it is impossible to settle conflicts in this region without Russia or against its interests"[511] on a trip to the Caucasus in September 1999, are not reassuring to these republics. CIS republics have in some cases shown apprehension regarding Russian interventions, in particular as regards the deployment of peacekeeping troops. They see this move as a covert attempt by Russia to maintain or reintroduce its troops in their territories, in order to regain control and influence over the newly-independent republics. A Russian aggressive posture can generate counter-productive reactions in the neighbouring republics, which might turn away from the Russian Federation in economic and political terms.

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[507] Legiz Pozdnyakov cited in Porter, B., "Russia and Europe after the Cold War: The Interaction of Domestic and Foreign Policies" in Wallander, C. (ed.), *The Sources of Russian Foreign Policy*, p.136.
[508] See chapter 7, section 7.4.1.3 for further development.
[509] "The OSCE: Assessment and Future Prospects", Conference Report, OMRI, Prague, Oct. 28, 1995, p.8.
[510] See for example "Europe: A ghost lurks", *The Economist*, Jan. 29, 2000, p.60.
[511] "Russia: Moscow attempts to restore influence in the Caucasus", *RFE/RL*, Sep. 10, 1999.

Russian activities under the banner of the protection of its ethnic kin abroad have elicited diverse reactions which are rooted substantially in the republics' Soviet past. Firstly, this was due to an ethnic mixing policy pursued under the Soviet Union, which diluted the building of ethnically cohesive communities. Secondly, as a consequence of these policies, Russia spoke in broad terms of human rights violations, but never took concrete action or defined a specific programme to deal with the matter. Thirdly, many Russians living abroad do not share this proximity feeling to 'Mother' Russia, as Russian authorities often claim. The case of Estonia is an example, since many Russians clearly argue they are better off in Estonia than in the Russian Federation, where the economic and social conditions are harsher[512].

Russia has to learn to live within its new borders and to respect the territorial integrity and independence of the republics of the former Soviet Union. The more recent conciliatory tendencies and clearer approach to the settlement of the conflicts in the former Soviet Union area are to some extent reassuring of the non-imperialist conduct of the Russian Federation. Russia's lack of attention towards the millions of Russians living outside the borders of the Russian Federation, the withdrawal of troops from the Baltic countries and the non-increase in nationalism due to NATO enlargement to include the Czech Republic, Poland and Hungary may signal moderation in Russian policy-making. However, the volatility of domestic politics in Russia and the growing pressures from nationalist and communist groups may undermine these tendencies.

4.4. Russia and the OSCE

After the collapse of the Soviet Union, the CSCE did not lose meaning for Russia, though its value changed to comprise the promise of Russia belonging to the West. As the only European institution where Russia was a full member, the CSCE granted Russia the institutional link with Europe, with an equal status to the other CSCE states. Within the CSCE, Russia would in post-Cold War Europe take over the former Soviet Union's place side-by-side with European powers and the United States. A positive engagement within the CSCE was perceived by Russia as the best way to demonstrate the country's willingness to construct a peaceful and democratic future[513]. The CSCE 1990 Paris Summit reflected the positive atmosphere and a spirit of co-operation without precedent. Statements of confidence on a Europe free of dividing lines marked the event[514]. Nevertheless, confidence was soon shadowed by events taking place in the former Soviet Union and Yugoslavia.

At the December 1992 CSCE meeting of Foreign Ministers[515], Russia shocked the CSCE participating states when Foreign Minister Kozyrev argued that international co-operation had to

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[512] An issue revisited in chapter 6.

[513] Interview with Vladimir Pryakhin, Senior Counsellor of the Permanent Mission of the Russian Federation to the OSCE, Vienna, Feb. 17, 1999.

[514] *Charter of Paris for a New Europe*, "A new era of democracy, peace and unity", 1990.

[515] 3rd Council of Ministers, Stockholm, Dec. 14-15, 1992.

be carefully defined since "ideas that lead to interference in internal affairs" needed special treatment[516], adding that the former Soviet republics "would immediately have to enter into a new federation or confederation, and on this we will have tough negotiations". Moreover, Kozyrev stated that CSCE principles would not be respected and Russia would assume the unique responsibility for managing conflict in the former Soviet area[517]. Moments later these statements were repudiated by Kozyrev, who aimed to show the strength of opposition forces at home and to alert the international community to the risks of an ineffective programme of aid to reforms in Russia. With this statement, Kozyrev left a clear warning on the possible shifts in Russian policy-making, in particular as the result of internal pressures and constraints within Russia.

From the Summer of 1993 Russian participation in the CSCE became more active. Russia sought to increase the role of the CSCE through the formulation of specific proposals, an attitude that accompanied an increasingly more aggressive tone in Russian politics towards neighbouring countries. At the Rome meeting in 1993[518], Russia suggested the conferring of more regularity on the system of institutions within the CSCE. It also addressed the issue of granting the Conference an enhanced role in the prevention and settlement of conflicts, in particular as regards peacekeeping. Russia aspired to have a CSCE mandate for the CIS-led peacekeeping operations in the former Soviet Union, which was nevertheless not recognised by the CSCE.

On the eve of the Budapest Summit, Russia pressured again for an enhanced role for the CSCE in peacekeeping and security. Kozyrev suggested the transformation of the CSCE into the leading organisation in European security, becoming the political umbrella for all military arrangements, including NATO, the WEU and the CIS. It would monitor military balances and issue peacekeeping mandates. For the prosecution of such tasks, a CSCE Executive Committee would be established. It should be composed of ten members, some permanent, others on a rotational basis, and authorised to make binding decisions based on the unanimity principle[519]. Kozyrev was suggesting that the CSCE assume the co-ordinating role of all the other organisations, in particular NATO, in order to keep its profile lower than that of the CSCE. According to the Russian President, preference should be given to "using the CSCE rather than NATO as the foundation of a European security system"[520]. However, Russian intentions were not welcomed in particular by the United States, which refused any impediment to the development of an operational and effective NATO. As such, it was decided at the 1995 Budapest Ministerial meeting that "within the OSCE, no state, organisation, or grouping can have any superior responsibility for maintaining peace and stability in the OSCE region, or regard any part of the

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[516] Kozyrev cited in *International Herald Tribune*, Dec. 15, 1992.
[517] Cited in Sakwa, R., notes on Russian Foreign Policy. See also Sakwa, R., *Russian Politics and Society*.
[518] 4th Council Meeting, Rome, Nov. 30-Dec. 1, 1993.
[519] Park, W., "A New Russia in a New Europe: Still Back to the Future?" in Park, W. and Rees, W. (eds.), *Rethinking Security*, p.100; Smoke, R. (ed.), *Perceptions of Security, Public Opinion and Expert Assessments in Europe's New Democracies*, Manchester University Press, 1996, p.275; Zagorski, A., "Russia and European Institutions" in Baranovsky, V. (ed.), *Russia and Europe*, p.524.

OSCE region as its sphere of influence"[521]. Russian intentions were downgraded and its proposals had no follow-up.

Again in 1995, there were signs of Russia promoting the OSCE as the centre piece and the logical successor to NATO in guaranteeing regional security[522], which became clear in Lisbon. At the 1996 OSCE Lisbon Summit, Russia demonstrated its expectations of establishing a pan-European security architecture based on the OSCE. However, Russian proposals proved unrealistic in the overall security development in Europe, at a time when NATO, for example, had already acquired a role and status which could not be questioned. The Security Model exercise, which resulted from a Russian suggestion, should contribute to the development of civil societies based on common values, framing the OSCE competencies and potential and defining the inter-relations among international organisations. The all-encompassing nature of the principles stated in the Security Model formulation reflected the need to build international co-operation on a solid basis. According to a Russian official[523], Russia favours a strong OSCE promoting a Europe free of dividing lines, which should be stated in the European Charter, along with the strengthening of the organisation. At Istanbul in 1999, the "Charter for European Security"[524] was finally adopted by the OSCE participating states. The Russian commitment to and implementation of the agreed principles now remains to be seen [525].

Today the OSCE is no longer regarded by Russia as the only vehicle for institutional dialogue with Western organisations, as the example of the establishment of bilateral dialogue with NATO reveals. The post-Cold War evolution of the Russian Federation's positioning towards the CSCE/OSCE has demonstrated a tendency to favour the OSCE to the detriment of other organisations, particularly NATO[526]. Generally speaking, Russia has always favoured a strengthened OSCE with the aim of downgrading NATO[527], an organisation where it has no permanent membership and, accordingly, no veto right. Russia sees the OSCE as the primary instrument where it can better pursue its aims of minimising the role of outsiders in the former Soviet area, in particular that of NATO members acting through the OSCE or the UN.

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[520] Yeltsin at the Budapest Summit of the CSCE, Dec. 5, 1994, cited in Hurlburt, H., "Russia, the OSCE and European Security Architecture", *Helsinki Monitor*, vol.6, n.2, 1995, p.16.

[521] 5th Ministerial Council Meeting, Budapest, Dec. 7-8, 1995, decision 2, parag.2.

[522] *OMRI Daily Digest*, Apr. 5, 1995.

[523] Interview with Vladimir Pryakhin, Senior Counsellor of the Permanent Mission of the Russian Federation to the OSCE, Vienna, Feb. 17, 1999.

[524] *Charter for European Security*, Istanbul, SUM.DOC/1/99, November 1999.

[525] Difficulties seem to prevail. "The Chechen rebels are no saints, but for the second time in four years Russia has undertaken an indiscriminate assault on civilians that breaks every rule it has accepted including some that Boris Yeltsin put his name to only last week at the OSCE Summit in Istanbul", "Leaders: Russia's self-isolation", *The Economist*, Nov. 27, 1999, p.20.

[526] Refer to section 4.2.4.2. See also Webber, M., "Coping with Anarchy: Ethnic Conflict and International Organisations in the Former Soviet Union", *International Relations*, vol.XIII, n.1, Apr. 1996, p.19; Dannreuther, R., "Escaping the Enlargement Trap in NATO-Russian Relations", *Survival*, vol.41, n.4, Winter 1999/2000, pp.157-158.

[527] Rupp, R. and McKenzie, M., "The Organisation for Security and Co-operation in Europe: Institutional Reform and Political Reality" in McKenzie, M. and Loedel, P. (eds.), *The Promise and Reality of European Security Co-operation*, p.128.

Nevertheless, if the Russian attempts to increase the role of the OSCE are mostly motivated by the fear of NATO enlargement and strengthening, then the Russian pro-OSCE orientations may be questioned. Moreover, Russia sought the attainment of legitimacy for its activities in the former Soviet Union, in particular as regards CIS-led peacekeeping operations. However, if the Russian attempts to increase the OSCE are mostly motivated by the need for international legitimacy to the pursuit of particular interests in the neighbouring republics, then the Russian pro-OSCE orientation may again be questioned[528]. As such, the OSCE-first approach has not always matched Russian actions, a topic which the following section will address.

4.4.1. Russian policy-making and the OSCE: Russia first or OSCE first?

The Russian attitude towards the OSCE has not always been co-operative, shifting according to national interests and pressures, and in the end reflecting Russian policy-making contradictions. "Only a few years ago, Russia was demanding that the OSCE and not NATO should be the most important security policy instrument in the new Europe. Today, Moscow is ready to give the OSCE in Chechnya a humanitarian role at most"[529]. Moscow is one of the principal defenders of the OSCE, but at the same time one of its most controversial participants. According to Yeltsin's advisor Andranik Migranyan, Russia faces numerous problems, both abroad and with the newly independent republics, so it cannot afford to be constrained when its own interests do not coincide with NATO's or with those of the PfP[530]. This principle is extended to the OSCE. In places like Chechnya or the Caucasus, Russia wants the OSCE's blessing but not its interference or supervision[531]. According to Russian Foreign Ministry sources, "the OSCE can play a certain positive role in resolving the [Chechen] conflict, but only after the 'anti-terrorist' operation in Chechnya has been brought to a successful conclusion"[532]. Russia is increasingly reluctant to see the OSCE's role in peacekeeping and arms control expanding in the former Soviet area, which might limit its actions in neighbouring countries, in particular as regards peacekeeping. Thus, Russia fights with ambiguity.

Russia has sanctioned OSCE involvement in the former Soviet Union through the consensus voting procedure in the OSCE. This is justified by the need for international legitimacy for Russian actions, and the fact that by vetoing the deployment of OSCE Missions, the Russian Federation would be regarded with much suspicion by the other OSCE participating states. Both the UN and the OSCE have been influential in the former Soviet republics, playing a preventive

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[528] See Mierlo, H., "The Significance of the OSCE in the European Security Structure", *Helsinki Monitor*, vol.6, n.4, 1995, p.10.

[529] *Der Standard*, Dec. 18, 1999, "Press Profile", *OSCE Newsletter*, vol.VII, n.1, Jan. 2000, p.23.

[530] Andranik Migranyan cited in Blank, S., "Russia, the OSCE and Security in the Caucasus", *Helsinki Monitor*, vol.6, n.3, 1995, p.76.

[531] Blank, S., "Russia, the OSCE and Security in the Caucasus", *Helsinki Monitor*, vol.6, n.3, 1995, p.79; Hurlburt, H., "Russia, the OSCE and European Security Architecture", *Helsinki Monitor*, vol.6, n.2, 1995, p.16.

diplomacy or mediator role and performing monitoring activities, in particular through the Field Missions deployed in some of the former Soviet republics. Moreover, the UN and the OSCE have internationally-recognised legitimacy for maintaining peace and security.

However, Moscow has been suspicious of the OSCE, preventing its full participation in the former Soviet Union's problems. Perceiving OSCE activity as an attempt to downgrade Russian involvement and influence in neighbouring countries, Russia has argued in favour of increased OSCE involvement in other areas outside the former Soviet Union. President Putin and Foreign Minister Ivanov have emphasised that the OSCE should treat crisis situations in the whole OSCE area in a balanced way[533]. Understanding the increased OSCE involvement as a behind-the-scenes movement for decreasing the role of Russia in the former Soviet Union area, Russia has argued in favour of greater OSCE involvement in other areas, such as former Yugoslavia or Northern Ireland, and not to be restricted to the former Soviet area. Despite allowing the Missions' deployment, Russia keeps a close eye on OSCE activity, obstructing it when it considers the OSCE's Missions are in some way exceeding the limits of their mandates or putting in jeopardy Russian privileged positions and interests[534]. The case of the Republic of Moldova is an example, as analysed in chapter seven.

As regards the Nagorno-Karabakh conflict, for instance, Russia did not regard with confidence and satisfaction the OSCE's efforts at mediation of the conflict. Despite allowing the formation of the Minsk group to aid in the finding of a political solution, Russian diplomats have charged the OSCE, through the Minsk group activity, with interfering with Russian interests and unilaterally mediating the Nagorno-Karabakh conflict[535]. According to a Russian scholar[536] Russia acted with jealousy when the CSCE or the UN demonstrated interest in some of the conflicts within the former Soviet Union, although it has never stated officially its discomfort. In fact, Russia as a rule 'welcomes' the international community's interest in these conflicts, as evinced by a Russian official's statement[537] that the OSCE has been developing a positive role in the former Soviet Union area, in particular through the Missions it has deployed in the field.

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[532] "Moscow equivocal on OSCE Chechen role", *RFE/RL*, Nov. 24, 1999.

[533] "OSCE to reopen office for Assistance Group to Chechnya", OSCE Press Release, Apr. 15, 2000.

[534] Adler, E., "Seeds of Peaceful Change: The OSCE's Security Community-Building Model" in Adler, E. and Barnett, M. (eds.), *Security Communities*, p.130.

[535] Blank, S., "Russia, the OSCE and Security in the Caucasus", *Helsinki Monitor*, vol.6, n.3, 1995, p.74; "The emerging international order in Europe: what place for Russia?", Dec. 1996, http://editors.sipri.se/pubs/pressre/ptxii.html. See also chapter 5, section 5.3.2.2.

[536] Kremeniuk, V., "Post-Soviet Conflicts: New Security Concerns" in Baranovsky, V. (ed.), *Russia and Europe*, p.262.

[537] Interview with Vladimir Pryakhin, Senior Counsellor of the Permanent Mission of the Russian Federation to the OSCE, Vienna, Feb. 17, 1999 and Nikolay Afanasievskiy, Deputy Foreign Minister of the Russian Federation handling multilateral European institutions cited in Zagorski, A., "Russia and European Institutions" in Baranovsky, V. (ed.), *Russia and Europe*, p.526.

4.4.1.1. Balancing Russia's interests with its OSCE commitments

Russia will continue to pursue its own interests, with OSCE co-operation when possible and in competition with it when necessary. The ambiguous Russian position towards the OSCE creates contradictions in its own policies. While Russia makes every effort to control events in neighbouring republics, impeding major European involvement, many times through manipulation and downgrading of the OSCE, it is acting directly against its own programme for European security. The limitations imposed by Russia on OSCE normal activity in the former Soviet Union area add more to the organisation's limitations in becoming the basic structure of a pan-European security framework, as previously envisaged by Russia. If Russia blocks the OSCE when its interests are at stake, Russia will have a free-hand in those cases, and the OSCE will be excluded, with fundamental consequences for European security.

The limits imposed by the Russian Federation on OSCE activity have been clear not only at the decision-making level but also in the field. In Vienna, Russia has many times prevented the adoption of decisions with precise and clear wording, allowing only vague formulations. Delicate issues as regards Russian 'divide-and-rule' policies and its economic and political interests in the near abroad have not been openly debated in Vienna, which may be a limitation of the OSCE framework. Participating states have to address in a responsible manner even the most delicate issues, otherwise if they remain attached only to broad and general considerations, it will be hard for the organisation to respond to the real problems. Again, internal constraints to the organisation's working have prevented further decision-making and further action by the OSCE.

Internal disagreements as regards the mandates of the OSCE Missions deployed in the field, which have led in many instances to the adoption of vague texts, also block the reach of the OSCE activity in the former Soviet area. In the field, many have been the obstacles found by the Missions' personnel in the pursuit of their activities. Not only due to the Russian Federation, part of these obstacles have arisen, nevertheless, in regard of Russian discontent towards OSCE activity, such as for example in the Republic of Moldova. For example, at the end of 1993 Russia impeded the CSCE Mission to Moldova from visiting peacekeeping facilities and described the CSCE attempts to monitor military operations as interference in legitimate Russian affairs. Russia's objections to the OSCE's activity have raised numerous doubts about the willingness of the Russian Federation to co-operate with the OSCE when its interests clash with the organisation's principles.

However, the Russian veto right over OSCE activities is limited. The Russian Federation may exercise it at the decision-making level of the organisation in Vienna with possible effects in the field, but there are OSCE areas where Russia's veto is limited. The OSCE's agreements and norms and the independent initiative of the HCNM are examples. The Russian Federation may create obstacles, but it cannot ignore or alter the existence of these norms and mechanisms, to which it is subject.

According to the Russian authorities, Russian attitudes towards the restriction of powers granted to the OSCE in the former Soviet Union had the advantage of avoiding a deep involvement of the organisation in Russian affairs. In particular, Russia wanted to contain the OSCE's decision-making power as regards peacekeeping or on issues related to human rights and fundamental freedoms. However, they revealed to Russia the disadvantage of a weak OSCE, whose embryonic mechanisms did not raise its status in Europe and led to the resort to NATO as the leading organisation for European security. A shift that Russia disliked, understanding the strengthening of NATO as provocative and threatening, as analysed previously in the chapter.

As Michael Mihalka calls it, the Russian Federation and the OSCE have engaged in a "marriage of convenience"[538]. Russia needs the OSCE as an impartial internationally-accepted mediator, and the OSCE provides an alternative to Russian-appointed intermediaries which would certainly be viewed with suspicion by Russian neighbours. Russia's rhetoric as regards strengthening the OSCE as a collective security framework and its co-operation with the OSCE in the resolution of conflicts is fundamental to avoid not only possible Russian hegemonic ambitions, but also any Russian feelings of exclusion. In this context, Russia has been balancing the advantages and costs of its more or less commitment within the OSCE, in order not to question its position in the former Soviet Union area, while simultaneously obtaining legitimacy and the Western community's sanctioning for its co-operative actions towards its neighbouring republics[539].

4.4.2. The OSCE's role in the former Soviet Union: challenges and perceptions

The OSCE's activity in the former Soviet Union develops in a very particular context. The OSCE has to inter-relate directly with Russia both within the Russian Federation space, such as in Chechnya, and as regards the new independent republics. The organisation has to balance the relationship between Russia and the former Soviet republics, at times co-operative and at other times more aggressive in tone, interpreted by some republics as Russian neo-imperialist and expansionist tendencies in evidence. It also has to cope with numerous variables including strategic considerations of European security and competing demands for natural resources, such as oil and gas. In this sense, the OSCE activity in the former Soviet area must include an all-encompassing approach, addressing in a multidimensional perspective the existing problems.

The success of OSCE operations in the former Soviet Union is a test of the organisation's ability to pursue its goals, but it is simultaneously a test of the Russian will to integrate fully in the international community. This chapter has demonstrated the complexity of the OSCE-Russia

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[538] Mihalka, M., "A Marriage of Convenience: The OSCE and Russia in Nagorno-Karabakh and Chechnya", *Helsinki Monitor*, vol.7, n.2, 1996, p.15.
[539] See Pursiainen, C., "The Impact of International Security Regimes on Russia's Behaviour, the Case of the OSCE and Chechnya" in Hopf, T., *Understandings of Russian Foreign Policy*, Penn State Press, 1999, pp.109-169.

relationship. In the face of existing agreements, Russia is more limited than when it comes to the adoption of new decisions. Here the Russian Federation may exert its veto right clearly limiting the organisation's activities in the former Soviet space. As made clear in this chapter, this restraining effect has had application both in the field and at the decision-making level. Closely related to this problematic comes the relationship between Russia and the new republics, which also affects the OSCE's activities in the area. The balancing of the Russian positioning within and towards the OSCE according to Russia's particular interests in the former Soviet area has become clear. It affects the OSCE, either strengthening or restraining it, as analysed before[540]. For example, Russia welcomes the OSCE's involvement in Estonia, where it has limited power, while restraining the organisation's activities in Moldova and Georgia where its interests in political, military and economic terms are clear.

The OSCE should play a multi-functional role towards Russia, according to the principles formulated in the "Charter for European Security"[541]. Containing Russian interventions in the CIS area, while involving Russia in multilateral conflict management processes and integrating it into the OSCE community of values is a fundamental step for a more stable and peaceful future. "[The OSCE] significance will be derived primarily from the way in which it will be able to draw Russia into a common framework in which it can constructively develop its relations with neighbouring countries, including the CIS"[542]. Nevertheless, the OSCE has in many instances avoided open criticisms of Russia, which reveals the non-definition of acceptability within the organisation.

The Russian Federation pursues its CIS-sanctioned peacekeeping operations with no international mandate, and Russian armed interventions in Moldova or Georgia, for example, have not been vehemently criticised by the OSCE community. The appliance of equal standards to all OSCE member states is in this regard a fundamental aspect for the recognition of the OSCE as an impartial organisation in the pursuit of its common objectives. Reluctance to criticise the Russian Federation for actions in contradiction to OSCE principles may question the OSCE's credibility in the face of other states where these criticisms have been open and clear. The Republic of Estonia, for example, has already stated its discontent towards the OSCE's passive approach as regards the Russian Federation[543].

The OSCE's enlarged membership includes both Russia and the republics of the former Soviet Union as participating members, which confers on the organisation a dual challenge. On the one hand, the OSCE has to promote its own principles and conciliatory procedures within the former Soviet Union, on the other hand it has to conciliate these principles, to which Russia and the former republics committed themselves, with Russian aspirations, which in several instances

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[540] Particularly in sections 4.4.1 and 4.4.1.1.

[541] Refer to chapter 2, section 2.4.1.

[542] Buzan, B. et al., *The European Security Order Recast*, p.249; Cotti, F., "The Role of the OSCE and the Plans of the Chairmanship in 1996", *Europai Szemle, European Review*, "OSCE 1995", E Europaische Rund-Schau, Special Issue, vol.VII, Budapest, 1996, p.16; van Eckelen, W., "The Security Agenda for 1996, Background and Proposals", CEPS Paper 64, 1995, p.25.

[543] Further on the Estonian case on chapter 6.

have became irreconcilable. The role of Russia and its relations with the republics of the former Soviet Union as well as Russian activity inside the OSCE framework are fundamental aspects for the understanding of its posture in the post-Cold War period, described by some as friendly and co-operative and by others as aggressive and imperialist. The way Russia deals with the current conflicts in the successor republics is a mirror of what Russia wants its foreign policy to be. Balancing Russian hegemony, OSCE supporters believe the organisation can inject a note of impartiality, broadening the understanding of human and minority rights[544].

4.5. Conclusion

The disintegration of the Soviet Union had numerous consequences, amid which the emergence of several new states was a fundamental event. Most of the new republics shared with the Soviet Union a past of Socialist policies of centralised planning and authoritarianism. The new reality thrust upon the Soviet successor states, the task of consolidating their sovereignty and independence, became for most of the republics a new possibility. Throughout the 1990s these republics have been consolidating their sovereignty and independent status; nevertheless, this statehood has been built upon a fragile basis. Poor economic performance, lack of sustainable political organisms, lack of a strong civic component and the threat of violence, which in some cases has escalated into armed confrontations, added to the difficulties. Except for the Baltic states, whose political and economic performance (not without problems) has been applauded in the West, most of the other republics of the former Soviet Union have been faced with arduous conditions and much socio-political and economic instability.

This chapter analysed the evolution of Russian Federation foreign and domestic policy-making since 1991, relating it to the former republics of the Soviet Union as well as international organisations, in particular the OSCE and NATO. The linkage between foreign and domestic decision-making in Russia and how it flows according to particular interests became clear. Accordingly, Russia's relations with its neighbouring countries have carried the ambiguities of its policy-making. After an initial period of non-interference, by 1993 Russia became more assertive in the near abroad, a tendency today giving way to more co-operative practices. Nevertheless, this reasoning is too linear to reflect all twists-and-turns in the Russian relationship towards its neighbours. It traces, however, the general tendencies which have accompanied shifts in Russian policy-making and corroborates our understanding that domestic and foreign policies in Russia are intermingled and that this connection is clearly expressed both in Russian relations towards its neighbours and towards the OSCE.

The OSCE's role in the former Soviet Union has increased since the organisation has deployed various Field Missions in the new republics. Moreover, all these new states in the former

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[544] "The OSCE: Assessment and Future Prospects", Conference Report, OMRI, Prague, Oct. 28, 1995.

Soviet area are now OSCE participating states. Taking into account the OSCE's involvement and the Russian Federation's weight and relevance in policy-making in the area, the triangular relationship between Russia, its neighbours and the OSCE is fundamental. Multidimensional, this relationship also reflects the constraints on internal policy-making in Russia. The Russian position within and towards the OSCE has been ambiguous. Russia has at times been co-operative and sought the strengthening of the OSCE, to the extent of expecting to raise the organisation's status to that of primacy among other international organisations. At other times, Russia has revealed distrust for a powerful OSCE and has limited the organisation's reach and decision-making power.

While there are participating members not fully committed to OSCE principles and the implementation of joint decisions, the OSCE will look rather loose and inefficient and as a tool at the disposal of particular interests, which is totally against the organisation's principles. Nevertheless, the OSCE continues to have some influence in the countries where it has Missions deployed, providing a forum for discussion and preparing the groundwork for later activities in the former Soviet area. As such, its normative aspect retains value, and its actions aimed at the prevention or management of conflicts must be considered in the light of how they will reflect on its allegiance to those principles.

The analysis in this chapter allows us to conclude that Russian relations towards the OSCE are, and will probably remain, both competitive and co-operative according to Russian interests. Certainly this relationship evolves in a framework where several variables intervene, such as other international organisations and actors as well as economic and political aspects. Russia's co-operative character may be influenced by the economic aid it is receiving from the West and to avoid discredit among its OSCE counterparts in the former Soviet Union area, as Russian officials have stated. Nevertheless, these factors have not revealed themselves as sufficiently strong to counter Russian activities, at times incongruent with the Helsinki principles, like the armed intervention in Chechnya. Russia will probably not pursue imperialist attempts that are too costly politically, economically and culturally, but become involved in a selective manner, according to its priority interests. However, what is not to be expected is isolationism from Russia, which will certainly be an active player in the former Soviet Union area.

In sum, the triangular relationship between Russia, its neighbours, and the OSCE has been characterised by ambiguities and particular interests. Not linear, it has assumed contours fundamental for its understanding, particularly the growing consolidation of statehood in the new republics, generalised acceptance of the OSCE's role and of its expanded competencies in the area, translated for example in the new OSCE Central Asian Liaison Offices, and in the Russian Federation's more pragmatic posture towards the stabilisation of events in the former Soviet area. Nevertheless, many uncertainties still prevail and the course of Russian politics in the next decade is still unclear.

The role of the OSCE in the former Soviet Union as a central aspect to this study will be further analysed in the next chapter. Adding to the inputs from this chapter which concentrated on

the Russian Federation and its relations both with the organisation and its neighbouring republics, the following chapter will address the conflicting trends and tensions which have emerged in the new republics, which led to Russian interventionism and OSCE involvement, and how this last has acted to prevent or manage these conflicts in the former Soviet space. A summary of the nature of the OSCE's involvement is also envisaged as a working tool to clarify the OSCE's role in the former Soviet Union area, evincing those aspects where the organisation has more assets and those where the limits to its activity are greater.

Chapter 5 Post-Cold War Conflicts in the OSCE area

5.1. Introduction

The background for the analysis of the OSCE's role in the former Soviet Union has now been set. The previous chapters have addressed the OSCE's development, focusing in particular on the post-Cold War period, addressing the new procedures and mechanisms, and how the OSCE inter-relates with other international organisations in the former Soviet area. Moreover, the analysis of Russian policy-making and its relations with neighbouring countries contributed to the clarification of postures in the new European security space. Russia's ambiguous relationship within and towards the OSCE constitutes a fundamental aspect for the understanding of the organisation's role and reach in the former Soviet area. This chapter will address the conflicting scenario that emerged in the new republics of the former Soviet Union and the OSCE responses to it, translated in preventive diplomacy, crisis management and post-conflict rehabilitation efforts.

Addressing the main reasons underlying tensions and, in some cases, their escalation, and the responses found by the OSCE to address them, this chapter aims to define the framework for OSCE activity in the former Soviet area. It focuses on the different approaches applied by the organisation to respond to the distinct situations, analysing the transposition of the OSCE's principles, commitments and procedures to reality. How has the OSCE been putting its new instruments and mechanisms into practice? Is the OSCE a useful organisation to address the numerous challenges in the former Soviet space? In what kind of activities has the OSCE been engaged? How does it make operational its mandates in conflict prevention, crisis management and post-conflict rehabilitation? To what extent are the OSCE institutions viable and effective instruments for the prevention and/or settlement of conflicts and to provide post-conflict rehabilitation support to the former Soviet republics?

Despite the relatively peaceful dismemberment of the Soviet empire, the transition processes in the new independent republics have been hard[545]. Difficulties have been translated in tough socio-economic policies, political and legislative options, and in some cases have been exacerbated to conflicts involving political, economic, social, legal, ethnic or other variables. These disputes are justified on unfair legislative and political practices as well as social, ethnic and economic discrimination. In general, various factors justify the outbreak of conflict which should

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[545] The new republics in the former Soviet Union do not form a homogeneous group, despite their aggregation under the same ruling for decades. While in the Baltic states, the Republic of Moldova, Ukraine and the Caucasus independence movements were formed in the face of a weakening USSR, the Asian republics gained independence as the result of the break up of the Soviet Union. Moreover, the socio-economic development and political orientation of the republics (Russian, Asian or European oriented) has differed. The transition processes and the instability witnessed in some of the republics should be understood in the light of these differences.

not be understood simply as ethnic or economic in nature. The fuelling of tensions and its escalation into armed confrontation has happened in some republics of the former Soviet Union. The civil war in Tajikistan, the dispute between Moldovan authorities and the Transdniestrian separatists and the secessionist claims in Georgia are examples[546].

The OSCE deals with some of these post-Cold War conflicts. In its response to the challenges in the former Soviet area, the organisation applies the instruments and tools it has developed for the prevention and management of crisis and to address post-conflict situations. Whether they are efficient or just symbolic, i.e., whether the OSCE is well prepared institutionally and operationally to face the post-Cold War challenges or just relies on nicely-worded principles and commitments, will be discussed in the chapter. Moreover, the 'carrots-and-sticks' at the organisation's disposal to incite dialogue and co-operative approaches will be addressed.

Following a brief introduction, the chapter analyses the OSCE long-term Missions, focusing on the different areas of OSCE activity. As regards preventive diplomacy, the Missions to Estonia, Latvia, the Project Co-ordinator to Ukraine and the Advisory and Monitoring Group to Belarus are highlighted. Crisis management procedures are included in the activities of the Missions to Georgia, Moldova, the Assistance Group to Chechnya and the Minsk Conference dealing with the Nagorno-Karabakh dispute. The Mission to Tajikistan is currently focusing on post-conflict rehabilitation tasks. The multitude of OSCE activities in the former Soviet area is the reflection of the OSCE's all-encompassing agenda, as analysed in chapter two.

The range of OSCE activities in the former Soviet space is not mutually exclusive. The OSCE is involved in distinct situations and its procedures crosscut events in the field, which cannot be simply catalogued as falling within preventive diplomacy or crisis management. Not aiming to be all-inclusive, a summary of OSCE activities in the former Soviet area envisages a clearer perception of the different OSCE approaches to the distinct problems in the new republics. The analysis of the OSCE's major areas of intervention, and the mechanisms and instruments the organisation has available will permit the drawing of inferences on the reach of both the instruments and the organisation itself. The chapter will conclude by discussing the translation of theory into practice as regards the operational role of the OSCE in the field.

5.2. Long-term Missions

The "Charter of Paris" envisaged a new conflict management regime in Europe under which participating states reaffirmed their commitment to settle disputes by peaceful means. At the time it was also decided to "develop mechanisms for the prevention and resolution of conflicts among the participating states"[547]. At Helsinki II, new instruments to address conflict prevention, crisis management and post-conflict rehabilitation were established. The possibility of deploying long-

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[546] Issues further developed in section 5.3. The conflict in the Republic of Moldova is analysed in chapter 7.
[547] *Charter of Paris for a New Europe*, "Friendly relations among participating states", 1990.

term Missions for addressing these concerns was envisaged. In regard to the establishment of fact-finding and Rapporteur Missions, it was agreed that clear mandates should be agreed before deployment, receiving states should be co-operative and reports of the Missions' findings should be submitted to the CSO for discussion[548].

At the 1994 Budapest Summit the further enhancing of the CSCE's roles and capabilities in early warning, conflict prevention and crisis management through the CSCE operations and Field Missions was clearly stated[549]. From Budapest onwards references to the Missions' activities increased substantially, however the focus shifted from institutional procedures to the substance of their activity and contribution in the field[550].

The OSCE documents do not provide a thorough and comprehensive addressing of the institutional aspects of the Field Missions. Their development has resulted from a learning process within the organisation, based on flexibility and adaptability. Nevertheless, the Missions' general tasks of promoting OSCE principles have been referred to by the organisation numerous times[551]. The first long-term Mission of the CSCE in the former Soviet Union was the Mission to Georgia, established by decision of the CSO on November 6, 1992[552]. The OSCE's Field Missions combine human rights and political and economic aspects with the prevention and management of conflicts. This all-inclusive strategy allows the combination of a wide range of issues in the Missions' mandates, allowing a more adequate response to the distinct matters in the field[553]. The Missions provide technical advice and assistance to the host countries over a wide range of issues, from politico-military aspects to humanitarian and legal issues[554]. Their final aim is the successful

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[548] *Helsinki Document 1992*, Helsinki Decisions, chapter III, parags.12-15. At the time the report of the Missions' activities could also be submitted to the Consultative Committee of the CPC, which has already been dissolved. From June 1992 reports of Rapporteur Missions became official CSCE documents, 12th CSO Meeting, Helsinki, 12CSO/J1, Jun. 8-11, 1992. See also Commission on Security and Co-operation in Europe, *CSCE Missions*, prepared by the Staff of the Commission, Sep. 1, 1992.

[549] *Budapest Document 1994*, Budapest Declaration, parag.9.

[550] *Budapest Document 1994*, Budapest Decisions, parag.22; *Lisbon Document 1996*, Lisbon Declaration, parags.13-23; Oslo Ministerial Declaration, MC(7).JOUR/2, Annex 3, Chairman's Summary, Dec. 3, 1998; *Istanbul Document 1999*, Istanbul Declaration, parags.3-10 and 13-25.

[551] See the mandates of the different OSCE Missions and field activities, "Survey of OSCE Long-term Missions and other OSCE Field Activities", OSCE Secretariat, Vienna, Jan. 17, 2000. Other examples are found in OSCE Seminars and speeches, such as the Seminar on "Experiences with Post-Conflict Rehabilitation Efforts", Tbilisi, Jan. 26-27, 2000, SEC.GAL/13/00, Feb. 8, 2000 or the Human Dimension Seminar on "Human Rights: The Role of Field Missions", Warsaw, Apr. 27-30, 1999, ODIHR.GAL/18/99, May 27, 1999. As regards speeches, see among others, *From CSCE to OSCE*, Statements and Speeches of Dr. Wilhelm Hoynck, Secretary General of the OSCE 1993-1996, OSCE Secretariat, Vienna.

[552] 17th CSO Meeting, Prague, 17CSO/J2, Annex 2, Nov. 6, 1992. The first long-term Mission of the CSCE to be deployed was the Mission to Kosovo, Sandjak and Vojvodina in former Yugoslavia, in August 1992. 15th CSO Meeting, Prague, 15CSO/J2, Annex 1, Aug. 13 and 14, 1992.

[553] This broad formulation matches the OSCE's all-encompassing understanding of security and the means to deal with security matters in post-Cold War Europe, as analysed in the introductory chapter.

[554] "These Missions, in Nagorno-Karabakh, in Abkhazia and elsewhere, are unprecedented efforts to substitute violent processes for political ones, and to help peoples resolve their conflicts through the language of mutual respect, confidence-building, reconciliation and respect for human rights", "Vice President Gore praises role of the OSCE", speech at the Lisbon Summit, wireless file, US Information Service, Dec. 2, 1996, http://www.mtholyoke.edu/acad/intrel/goreosce.htm. See also Brown, S., Jr., "A New Organisation Faces New Threats to Security", *Europai Szemle, European Review*, "OSCE 1995", E Europaische Rund-Schau, Special Issue, vol.VII, Budapest, 1996, p.68; Hoynck, W., "The OSCE and its Contribution to New

prevention of the outbreak of conflicts, or the promotion of lasting settlements for ongoing disputes, based on OSCE principles and commitments.

It is the OSCE's understanding that the Missions in the field raise awareness at various levels. In the country where they are deployed they are seen as demonstrating the international community's concern for events, constituting an offer of assistance and contributing to raising confidence between the parties and the population. And at the OSCE level they are seen as adding to the agendas of the various participating states the current problems in the former Soviet Union area and the need to address them efficiently[555]. OSCE long-term Missions constitute a preferential mechanism to address the problems in the new republics, given their direct involvement in the field. This allows a quicker and goal-oriented approach to understand incidents and address tensions[556]. With regard to their permanence in the field, the OSCE Missions are fundamental vehicles for reporting first-hand information and accounts of the evolution of events in the field to the OSCE bodies.

The Missions pursue a regional approach based on the belief that the building of stability in one country contributes positively to the stability of the whole region. This approach is also reflected in in-country activities where the Missions seek to extend their support and assistance to a wider area. The establishment of regional offices is an example. These offices function under OSCE Mission supervision, but many employ locals on their staff. This policy incites better co-operation between the Mission and the population, fundamental in the OSCE's view to the development of valuable regional approaches[557].

Besides these general attributes, each Mission is empowered with a specific mandate due to the unique characteristics of each situation, demonstrating their flexibility. As such, they vary in composition, mandate and procedures, in order to be sufficiently flexible to adapt and answer to the peculiarities of the problems they are addressing[558]. While the large Missions, such as the ones deployed in the former Yugoslavia, enjoy specific budgets for training activities, the smaller Field Missions, such as those deployed in the former Soviet area, face scarce human and financial resources. To cope with the existing difficulties, better resource-sharing among international

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Stability", idem, pp.21-22; Kovacs, L., "The Hungarian Chairmanship", idem, p.4; Rosas, A. and Lahelma, T., "OSCE Long-term Missions" in Bothe, M. et al. (eds.), *The OSCE in the Maintenance of Peace and Security*, pp.175-176. This issue will be further developed in section 5.3.

[555] Opening statement by Professor Geremek, Minister of Foreign Affairs of Poland, Human Dimension Seminar on "Human Rights: The Role of Field Missions", Warsaw, Apr. 27-30, 1999, ODIHR.GAL/18/99, May 27, 1999, p.8.

[556] "The Missions are an invaluable source of information and impartial assessments for the CIO and the OSCE community", Statement by Geremek, Minister of Foreign Affairs of Poland, at the OSCE Heads of Mission Meeting, Warsaw, Nov. 14, 1997, http://www.poland-embassy.org.uk/gov/geremek.htm.

[557] See *Istanbul Document 1999*, Istanbul Declaration, parag.14; Wohlfeld, M., "The OSCE and Regional Co-operation in Europe" in Calleya, S. (ed.), *Regionalism in the Post-Cold War World*, Ashgate, 2000, p.109. This issue is revisited in section 5.3.

[558] The OSCE Missions are "'soft institutions' in a broader 'soft law' framework", Rosas, A. and Lahelma, T., "OSCE Long-term Missions" in Bothe, M. et al. (eds.), *The OSCE in the Maintenance of Peace and Security*, p.189.

organisations is needed, including regional training workshops and the exchange of trainers and training materials whenever possible[559].

The activities of the Missions in the field follow a low-profile strategy, though not neglecting the importance of national public awareness of their presence and goals as a CBM and a vehicle for clarification of incidents or procedures. The Missions seek general knowledge about their presence and goals in a particular country among the population, political entities, and NGOs whose support to their activity is fundamental. Moreover, many Missions provide advice and assistance to individuals as regards legal and other matters. Generally, the Missions' activities become more publicised when there are gross violations of human dimension principles, an area where public pressure usually bears considerable weight. As regards the provision of good-offices, for example, the relative secrecy of the negotiation processes raises confidence between the parties and between these and the Mission, constituting an added value to the Missions' activities. Therefore, the Missions in the field seek a balance between their public acknowledgement and the secrecy in which many of their activities must be shrouded for better results[560].

The Missions also receive support from the OSCE's institutions, particularly the ODIHR, the HCNM and the OSCE Representative on Freedom of the Media[561]. These institutions maintain contacts with the Missions and provide assistance to their activities, in particular as regards human dimension aspects. Examples of co-operation include the organisation and monitoring of electoral processes and seminars, and visits by the HCNM or the Representative on Freedom of the Media. These allow the discussion of the Mission's difficulties and achievements and the formulation of strategies for action in order to minimise obstacles. In their activities in the former Soviet area, the Missions also report to local authorities, NGOs, other international organisations, and the Russian Federation[562].

As regards the closure of a Mission, there are no clearly defined procedures or evident criteria for assessing the Mission's compliance with its mandate. Participating states have addressed the issue, but agreement on a set of procedures was not reached in order not to reduce the flexibility of the Missions. Participating states avoid, in this way, turning the Missions into a "one-way street!"[563]. Nevertheless, the "Charter for European Security"[564] addressed the issue, focusing on the interaction between the Field Mission and the host country, which should allow

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[559] In this regard, the Platform for Co-operative Security may prove its usefulness. Refer to chapter 3, section 3.2.4.

[560] The negotiations process between Moldovan authorities and the Transdniestrian separatists, which the OSCE's Mission to Moldova accompanies as a mediator to the conflict, is an example. See chapter 7.

[561] See "Survey of OSCE Long-term Missions and other OSCE Field Activities", OSCE Secretariat, Vienna, Jan. 17, 2000.

[562] As analysed in the previous chapters, particularly as regards the OSCE relationship with other international organisations in the field, chapter 3, section 3.2; and the role of the Russian Federation in the area and with the OSCE, in chapter 4, particularly sections 4.3 and 4.4.

[563] Vienna Review Meeting, Nov. 4-22, 1996, "Long-term Missions as Instruments of Preventive Diplomacy", REF.RM/294/96, Nov. 20, 1996. See also Abadjan, V., "OSCE Long-term Missions: Exit Strategy and Related Problems", *Helsinki Monitor*, vol.11, n.1, 2000, pp.22-36.

[564] *Charter for European Security*, 1999, parag.41.

the building of capacity and expertise of the host country in the areas where the Mission has a mandate. The aim is to facilitate the transference of tasks from the Mission to the host country, and consequently the closure of the Field Mission. Only in Ukraine have developments on the ground permitted the closure of the OSCE Mission and its replacement by a Project Co-ordinator, with a different mandate and competencies. Its functions changed from promoting the political settlement to focus on democracy and institution-building, an issue further developed in the chapter. All other OSCE Missions deployed in the former Soviet Union remain as such, though most of them with expanded mandates, according to the needs and developments on the ground[565].

There is a particular set of OSCE activities directed to assistance in the implementation of bilateral agreements, translated in the work of the OSCE Representative in the Russian-Latvian Joint Commission on Military Pensioners, the OSCE Representative to the Joint Committee on the Skrunda Radar Station, and the OSCE Representative to the Estonian Government Commission[566]. These Representatives are usually appointed by the CIO with the approval of the parties and work in conjunction with these in the implementation of a specific agreement. The duration in mandate of the Representative has no specific limit and its work is integrated into the activities of the OSCE Mission to the country. Nevertheless, the Representative's work proceeds independently of the Mission's activities. The OSCE Representatives are responsible to the CIO and, like the Missions, submit regular reports to the PC.

The OSCE Representative to the Joint Committee on the Skrunda Radar Station has finished his duties with the dismantling of the Radar and the convening of the last meeting of the Joint Committee on October 22, 1999[567]. At the Istanbul Summit, the OSCE participating states welcomed the "successful conclusion of the work of one of our smallest [Missions]"[568]. Acting according to the organisation's principles, the OSCE Representatives have a much narrower and focused area of activity than that of the Field Missions. Nevertheless, they complement and strengthen the role of the Missions deployed in the same geographical area.

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[565] This is the case, for example, of the OSCE Mission to Georgia, whose mandate has been expanded recently, as analysed in section 5.3.2.1.

[566] 9th PC Meeting, Journal 9, agenda item 4, decision 17, "Decision on the OSCE Representative and Alternate Representative to Assist in the Implementation of the Agreement between the Governments of the Republic of Latvia and the Russian Federation on the Social Protection of Military Pensioners and Their Family Members", PC.DEC/17, and decision 16, "OSCE Assistance in the Implementation of the Latvian-Russian Agreement (Skrunda Radar Station)", PC.DEC/16, Feb. 23, 1995. The Skrunda Radar Station has already been deactivated and closed (see next footnote). On the CSCE participation in the Estonian Government Commission on Military Pensioners, 28th CSO Meeting, Journal 3, decision (g) under agenda item 6 (e), 28CSO/J3, Sep. 16, 1994; Permanent Committee, Journal 40, item 6, Vienna, PC/J40, Ann, Nov. 7, 1994 and CSCE DOC.1024/94, Nov. 4, 1994. Refer also to chapter 6.

[567] The formal end of the mandate of the OSCE Representative to the Joint Committee on the Skrunda Radar Station was adopted at the 267th PC Meeting, Journal 267, agenda item 5, PC.DEC/337, Jan. 27, 2000.

[568] *Istanbul Document 1999*, Istanbul Declaration, parag.24.

5.3. The OSCE in the field

Playing preventive diplomacy, crisis management and post-conflict rehabilitation roles, the OSCE Missions in the field are, according to the OSCE, the best instrument to translate commitments into practice[569]. Implicit in the Missions' functioning and mandates, the comprehensive addressing of the issues and the promotion and implementation of OSCE principles to a wide area are pursued. While the Missions to Estonia, Latvia, the Advisory and Monitoring Group to Belarus, and the Project Co-ordinator to Ukraine were deployed in countries where there has not been armed confrontation, the Assistance Group to Chechnya, the Missions to Georgia, Moldova, and the Minsk Conference which deals with the Nagorno-Karabakh conflict, were deployed in regions where armed confrontation has taken place and settlement processes are still under way. In Tajikistan, where conflict has apparently been settled, the OSCE Mission is now pursuing post-conflict rehabilitation tasks.

Added to these nine Missions, the OSCE opened in March 1995, the Central Asian Liaison Office (CALO) with headquarters in Tashkent, Uzbekistan. The aim was to link the Central Asian participating states more closely with the organisation. The Liaison Office provides a long-term involvement of the OSCE but has no direct relation to a conflict situation. The Office is entrusted with promoting contacts and exchange of information, based on OSCE principles and commitments. It co-operates closely with the ODIHR as regards human dimension projects, particularly on gender issues, migration and election assistance. Later, in early 1999, three OSCE Centres were opened in Almaty, Ashgabad and Bishkek[570] with the goal of promoting the implementation of OSCE commitments in the area, facilitating contacts and exchange of information, linking the various levels, including local, regional and national authorities, NGOs, research institutions and universities, and holding annual implementation reviews. The decision to establish OSCE Offices also in Yerevan, Armenia; in Baku, Azerbaijan and in Osh, Kyrgyzstan to promote the implementation of OSCE principles and commitments, and facilitate contacts and co-operation with these republics in all OSCE dimensions, was also welcomed[571]. This reveals the

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[569] *Charter for European Security*, 1999, parag.38. "And the Field Missions, which won the reputation of the OSCE's success story, can be very instrumental in achieving our objective", OSCE Human Dimension Seminar on "Human Rights: The Role of Field Missions", Warsaw, Apr. 27-30, 1999, ODIHR.GAL/18/99, May 27, 1999, p.8. The relevance of the Field Missions in the overall OSCE activity is also noticeable in the wording of the main Summit Documents, where a substantial part of the text is dedicated to the Field Missions' activities. This same relevance is also stated in other international organisations' documents, as analysed in chapter 3.
[570] 179th PC Meeting, Journal 179, PC.DEC/243, 244 and 245, agenda items 3-5, Jul. 23, 1998 on the establishment of the OSCE Centre in Almaty, Kazakhstan; the OSCE Centre in Ashgabad, Turkmenistan and the OSCE Centre in Bishkek, Kyrgyzstan, respectively.
[571] 241st PC Meeting, Journal 241, PC.DEC/314, agenda item 6, Jul. 22, 1999; 258th PC Meeting, PC.JOUR/258, agenda item 1, Nov. 16, 1999; and 269th PC Meeting, Journal 269, PC.DEC/339, agenda item 6, Feb. 10, 2000.

OSCE participating states' concern for the Asian dimension within the organisation as well as the value of developing regional approaches as a confidence and stability-building measure[572].

The OSCE's close connection with the Central Asian countries is fundamental, due to the very different interests and particular interpretations of politics, economics and religion in the area. The establishment of these Centres and Offices reflects the way found by the OSCE to make its founding principles more clear and accessible to these republics, making the bridge between different beliefs and the fundamental postulates that should rule relations among OSCE participating states, as defined by the OSCE documents. Emphasis is placed on the regional aspects of all OSCE dimensions, including the economic, environmental, human and political aspects of security[573]. Providing opportunities for a timely identification of threats or tensions arising in the area, these Offices serve as a tool of preventive diplomacy.

The following section will address the Missions' activities in the field and how they translate preventive efforts, crisis management procedures and post-conflict rehabilitation efforts into reality. Despite the classification and division made for a clearer addressing of these issues, it should be recalled that these Missions and their activities are not watertight. Instead, they embrace a vast range of issues and aspects which many times combine preventive efforts with crisis management or post-conflict rehabilitation. It is in the light of these remarks that the following sections should be read.

5.3.1. OSCE early warning and preventive procedures: adequate responses?

The OSCE's preventive diplomacy role can be of much use in the former Soviet Union area, where many challenges translated into increasing tensions have emerged. The OSCE has developed several conflict prevention mechanisms, which entail preventive diplomacy efforts and early warning actions translated into the promotion of dialogue and exchange of information, advice on new legislation and constitutional matters, and the activities of the CIO, the HCNM, the ODIHR, and the OSCE Representative on Freedom of the Media. Efforts include also the organisation of seminars and sessions for the clarification of particular issues, and support to the NGO sector, underdeveloped in many of the former Soviet republics. At the military level, preventive efforts and early warning signs are translated into the work of the FSC, which regularly assesses and exchanges information on military movements and arms-control agreements, as well as on the level of implementation of the Code of Conduct's provisions or of agreed CSBMs[574]. The intrusive

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[572] Refer to Annex 4 on the OSCE Missions and field activities in the former Soviet Union area: general profile.
[573] The all-encompassing approach of the OSCE as regards the conceptualisation of security and the formulation of practices is again reaffirmed. Refer to the introductory chapter for more detail on the theoretical insights supporting this study.
[574] For more detail on the FSC see chapter 2, section 2.3.1. For the link between preventive diplomacy and the economic and environmental dimensions of the OSCE see Zaagman, R., "OSCE Conflict Prevention and the Economic and Environmental Dimension", *Helsinki Monitor*, vol.10, n.4, 1999, pp.40-48.

character, added to the human dimension and as regards certain military aspects, have also been an asset of the organisation, conferring a new perspective on preventive diplomacy as practised by the OSCE[575]. All these new instruments have implications in the Field Missions' activities.

In Estonia, Latvia, Ukraine and Belarus the OSCE is playing a preventive diplomacy role. There has been no armed conflict, but the unstable climate and/or the potential for conflict were the underlying motives for the Missions' deployment[576]. The mix of the OSCE instruments allied to the specificity of events in the field form the core strategy of the organisation in preventive diplomacy. Each particular case, involving very different demands, as demonstrated by the following examples, is subject to a different combination of OSCE tools. Nevertheless, the main goal shared by the different Missions, the consolidation of stability and peace in Europe, is not pursued without difficulties[577].

5.3.1.1. Estonia, Latvia and Ukraine

In Estonia[578] and Latvia, citizenship and naturalisation procedures were the proximate causes for tensions. The problems of integration of the Russian minority are being dealt with, among other aspects, through the definition of appropriate legislation, with the support of the OSCE Mission and the HCNM. Both the Republic of Estonia and Latvia's membership of the CSCE date from September 10, 1991. The CSCE Mission to Latvia was deployed on November 19, 1993 with the mandate to address citizenship and other related matters, to provide advice and information on these issues and to gather information and report on developments[579]. The deployment of the Mission resulted from the tense situation emerging in Latvia due to the adoption of new legislative acts, interpreted by the Russian speakers, supported by the Russian Federation, as discriminatory. (A problem similar to that of post-independent Estonia, further analysed in chapter six). In September 1993, the CSO supported the idea of sending a CIO Personal Representative to study the possibilities of further CSCE involvement in Latvia[580]. Latvian reactions revealed the fear of a distorted perception of events in the country which could be equated with the violation of human rights. Nevertheless, as a result of increasing criticism from the Russian Federation, Latvia agreed to the deployment of the CSCE Mission. This was later requested by Latvia and Russia to provide assistance in the implementation of the Agreements of April 30, 1994, concerning the troop

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[575] Kornblum, J., "Conflict Prevention and Crisis Management", Proceedings of the International Seminar on "The CSCE and the New Europe", Helsinki, Apr. 3-4, 1992, p.17.

[576] The OSCE Mission to Estonia has been severely contested, since the local authorities understand there was never the chance of armed conflict, despite the post-independence serious tensions between Estonia and the Russian Federation. This issue is further developed in chapter 6, section 6.3.4.

[577] In this regard the OSCE Mission to Estonia provides an interesting example. See chapter 6, particularly section 6.7.1. See also Zaagman, R., "Some Reflections on OSCE Conflict Prevention and the Code of Conduct", *Helsinki Monitor*, vol.7, n.2, 1996, p.35. The wording of the OSCE documents also points to the many risks and difficulties in the OSCE area, and the continuous reaffirmation of commitments demonstrates the many difficulties found by the OSCE to translate commitments into practice, including through the work of the Field Missions.

[578] The case of Estonia is further developed on chapter 6.

[579] After decision on its establishment by the 23rd CSO Meeting, Journal 3, Annex 3, Sep. 23, 1993.

[580] 23rd CSO Meeting, Prague, 23CSO/J3, September 23, 1993.

withdrawal process[581]. Accordingly, the Mission's activity was complemented by the work of the OSCE's Representatives entrusted with assisting in the implementation of the Agreements on the Social Welfare of Retired Russian Military Personnel[582] and on the Legal Status of the Skrunda Radar Station, dismantled in early 2000[583].

The OSCE Mission and the activities of the HCNM, allied to the ODIHR's support, have had a positive effect in Latvia as regards the integration process. Amendments to the Citizenship Law and the proposal to grant citizenship to stateless children born in Latvia after the country regained independence in 1991 were approved, constituting important steps towards solving inter-ethnic problems and promoting the process of integration[584]. Moreover, the organisation of language-training courses, seminars and other cultural initiatives, and the support to the NGO sector in Latvia, have been fundamental aspects of the Mission's activities in this regard. The OSCE Mission collaborates closely with other international organisations deployed in the field. It has benefited from funding for language-training and other cultural and educational activities, particularly from the UN and the EU, and has also benefited from the Council of Europe legal expertise. The combination of efforts between organisations has proved the mutually-reinforcing nature of their efforts, while downgrading the relevance of the OSCE in implementing these measures. Nevertheless, the OSCE's Mission and the HCNM have demonstrated a comparative advantage on the preventive nature of their activities to promote the integration process through the addressing of legislation and of the Russian-speakers' concerns.

The Mission has therefore been successful in implementing its mandate, though not without difficulties. It has faced criticisms from the Latvian authorities of providing the international community with a distorted image of the human rights situation in the country. On the contrary, the Russian Federation strongly welcomes the OSCE's presence in Latvia, arguing the Mission prevents discriminatory practices by the Latvian Government. The Russian positioning highlights its ambiguities in regard to the OSCE. Since Russia cannot deepen its involvement in the country, as it is not welcomed by the Latvian authorities, it very much welcomes the OSCE's presence as a monitoring and restrictive factor. Russia sees in the OSCE's presence a way of keeping Latvia under close scrutiny, particularly now that the country has made clear its desire to join NATO and the EU.

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[581] 27th CSO Meeting, 27CSO/J3, parag.e, Jun. 15, 1994 and Permanent Committee Meeting, PC/J26, Ann.1 and 2, June 30, 1994.

[582] 9th PC Meeting, Journal 9, PC.DEC/17, agenda item 4, Feb. 23, 1995.

[583] The OSCE participating states have welcomed the decommissioning of the Skrunda Radar Station, *Istanbul Document 1999*, Istanbul Declaration, parag.24 and 267th PC Meeting, Journal 267, PC.DEC/337, agenda item 5, "Formal ending of the mandate of the OSCE Representative to the Joint Committee on the Skrunda Radar Station", Jan. 27, 2000.

[584] Vollebaek, K., "The OSCE Agenda: Crisis Management and Long-term Conflict Prevention", *Helsinki Monitor*, vol.10, n.3, 1999, p.6. For more on Latvia see Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, pp.354-361; "Charlemagne: Andris Berzins, A hard-pressed Latvian", *The Economist*, Jan. 24, 2000, p.62.

Ukraine became a CSCE participating state on January 30, 1992. In Ukraine, the OSCE's activity is substantially different. Crimean demands for independence have given way to an agreement on the discussion of its future status as an autonomous part of Ukraine. Russia has been closely involved and accused of inflaming independence aims in the Crimean Peninsula. Before the deployment of the Mission to Ukraine, CSCE participating states had reiterated their concern about events on the ground, asking the parties to find a negotiated solution according to CSCE principles[585]. At the time, an interpretative statement by the Russian Federation made clear its interests in the area. The Russian representative argued the issue was that of "a sovereign Republic of Crimea as part of Ukraine". By this, it was meant "a republic enjoying the sum total of rights and obligations determined by the sovereign will of the people", which would not "prejudice the validity of CSCE principles, including the territorial integrity and inviolability of the existing borders of the state of which that republic is a part"[586]. Ukraine replied the PC decision confirmed its sovereignty and territorial integrity, providing for measures to ease tension and promote stability in the Republic of Crimea according to the Ukrainian Constitution and legislation[587].

The CSCE Mission was deployed on November 24, 1994, initially mandated to establish contacts with the authorities concerned, relevant institutions and NGOs, collect and provide information with the aim of assisting in constitutional and economic matters and facilitating dialogue between the central Government and the Crimean authorities as regards the autonomous status of the Republic of Crimea[588]. In connection with the Mission's activity, the Ukraine delegation issued an interpretative statement at the Permanent Committee Meeting, according to which it stressed the need for consultations between the HoM and the Ukrainian authorities before the appointment of Mission members, and that Ukraine expected the normal procedure of not appointing as Mission members citizens from neighbouring countries, clearly demonstrating the difficult relationship with the Russian Federation[589].

According to the Ukrainian authorities, the Mission's assistance was crucial as regards the organisation of round-tables, the wording of the Crimean Constitution and the efforts directed at the elimination of separatist tendencies in the Crimea. A situation was reached in which, according to Ukraine, the OSCE Mission activities were no longer required. The assistance of the HCNM remains relevant, but the continuance of the OSCE Mission would only duplicate his efforts[590]. The mandate of the Mission was extended until April 30, 1999 in order to allow the settlement of

[585] Permanent Committee Meeting, PC/J22, item 1, May 26, 1994.
[586] Permanent Committee Meeting, PC/J22, Interpretative Statement by the Delegation of the Russian Federation under item 1, May 26, 1994.
[587] Permanent Committee Meeting, PC/J22, Interpretative Statement by the Delegation of Ukraine under item 1, May 26, 1994.
[588] 27th CSO Meeting, Prague, 27CSO/J3, Annex 2, Jun. 15, 1994 and Permanent Committee Meeting, PC/J31, and PC/J31, Annex, Aug. 25, 1994.
[589] Permanent Committee Meeting, PC/J31, Interpretative Statement by the Delegation of Ukraine under item 3, Aug. 25, 1994.
[590] Interpretative statement under parag.79 (chapter 6) of the Final Recommendations of the Helsinki Consultations, annex to PC.DEC/131, 76th PC Meeting, Jun. 27, 1996, and 202nd PC Meeting, Journal 202, PC.DEC/278, agenda item 5, Dec. 17, 1998.

organisational and other matters related to the Mission's termination. By virtue of the developments in the Republic of Ukraine, particularly the finding of agreement as regards the status of Crimea, the OSCE Mission to Ukraine was successfully closed, and a Project Co-ordinator was established in its place, with new tasks[591].

While Ukraine welcomed the OSCE Mission in the country as a source of stability and a guarantee of the territorial integrity of the country, the Russian Federation did not easily welcome the OSCE's involvement. Regarding the OSCE's decisions and Mission activities as an obstacle to the pursuit of its interests in the area, the Russian Federation attempted to get around OSCE norms, over which it had no veto right. As argued in chapter four, Russia played its dual policy of pursuing its particular interests in the area, while appeasing the international community about its friendly neighbourliness policies.

The OSCE Project Co-ordinator activities are based on the planning, implementation and monitoring of projects between the relevant authorities of Ukraine and the OSCE and its institutions. The aim is to "support Ukraine in adapting legislation structures and processes to the requirements of a modern democracy"[592]. Its tasks include a review of Ukrainian legislation on human rights, assistance to the Constitutional Court and training for the Supreme Court, technical and practical support to the Ukrainian Ombudsman, and combating trafficking in human beings[593]. Its activities are, therefore, mainly related to democracy and institution-building. The OSCE Co-ordinator reports regularly to the PC in Vienna[594] and develops its activities in close collaboration with other international organisations in the field, as well as NGOs. Most of the projects in Ukraine are carried out in collaboration with the ODIHR, the HCNM and the Representative on Freedom of the Media, as well as other international organisations, demonstrating how the combination of efforts may reveal positive results. For example, the Project Co-ordinator, the ODIHR and the Council of Europe have comprehensively reviewed Ukraine's human rights legislation, and the OSCE Co-ordinator together with the Representative on Freedom of the Media and the Council of Europe organised a public round table in Kiev on free media and libel legislation in December 1999[595].

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[591] 227th PC Meeting, Journal 227, PC.DEC/292, agenda item 2, Apr. 30, 1999 and 231st PC Meeting, Journal 231, agenda item 1, PC.DEC/295, Jun. 1, 1999. At the Istanbul Summit, OSCE participating states welcomed "the successful completion of the work of the OSCE Mission to Ukraine", *Istanbul Document 1999*, Istanbul Declaration, parag.25.

[592] http://www.osce.org/Ukraine/overview.htm.

[593] Annual Report 1999 on OSCE Activities, The Secretary General, Dec. 1, 1998-Oct. 31, 1999, SEC.DOC/2/99, Nov. 17, 1999, pp.36-37.

[594] For more on Ukraine see Albright, D. and Appatov, S. (eds.), *Ukraine and European Security*, MacMillan, Basingstoke, 1999; Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, pp.361-371; Mychajlyszyn, N., "The OSCE in Crimea", *Helsinki Monitor*, vol.9, n.4, 1998, pp.30-43.

[595] *Annual Report 2000 on Interaction between Organisations and Institutions in the OSCE Area*, The Secretary General, SEC.DOC/4/00, November 24, 2000, pp.20 and 25.

5.3.1.2. Advisory and Monitoring Group to Belarus

With a democracy-building role, the OSCE Advisory and Monitoring Group in Belarus began work in Minsk in early February 1998. Its tasks included assisting the Belarus authorities in promoting democratic institutions and in complying with OSCE commitments, and to monitor and report on this process[596]. The Advisory Group envisages building and strengthening pluralist civil society in the country[597]. It regularly publishes articles in the independent media on issues such as the role of the third sector and the function of political parties in pluralistic democratic societies.

The Group enjoys support from the OSCE institutions and co-operates with other international organisations in the field. For example, in the year 2000 the OSCE Group in Belarus, the ODIHR and the European Commission started to implement a joint programme aimed at creating improved conditions for democratisation and the establishment of a pluralistic political system in Belarus[598]. The OSCE Group has also developed close co-operation with the Council of Europe on the elaboration of the Belarussian Electoral Code. The Group has therefore benefited from the Council's expertise which complements its efforts in the legal dimension, and from the EU, which supports projects related to the strengthening of democratic institutions[599]. The Group's activity is also strengthened by co-operation with other OSCE institutions, particularly the ODIHR and the Representative on Freedom of the Media in election-related issues and the status of the media, respectively.

However, difficulties have been found in the implementation of the OSCE's Group mandate[600] due to restrictions in the rule of law and freedom of the media, as well as the lack of open dialogue between the Belarus authorities and the Advisory and Monitoring Group. Despite the Belarus President's promise last summer to allow free elections and the guarantees left at the Istanbul Summit, the fact is that President Lukashenko's "democratic impulses are quickly dissolving into mere illusions"[601], as proven in the October 2000 elections[602]. Severe restrictions on the right of association and expression, such as the closing down of several newspapers, along with repression against opposition groups, have generated criticism of the OSCE both in the field and in Vienna[603]. In the face of the current restrictions, which call into question the fairness of electoral acts, the OSCE Group has promoted contacts between the Belarus authorities and the opposition with the goal of "ensuring the right political environment for free, fair and internationally

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[596] 129th PC Meeting, Journal 129, PC.DEC/185, agenda item 1, Sep. 18, 1997.

[597] http://www.osce.org/Belarus/overview.htm. OSCE efforts have thus been directed to confidence-building as suggested by "Civil Society Conference held in Belarus", *OSCE Newsletter*, vol.VII, n.1, Jan. 2000, p.11.

[598] *Annual Report 2000 on Interaction between Organisations and Institutions in the OSCE Area*, The Secretary General, SEC.DOC/4/00, November 24, 2000, p.19.

[599] Idem, pp.56-57.

[600] *Istanbul Document 1999*, Istanbul Declaration, parag.22.

[601] "The President of Belarus torpedoes mediation by the OSCE", *Neue Zurcher Zeitung*, Mar. 21, 2000, *OSCE Newsletter*, Press Profile, vol.VII, n.4, Apr. 2000, p.24; "Belarus march falls short of opposing hopes", Reuters, Oct. 14, 2000; "Apparent manipulation of some international observers in Belarus", OSCE Press Release, Oct. 18, 2000.

[602] "Sham results from a sham election for a sham parliament", "Europe: Bathetic in Belarus", *The Economist*, Oct. 21, 2000, p.57. See also "ODIHR Semi-Annual Report", OSCE-ODIHR, Autumn 1999, p.38.

recognisable Parliamentary elections"[604]. The nature of the OSCE's involvement in Belarus is, in essence, of a preventive character, particularly directed to the building of confidence and to the spreading and implementation of democratic principles and procedures in the country[605].

Nevertheless, the OSCE Mission has been facing severe obstacles. According to Hans-Georg Wieck, Head of the OSCE's Group, "the decision in favour of securing the power structure and against meaningful reforms could be a bad indication for the outlook of reforms"[606]. The authoritarian regime of President Lukashenko disregards OSCE commitments and norms, rendering difficult the successful activity of the Advisory and Monitoring Group. Moreover, the Belarus authorities have become increasingly critical of the OSCE as an institution and of the OSCE Group in Belarus. According to Ural Latypov, Head of the Delegation of the Republic of Belarus to the OSCE, the organisation has "not reached the initially-declared goals, not fulfilling its task in the military-political field. Moreover, in the economic and environmental dimensions the OSCE has no real authority or power"[607]. As regards the OSCE's Group activity, Latypov criticised the issue of transparency and objectivity, alleging the Group is engaged in the process of creating a paid system of election monitoring. "What objective conclusions can this system reach if it is headed by one of the most uncompromising opposition leaders?"[608].

The OSCE Advisory and Monitoring Group to Belarus faces many obstacles in the pursuit of its activities. Although the mandate of the OSCE in Belarus falls mainly within preventive diplomacy, an area where the OSCE has proven its usefulness, the fact is that the Group's success has been limited. The commitment of the OSCE participating states to the implementation of the organisation's goals is urgent. Belarus as a participating state has been violating fundamental principles enshrined in the OSCE documents, particularly those related to the human dimension. Moreover, as host country of an OSCE Mission, Belarus has not been co-operative, hindering positive developments. It becomes clear how the non-implementation of OSCE commitments and non-cooperation with the OSCE field presences might restrict the reach of OSCE activities, both at the decision-making level and in the field.

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[603] "Belarus", *OSCE Newsletter*, Press Profile, vol.VII, n.4, Apr. 2000, p.24.
[604] http://www.osce.org/Belarus/overview.htm. The first consultation between representatives of the opposition and the Government took place on September 3, 1999 under the auspices of the OSCE Advisory and Monitoring Group.
[605] For more on Belarus see Oldberg, I., "Sunset over the Swamp, The Independence and Dependence of Belarus", *European Security*, vol.6, n.3, Autumn 1997, pp.110-130; Wieck, H., "The Advisory and Monitoring Group to Belarus", *Helsinki Monitor*, vol.11, n.1, 2000, pp.48-60; Hawkes, M., "Belarus: A Self-imposed Isolation?", *Helsinki Monitor*, vol.10, n.1, 1999, pp.28-36; Lohman, D., "Can International Pressure Restore Democracy in Belarus?", *Helsinki Monitor*, vol.8, n.3, 1997, pp.69-79.
[606] Hans-Georg Wieck, Head of the OSCE Advisory and Monitoring Group, "Belarus Within Europe, EU Enlargement and Its Consequences for a New Neighbour", Nov.2000, http://www.osce.org.
[607] Statement by Ural Latypov, Head of the Delegation of the Republic of Belarus, 8th Meeting of the Ministerial Council, Vienna, MC.DEL/145/00, Nov.28, 2000.
[608] Idem.

5.3.2. Crisis management: the OSCE as a third-party in negotiations

The OSCE's activity as a third-party in the former Soviet Union varies with the nature of the problems, the players involved and the actions required[609]. The OSCE uses its good-offices in the person of the HCNM, members of the Field Missions, or the CIO who may also appoint a Personal Representative. Groups of states may also be established, such as the Minsk Group, Friends of Georgia or Friends of Tajikistan. Nevertheless, different strategies are combined, including mediation and the OSCE's diplomatic involvement as a result of its presence in the field, complemented for example by ODIHR and NGO contributions as regards information-sharing and advice. The objective is to facilitate the framework for a political settlement, avoiding re-escalation to armed confrontation or the spread of tensions at the regional level, addressing for instance the problem of refugees and displaced persons.

The analysis of the conflicts the OSCE is dealing with must combine all aspects behind tension and possible escalation along with the mandates forged by the OSCE to face them. The proximate causes for the conflicts taking place in the former Soviet Union area include internal territorial claims (secessionist movements, a state's resistance to demands for autonomy, a special status or even independence, and power-sharing difficulties); politico-ideological aspects (referring to communist-oriented or authoritarian rule, inequitable social and political systems, lack of strong administrative and judicial apparatus, and differing ideological orientations, including ethnic claims); and economic matters (particularly relating to industrial resources and oil deposits, technological and scientific development and economic hardship)[610]. These factors are not mutually exclusive, requiring an all-encompassing strategy by the OSCE.

The conflicting trend in the former Soviet republics has decreased considerably. After the armed confrontations and high tensions verified in the early 1990s, the tendency has been for a downgrading of intensity. Apart from Chechnya, the self-proclaimed republic within the Russian Federation which Russia does not recognise, no new conflicts have erupted, which might signal not only a more co-operative posture from the Russian authorities and the reflection of more consistent domestic and foreign policy-making in Russia, but also the beginning of the consolidation of national structures within the republics. Moreover, their integration into a wider community through adherence to international organisations and the establishment of bilateral and multilateral links is also relevant.

Nevertheless, the decrease in violence does not mean the settlement of all conflicts. In fact, they persist in the Republic of Moldova, Georgia and Azerbaijan. These conflicts have become known as 'frozen conflicts'[611] because the parties respect the cease-fires, but negotiations remain undefined and interminable, plainly without success. In Georgia, Moldova, Nagorno-Karabakh and

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[609] Refer to chapter 2, section 2.4.2.2 for further development of the concept of crisis management.
[610] As analysed in the introductory chapter.

Chechnya the OSCE's role is one of conflict management. The OSCE goals include the promotion of dialogue and persuasion of the parties to reach a negotiated, peaceful and durable agreement, though it does not exclude democracy-building aspects, such as election monitoring or advice on new Constitutions. Involving negotiation and mediation processes along with the promotion of continuous dialogue between the parties, and the fostering of democratic institutions and the rule of law, the OSCE aims at the settlement of hostilities and agreement on common procedures. The OSCE is also mandated to monitor Russian peacekeeping forces deployed in the field under a CIS mandate, in places like Moldova or Georgia[612]. The conflict in Nagorno-Karabakh is an exception in the former Soviet area to the intra-state nature of conflicts, involving two OSCE participating states, Azerbaijan and Armenia. The OSCE's approaches to this conflict have followed similar procedures to other conflicts, including the promotion of dialogue and encouraging negotiations. The peacekeeping factor is the main differentiating aspect, as analysed further in the chapter.

The following section addresses OSCE activities in Moldova, Georgia, Nagorno-Karabakh and Chechnya with the aim of clarifying the different approaches pursued by the organisation to the different situations, involving crisis management procedures, as well as preventive and confidence-building efforts.

5.3.2.1. Georgia and Moldova

In Georgia and Moldova the problems rest on questions of secession, power-sharing and economic issues. Georgia became a CSCE participating member on March 24, 1992, and includes two regions of tension within its territory, Abkhazia and South Ossetia. In Abkhazia problems date back to 1993, when Abkhaz separatists seized control of this region of Georgia, fighting the central Government for its control. The displacement of most ethnic Georgians inhabiting the region, with Russian military support, further encouraged the secessionist claims. The Government of Georgia has offered extensive autonomous status to the region, however the separatists demand full independence. The OSCE's positioning in this regard includes the offer of strong support for the sovereignty and territorial integrity of Georgia within its internationally recognised borders, while searching for ways of accommodating Abkhaz aspirations[613].

A Russian peacekeeping force under the CIS authority has been stationed in Abkhazia, and the Russian Federation has been involved in negotiations to the finding of a political settlement, without success. Nevertheless, a cease-fire was brokered with Russian assistance and armed confrontations halted. The UN deployed a Mission to the area to provide good-offices

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[611] The term has been used by the OSCE, see for example Professor Bronislaw Geremek, Minister of Foreign Affairs of Poland, opening statement to the Human Dimension Seminar on "Human Rights: The Role of Field Missions", Warsaw, Apr. 27-30, 1999, pp.7-8.

[612] 21st CSO Meeting, Journal 3, decision k, Apr. 21, 1993 and 261st PC Meeting, PC.DEC/329, Dec. 9, 1999 as regards Moldova. 14th Permanent Committee Meeting, Journal 14/Revised, Annex 1, Mar. 29, 1994 as concerns Georgia.

[613] *Budapest Document 1994*, Budapest Decisions, chapter II, parag.1. See also http://www.osce.org/Georgia/overview.htm.

(UNOMIG)[614], while the OSCE Mission remained marginal to the negotiations. The OSCE Mission follows events closely and co-operates with the UN, though its mandate focuses on the promotion of democracy and the respect for human rights in the area, particularly after the appointment of an OSCE Officer for the UN Human Rights Office established in Sukhumi. The OSCE Mission has been providing support for the return of refugees and displaced persons, and has offered assistance to the implementation of the settlement agreement when this is achieved[615]. The OSCE Mission's activity in the Abkhaz conflict is therefore limited due to the UN presence in the area, as analysed in chapter three[616].

In September 1990, South Ossetia declared independence and organised its own Parliamentary elections. This was not recognised by the central Government of Georgia and, due to lack of dialogue, tensions escalated into armed conflict in January 1991. South Ossetia demands total independence, refused by the Georgian authorities. The CSCE Mission to Georgia was deployed on December 3, 1992 with the mandate to monitor the peacekeeping forces deployed, Georgian, South Ossetian and Russian; to assist the parties in the elaboration of the political status of South Ossetia with full respect for the territorial integrity of Georgia; and to advise on democratic institutions, legal procedures and the drafting of the new Constitution[617]. In the August 1995 Georgian Constitution, provisions on the territorial structure have been left open in order to leave room for negotiated solutions to the problems in Abkhazia and South Ossetia. The OSCE Mission to Georgia dealing with the South Ossetian conflict in co-operation with the Russian Federation managed to maintain the cease-fire in place and to lay down the key issues to be discussed and integrated in the final settlement accord[618].

Despite the Mission's intensification in contacts with all political actors in the South Ossetian dispute, progress has been slow and negotiations many times interrupted[619]. The OSCE's efforts have included the Mission's active involvement in the peace process through the urging of the parties to return to discussions, to reconvene the JCC meetings and to participate in round-

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[614] See UN Security Council resolutions and statements by its President on the situation in Georgia, http://www.undp.org/missions/georgia/RESGEO.htm, "Peacewatch: Georgia", *UN Chronicle*, New York, 1999, p.82.

[615] 6th Ministerial Council Meeting, Stockholm, Chairman's Summary, Annex 1 to MC(6).JOUR/2, agenda item 10, Dec. 19, 1997, and Oslo Ministerial Declaration, MC(7).DEC/1, decision 1, Dec. 3, 1998. Refer also to chapter 3, section 3.2.2.1. Co-operation between the OSCE Mission, the ODIHR, the Council of Europe and the UNHCR has occurred for example as regards the commentary on Georgia's draft law on restoration of property and housing rights of refugees and internally displaced persons. *Annual Report 2000 on Interaction between Organisations and Institutions in the OSCE Area*, The Secretary General, SEC.DOC/4/00, November 24, 2000, pp.67-68.

[616] Particularly section 3.2.2.1.

[617] 18th CSO Meeting, Stockholm, 18CSO/J3, Annex 1, Dec. 13, 1992. It started activities on Dec. 3, 1992 with its main office in Tbilisi. Later, in April 1997 a branch office was opened in Tskhinvali.

[618] *Budapest Document 1994*, Budapest Decisions, chapter II, parag.3.

[619] For example, at the Rome Council in 1993, CSCE participating states have urged the breaking of stalemate and the beginning without preconditions of political dialogue, 4th Council Meeting, "Regional Issues, Georgia", 4C/Dec.1, Dec. 1, Rome, 1993.

tables[620]. Problems remain at the legal, political and economic level to solve the issue of the return of refugees, and no agreement has been found on the special status for South Ossetia. Moreover, the decision to hold elections in the Tskhinvali region of South Ossetia was regretted by the OSCE's participating states as undermining the positive efforts undertaken to promote the political settlement of the conflict[621].

The Mission co-operates with other OSCE institutions, particularly the ODIHR as regards human dimension projects, NGO development and elections monitoring[622], and draws on the organisation's agreed principles and norms as a source of strength. With regard to co-operation with other international organisations, despite some problems particularly with the UN in Abkhazia, there have been joint initiatives where their mutually-reinforcing nature was evinced. For example, in 1999, a concerted effort of the OSCE ODIHR with the UNHCR and the Council of Europe succeeded in bringing to the attention of the international community a key aspect for the settlement of the South Ossetian conflict: the problem of restoration of urban housing and property rights of refugees and internally displaced persons[623]. This collaboration increased the leverage to push for a resolution of the restitution issue. The Mission also benefits from co-operation with the EU[624], particularly in the implementation of economic rehabilitation projects, regarding which it has the mandate, but not the required financial resources.

The OSCE participating states have urged additional measures to increase the safety of the international personnel and transparency regarding military armaments and equipment in the conflict area[625]. Due to the re-escalation of violence in the Chechen Republic in 1999[626], the Republic of Georgia asked the OSCE to provide border monitoring and to report on border movements between Georgia and Chechnya. To be able to comply with its new tasks, the Mission's strength was expanded[627]. In the view of the OSCE personnel in the field, "by being here we contribute to the objective assessment of the situation and contribute to a decreasing of tensions"[628]. The new role of the Mission demonstrates the OSCE's flexible nature and adaptability to changing circumstances in the field.

The Mission's activity is closely linked to the Russian Federation, which has prevented further developments in the settlement of problems due to particular interests, such as maintaining a military presence in the area. Once more, Russian ambiguity is present, showing that when

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[620] 25th CSO Meeting, Prague, 25CSO/J2, Annex, Mar. 3, 1994. See also "Georgian-Ossetian conflict settlement machinery", http://www.osce.org/Georgia/georgia_pics/mechanism_large.gif.
[621] *Lisbon Document 1996*, Lisbon Declaration, parag.20.
[622] Refer to ODIHR Annual Report 2000, Warsaw, Nov. 2000, pp.8, 24-25, 33 and 49.
[623] *Annual Report 2000 on Interaction between Organisations and Institutions in the OSCE Area*, The Secretary General, SEC.DOC/4/00, November 24, 2000, p.68.
[624] Idem, p.69.
[625] Oslo Ministerial Declaration, MC(7).DEC/1, decision 1, Dec. 3, 1998.
[626] "Europe: Chechnya's war frightens the Caucasus", *The Economist*, Oct. 30, 1999, pp.55-56.
[627] 262nd PC Meeting, Journal 262, PC.DEC/334, agenda item 4, Dec. 15, 1999. In April 2000 a new expansion was agreed by the PC to include 42 international members, 279th PC Special Meeting, Journal 278, PC.DEC/346, Annex, Apr. 13, 2000.
[628] "On duty in Shatili: monitoring border of Georgia", *OSCE Newsletter*, vol.VII, n.3, Mar. 2000, pp.4-5.

OSCE decisions in Vienna and its Missions' activities in the field are not in conformity with Russian interests, Russia is not totally co-operative. The involvement of the organisation in Georgia through the activity of a Field Mission represents a right of interference disliked by Russia. As for the Georgian authorities, they welcome the OSCE Field Mission as an international monitoring, reporting and mediation presence, and the decision-making process in Vienna as a source of pressure for the settlement of the conflict.

The OSCE participating states have affirmed that respect for human rights and the development of joint democratic institutions as well as the prompt, safe and unconditional return of refugees and internally displaced persons will contribute to the peaceful settlement of the Georgian-South Ossetian and the Georgian-Abkhaz conflicts. Moreover, additional measures of transparency on military armament and compliance with the CFE Treaty provisions were regarded as further steps for the stabilisation of the situation[629]. The agreement on the reduction of Russian armament in Georgia was welcomed by the OSCE as a further CBM[630]. There is understanding among the OSCE participating states that the resolution of these two conflicts in Georgia must come as an overall settlement of the Caucasus problems, particularly the situation in Chechnya[631]. Clearly, the Russian Federation's positioning on these issues is fundamental, as analysed before.

In the Republic of Moldova civil war broke out in 1992 between the central authorities in Chisinau and the Transdniestrian separatists. Russian military forces intervened on the side of the Transdniestrians, clearly influencing the outcome of the conflict. On July 1992 a cease-fire agreement was signed, but no political settlement has been found to date. Several difficulties to the attainment of a final solution remain, which along with the OSCE's role in the Republic of Moldova are analysed in chapter seven.

5.3.2.2. Conflict dealt with by the Minsk Conference: Nagorno-Karabakh

An area of Azerbaijan mainly populated by ethnic Armenians, Nagorno-Karabakh has been a focus of dispute between Azerbaijan and Armenia. On February 20, 1988, the people of Nagorno-Karabakh voted to secede from Azerbaijan and join Armenia. This vote led to demonstrations and increasing tension which escalated into armed confrontation. In 1991, the region declared independence from Azerbaijan, which did not recognise the secessionist act. The Azerbaijani authorities have offered broad autonomy status to the enclave, but reject conferring independence on the area. Difficulties in finding a political settlement to the conflict have to do with the parties' expectations of winning and a consequent lack of compromise. The lack of sustainable Western involvement in assisting the parties did not help either.

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[629] 6th Ministerial Council Meeting, Stockholm, Chairman's Summary, Annex 1 to MC(6).JOUR/2, agenda item 10, Dec. 19, 1997.
[630] *Istanbul Document 1999*, Istanbul Declaration, parag.15.
[631] Annual Report 1999 on OSCE Activities, The Secretary General, Dec. 1, 1998 - Oct. 31, 1999, SEC.DOC/2/99, Nov. 17, 1999, p.33. For more on the conflicts in Georgia see Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, pp.271-288; Lynch, D., *Russian Peacekeeping Strategies in the CIS*, pp.127-149, particularly on the Abkhaz conflict.

In 1992, the CSCE became involved in the negotiations between Armenia and Azerbaijan through the Minsk Process. The tasks of the Minsk Process include the provision of an appropriate framework for conflict resolution in the way of assuring the negotiation process supported by the Minsk Group; obtaining the parties' agreement on the cessation of the armed conflict to permit the convening of the Minsk Conference; and promoting the peace process by deploying OSCE multinational peacekeeping forces[632]. The Minsk Conference involving all parties was never held, owing to lack of agreement. The CSCE's inexperience, difficulties in finding consensus within the Conference, and the Russian Federation and Turkey's regional interests, allied to difficulties in the Azerbaijan-Armenia relationship, contributed to the lack of success of the CSCE's involvement.

At the CSCE Rome Council meeting in 1993, the Republic of Azerbaijan made clear its regret about the Armenian position in regard to Nagorno-Karabakh, stating that "by refusing to agree to the reaffirmation of the sovereignty and territorial integrity of Azerbaijan, the Republic of Armenia had again confirmed that it indeed occupied Azerbaijani territories"[633]. The Republic of Armenia replied to Azerbaijan, arguing it did not agree with the wording of the text on Nagorno-Karabakh, but nevertheless it would not exert its veto right so as not to abort the negotiations process. Calls for the return to negotiations were again made in March 1994[634].

On May 12, 1994, the parties agreed to a cease-fire brokered by the Russian Federation in co-operation with the CSCE Minsk Group, which apart from some incidents has been respected[635]. The intervention of Russia was conducive to the halting of hostilities, achieving what the CSCE had not been able so far, a cease-fire. Nevertheless, it did not lead to a settlement and the CSCE participating states showed concern for a situation of "neither war nor peace"[636]. Encouraged by the cessation of hostilities, the idea of organising a peacekeeping force to the area under CSCE auspices gained strength[637]. According to the Budapest Decisions, a High Level Planning Group (HLPG) was established in December 1994 to prepare recommendations for the CIO on developing a plan for the establishment of a multinational CSCE peacekeeping force. The HLPG is located in Vienna and formed by up to eight military experts seconded by the OSCE's participating states. However, consensus was never achieved within the OSCE.

The Russian Federation did not regard with satisfaction the conferring of a leading role to the OSCE in the area, again demonstrating that when its interests collide with OSCE principles

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[632] 1st Additional Council of Ministers, Helsinki, Mar. 24, 1992.

[633] Interpretative statement under parag.79 (chapter 6) of the Helsinki Final Consultations, The Delegation of Azerbaijan, Rome Council Meeting, 4C/J2, Dec. 1, 1993.

[634] 25th CSO Meeting, Prague, 25CSO/J3, agenda item 5(d), Mar. 4, 1994.

[635] The CSCE participating states welcomed in Budapest the confirmation by the parties of the cease-fire agreed on May 12, 1994, and called the parties to enter into "intensified substantive talks", *Budapest Document 1994*, Budapest Decisions, chapter II, "Intensification of CSCE action in relation to the Nagorno-Karabakh conflict", parag.1. The continuation of observance of the cease-fire was commended by the OSCE states, 5th Ministerial Council Meeting, MC(5).DEC/3, MC(5) Journal 2, agenda item 9, Dec. 8, 1995.

[636] 1st Senior Council Meeting, Chairman's Summary, Annex to SC(1/95) Journal 2, agenda item 5, Mar. 31, 1995.

[637] 28th CSO Meeting, Prague, 28CSO/J3, Annex 2, Sep. 15, 1994, and *Budapest Document 1994*, Budapest Decisions, chapter II, "Intensification of CSCE action in relation to the Nagorno-Karabakh conflict", parag.4.

and activities, it downgrades the organisation. As such, it requested that the peacekeeping force to be deployed should be mainly Russian. The proposal was opposed by the CSCE states. Nevertheless, at Budapest Russia saw its "crucial contribution" recognised and its parallel mediation role to that of the CSCE[638].

On August 10, 1995 the CIO appointed his first Personal Representative to the conflict. His mandate included representing the CIO on issues related to the Nagorno-Karabakh conflict, reporting on his activities to the CIO, and through the CIO to the Co-Chairmanship of the OSCE Minsk Conference and, as appropriate, to the Minsk Group[639]. At an operational level, the CIO Representative's tasks included assisting the parties in implementing and developing confidence-building, humanitarian and other measures to facilitate the peace process. In the pursuit of his mandate, the Personal Representative is assisted by five field assistants and located at Tbilisi. As regards interaction with other international organisations, the Personal Representative relates mainly to the UNHCR and the International Committee of the Red Cross. Regular meetings, exchange of information on the humanitarian situation and CBMs are the main areas of co-operation. The inputs the Personal Representative is able to provide on the situation in Nagorno-Karabakh are of particular importance since the UN agencies have no access to these areas, conferring on the OSCE's involvement a particular comparative advantage[640].

A CIO statement at the Lisbon Summit supported by all participating members, except Armenia, described the elements that should form part of the settlement: respect for the territorial integrity of the Republics of Armenia and Azerbaijan, the definition of the legal status of Nagorno-Karabakh within Azerbaijan, guaranteed security for the enclave and its population, and mutual obligations to ensure compliance by all parties with the provisions of the settlement, were included[641]. Progress has been slow. Nevertheless, at the OSCE's Istanbul Summit, participating states have commended the intensified dialogue between the Presidents of Armenia and Azerbaijan, whose regular contacts have permitted the creation of new opportunities in negotiations[642]. In fact, during 1999 the parties requested the Personal Representative to monitor the situation along the front lines, which allows the clarification of any incidents or misunderstandings, constituting a fundamental CBM for increased co-operation between the two

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[638] *Budapest Document 1994*, Budapest Decisions, chapter II, parags.1-2. Refer also to chapter 4 in the thesis, section 4.4.1, particularly the paragraph on the Russian positioning towards the OSCE activities in Nagorno-Karabakh, and section 4.3.2.2 on the Russian search for OSCE legitimacy for its peacekeeping operations.
[639] "The Personal Representative of the Chairman-in-Office on the Conflict Dealt With by the OSCE Minsk Conference", "Survey of OSCE Long-term Missions and other Field Activities", OSCE Secretariat, Vienna, Aug. 10, 1998, p.61.
[640] *Annual Report 2000 on Interaction between Organisations and Institutions in the OSCE Area*, The Secretary General, SEC.DOC/4/00, November 24, 2000, pp.60-61.
[641] *Lisbon Document 1996*, "Statement of the OSCE Chairman-in-Office", Annex 1 and "Statement of the Delegation of Armenia", Annex 2.
[642] *Istanbul Document 1999*, Istanbul Declaration, parag.20.

republics[643]. However, despite all efforts the OSCE has not been capable of producing a plan acceptable to both sides[644].

The OSCE's Personal Representative dealing with the Nagorno-Karabakh conflict faces contradictory positioning of the parties about his activities and the negotiations process. While Armenia and Karabakh Armenians favour the negotiation of a 'complete package' including the political status of Nagorno-Karabakh, Azerbaijan prefers a 'step-by-step' approach. Moreover, the latter refuses to talk directly to Karabakh Armenians since they are not separate from Armenia. The Armenian side disagrees with the OSCE's refusal to consider the possibility of granting independence to Nagorno-Karabakh, recognising its self-determination. Moreover, due to its non-recognised status, Nagorno-Karabakh could not be represented at OSCE meetings. Azerbaijan has made clear from the early involvement of the CSCE that it would not accept any changes to its territorial integrity[645]. There is no space for a compromise, since the conflict is about the sovereignty and territorial integrity of a state and of its citizens' rights. As the President of the Minsk Group Mario Raffaelli reported back in 1993, "one particular aspect of the Minsk Process has been the difficulty experienced by the parties to the conflict in the past – and to some extent this still applies today – in fully understanding the role of the CSCE"[646].

The irreconcilable positions of both sides derive from these aspects, together with the fact that Karabakh Armenians have been 'independent' for almost ten years, calling into question the advantages of signing an agreement worse than the present compromise. The 'frozen' character of the Nagorno-Karabakh conflict and the OSCE's inability to surpass difficulties is the result of the irreconcilable positions of the parties as regards the political settlement, of the Russian Federation's positioning and of the parties' misperceptions about the OSCE in the field. The complexity of the issues, allied to the parties' and mediators' different perceptions, reveals the limits to the OSCE's activities. Despite the fact that improvements have been made, since the parties are negotiating and confidence-building measures have been implemented, the OSCE's difficulties have surpassed its possibilities in the Nagorno-Karabakh issue. Although it has not fulfilled the political settlement goal of its mandate, the OSCE's involvement is nevertheless a confidence-building factor and a signal of the international community's willingness to solve the dispute[647].

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[643] See "All Quiet Along the Line of Contact?", *OSCE Newsletter*, vol.VII, n.2, Feb. 2000, pp.1-3.

[644] Bloed, A., "OSCE and Nagorno-Karabakh", OSCE Chronicle, *Helsinki Monitor*, vol.8, n.4, 1997, p.89.

[645] Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, p.263.

[646] Idem, footnote 174, p.265.

[647] For more on the Nagorno-Karabakh's conflict see Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, pp.258-271; Hakala, T., "The OSCE Minsk Process: A Balance after Five Years", *Helsinki Monitor*, vol.9, n.1, 1998, pp.5-14; Kazimirov, V., "The OSCE and Nagorno-Karabakh", *Europai Szemle, European Review*, "OSCE 1995", E Europaische Rund-Schau, Special Issue, vol.VII, Budapest, 1996, pp.81-87; Maresca, J., "Resolving the Conflict over Nagorno-Karabakh. Lost Opportunities for International Conflict Resolution" in Crocker, C. et al. (eds.), *Managing Global Chaos*, pp.255-273; Mihalka, M., "Nagorno-Karabakh and Russian Peacekeeping: Prospects for a Second Dayton", *International Peacekeeping*, vol.3, n.3, Autumn 1996; Mooradian, M., "The OSCE: Neutral and Impartial in the Karabakh Conflict?", *Helsinki Monitor*, vol.9, n.2, 1998, pp.5-17; Mooradian, M. and Druckman, D., "Hurting Stalemate or Mediation? The Conflict

5.3.2.3. Assistance Group to Chechnya

The OSCE Assistance Group to Chechnya initiated its activity in April 1995[648] with Russian acquiescence, a demonstration of the Russian desire to appease the international community while enhancing the OSCE's role in the European security framework[649]. The OSCE Group engaged in mediation activities together with the Russian Federation and the local authorities. The aim is to promote a peaceful resolution of the crisis and the stabilisation of the situation in Chechnya, according to the Russian Federation's territorial integrity and OSCE norms. Moreover, the OSCE Assistance Group was mandated to promote respect for human rights and fundamental freedoms, foster democratic institutions and processes, assist in the preparation of possible new constitutional arrangements and monitor elections. The Assistance Group was also entrusted with ensuring the safe return of refugees and displaced persons[650]. The OSCE Assistance group benefits from the ODIHR's support on human rights monitoring, including the training of staff, and assistance in addressing the problem of trafficking in human beings[651].

Between 1994 and 1996 Russian military and Chechen separatists were involved in violent confrontations. The July 1995 cease-fire accord was brokered with the OSCE Group's help but it did not last long and, by the end of 1995, a return to armed hostilities was unavoidable. The OSCE regretted the situation and expressed concern for the intensification of tensions and the deterioration of the human rights situation in the republic, which also limited its activities in the field[652]. Nevertheless, the OSCE's concern was not translated into more than declarations condemning Russian actions, in particular the serious violations of human rights, without active follow-up.

In August 1996, agreement on the withdrawal of Russian forces and the holding of elections in the Chechen Republic was achieved. In May 1997, a peace accord between the Chechen and Russian Presidents was signed, delaying the controversial issue of independence, to be settled by 2001. However, due to the re-escalation of armed hostilities in 1999, the OSCE has reinforced its concerns over the situation in Chechnya and its neighbour Ingushetia, where thousands of Chechen refugees sought shelter. The OSCE staff was evacuated from Grozny four times in 1998, the last of which on December 16, 1998, without return. To ensure the continuity of the OSCE presence, working visits were made by members of the Assistance Group to Grozny

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Over Nagorno-Karabakh, 1990-1995", *Journal of Peace Research*, vol.36, n.6, Nov. 1999, pp.709-727; Vilen, H., "Planning a Peacekeeping Mission for the Nagorno-Karabakh Conflict", *Security Dialogue*, vol.27, n.1, 1996, pp.91-94; Yamskov, A., "Joint Control over Key Territories in Nagorno-Karabakh", *Security Dialogue*, vol.27, n.1, 1996, pp.95-98; Zargarian, R., "Principles for Conflict Resolution in Nagorno-Karabakh", *International Peacekeeping*, vol.6, n.3, Autumn 1999, pp.129-133.

[648] 16th PC Meeting, Journal 16, PC.DEC/35, agenda item 1, Apr. 11, 1995.

[649] Refer to chapter 4, section 4.4 for more detail on the Russian-OSCE relationship, and the case of Chechnya in particular.

[650] "Survey of OSCE Long-term Missions and other OSCE Field Activities", OSCE Secretariat, Vienna, Jan. 17, 2000, p.39.

[651] ODIHR Annual Report 2000, Warsaw, Nov. 2000, p.55.

[652] 1st Senior Council Meeting in 1996, Chairman's Summary, Annex to SC(1/96) Journal 2, agenda item 7, Mar. 22, 1996.

between January and March 1999. The Group functioned as a human rights watch, denouncing many violations and implementing humanitarian programmes to support the populations, a particularly relevant role at a time when the OSCE was almost the only international presence in the republic[653]. However, because of a considerable deterioration of the situation, these visits were cancelled and the Group has been operating from Moscow.

The Chechens welcome the OSCE presence as an internationalisation vehicle for their cause but criticise the organisation for supporting a solution which respects the territorial integrity of the Russian Federation, thus not precluding independence for the region. Russia insists that the Chechen issue is an internal matter. It is fighting terrorism in Chechnya as it would in any town in the Russian Federation. Moreover, Foreign Minister Ivanov argued that Europe should be grateful to Russia for combating terrorism on its own territory, thereby preventing it from spreading further[654]. Despite Russian claims, given the proportions the conflict has assumed, namely the displacement of thousands of Chechens, the OSCE considers the matter of international concern, as evinced in Istanbul, where Russia was not spared criticism. If Russian goals of fighting terrorism are legitimate, the means are by far exceeding the needs, which has been a cause of concern for the international community[655].

The OSCE condemns terrorism in all its forms and fully acknowledges the territorial integrity of the Russian Federation, while underscoring the need to respect OSCE norms and principles. Denying that the situation in Chechnya is an internal Russian affair, the OSCE has maintained pressure on the Russian Federation for the return of its observers to the field[656]. It has also regretted the major obstacles in the republic for the OSCE Group and the activity of other international organisations[657]. In April 2000 Russia agreed on the return of the OSCE Assistance Group to work within the framework of its 1995 mandate, with special emphasis on humanitarian projects, in collaboration with the Special Representative of the Russian President for Human Rights[658]. The OSCE also offered support to facilitate a political solution[659]. Nevertheless, by the

[653] Annual Report 1999 on OSCE Activities, The Secretary General, Dec. 1, 1998-Oct. 31, 1999, SEC.DOC/2/99, Nov. 17, 1999, p.30.

[654] "Russia: Council of Europe Ministers discuss suspension", *RFE/RL*, May 11, 2000; "Europe: More war", *The Economist*, Apr. 29, 2000, pp.46-49.

[655] Refer to chapter 2, section 2.3.1.1 where the issue of Russian violation of the Code of Conduct in its activities in Chechnya is analysed.

[656] "Russia: OSCE says Chechnya no longer Moscow's internal affair", *RFE/RL*, Nov. 10, 1999.

[657] *Istanbul Document 1999*, Istanbul Declaration, parag.23, and 6th Ministerial Council Meeting, Copenhagen, Chairman's Summary, Annex 1 to MC(6).JOUR/2, agenda item 1, Dec. 19, 1997. The OSCE Assistance Group to Chechnya closely co-operates with the UNHCR, the UNHCHR, the International Committee of the Red Cross and NGOs in the field and at headquarters level not only with the UN but also with the Council of Europe and the European Commission. *Annual Report 2000 on Interaction between Organisations and Institutions in the OSCE Area*, The Secretary General, SEC.DOC/4/00, November 24, 2000, pp.59-60.

[658] "OSCE to Reopen Office for Assistance Group to Chechnya", OSCE Press Release, Apr. 15, 2000; "OSCE to return to Chechnya", *OSCE Newsletter*, vol.VII, n.5, May 2000, pp.1-2; Bloed, A., "The OSCE Returns to Chechnya?", OSCE Chronicle, *Helsinki Monitor*, vol.11, n.3, 2000, pp.83-84. Russian Officials argue "the war is over, most soldiers can go home, and nothing remains but mopping-up operations". Akhmad Kadyrov, the republic's Muslim Spiritual Leader was appointed in June 2000 by Russia's President Putin as Head of Chechnya's civilian administration. Nevertheless, "for all the rumours, any deal looks a long way

end of 2000 there were no explicit moves to allow the return of the OSCE Group. Russia maintains a hard stance, arguing its combat against the Chechen terrorists is legitimate, as well as the implicit fight against the Islamic threat. The restrictions imposed on the OSCE Group's activity in the area reveal the contradictions in Russian policy-making. While accepting the OSCE's involvement to appease the international community and possibly to prevent other international organisations taking the lead, Russia objects to a relevant role of the OSCE Group in the field, since it interferes directly with its activities and restrictive policies in the area.

5.3.3. Post-conflict rehabilitation: long-lasting peace?

The fostering of civil society in the former Soviet area is a challenging and long-term exercise for the OSCE. In the organisation's understanding it is a painful process, but worthwhile. Therefore, democracy-building, respect for human rights and norm-setting are on the OSCE's agenda[660]. However, there are still many pervasive ingredients persisting in the OSCE area which render difficult the already arduous task of building civic communities. The continued violation of human rights and fundamental freedoms, threats to the independent media, electoral fraud, aggressive nationalism, forced migration and the problems of refugees are some of the risks[661]. Moreover, the positive steps taken so far will only produce visible results in the long-term, since democracy-building is a slow process which takes years to consolidate at both the institutional and social levels[662].

Despite the persistent problems, the OSCE presence in some of the former Soviet republics has contributed to the enhancement of these civic processes. Advice on legislative and judicial procedures, the organisation and monitoring of electoral processes, and the sharing of democratic institution-building expertise, have been examples of this. The implementation of

off", "Europe: No half-peace", *The Economist*, Jul. 1, 2000, p.50. "In any event, the chance of total Russian victory remains slim. The more likely scenario seems to be a prolonged low-intensity guerrilla campaign", Sagramoso, D., "Arc of Crisis", *The World Today*, vol.56, n.4, Apr. 2000, p.8.

[659] For more on Chechnya see Bloed, A., "The OSCE and the Conflict in Chechnya", *Helsinki Monitor*, vol.11, n.2, 2000, pp.58-59; Denbar, R., "The Legacy of Abuse in Chechnya and OSCE Intervention", *Helsinki Monitor*, vol.8, n.1, 1997, pp.59-74; Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, pp.312-323; Lapidus, G., "Contested Sovereignty, The Tragedy of Chechnya", *International Security*, vol.23, n.1, Summer 1998, pp.5-49; Lohman, D., "The International Community Fails to Monitor Chechnya Abuses", *Helsinki Monitor*, vol.11, n.3, 2000, pp.73-82; Menon, R. and Fuller, G., "Russia's Ruinous Chechen War", *Foreign Affairs*, vol.79, n.2, Mar./Apr. 2000, pp.32-44; Nikolin, B., "The Threat from the Caucasus", *Russian Social Science Review*, vol.39, n.4, pp.46-56; Zelkina, A., "The Chechen Future in the Russian Federation", *Helsinki Monitor*, vol.11, n.3, 2000, pp.42-52; Zimmerman, W., "Book Review: Russia Confronts Chechnya, Roots of a Separatist Conflict", *The American Political Science Review*, vol.94, n.2, Jun. 2000, p.507; Zimmerman, W., "The Chechen Future in the Russian Federation", *Helsinki Monitor*, vol.11, n.3, 2000, pp.42-52.

[660] Concluding Document of the Copenhagen Conference on the Human Dimension, Jun. 29, 1990. The Copenhagen Document deals extensively with the rule of law institutional procedures and all OSCE Summit documents reinforce this idea.

[661] *Lisbon Document 1996*, Lisbon Declaration, parags.9-11.

concrete projects and programmes with an emphasis on human dimension aspects, as well as socio-economic matters, have been central to the OSCE's activity in this regard. The OSCE's military dimension, including disarmament and arms control agreements, is also of central importance. Post-conflict rehabilitation merges in many instances with conflict prevention efforts, in the sense that it aims to prevent the re-emergence of armed hostilities between previously conflicting parties. The following section will address the case of Tajikistan, where the OSCE has been mainly playing a post-conflict rebuilding role, though not excluding preventive efforts.

5.3.3.1. Tajikistan

The outbreak of civil war in Tajikistan in May 1992 was rooted in fundamental disagreement between different regional groups seeking to seize power in the country. To these differences, socio-economic aspects can be added as the result of an unbalanced economic structure and hard living conditions. The Tajik opposition seized power from the Tajik Supreme Soviet, precipitating war. In December 1992, the opposition forces were defeated and President Rakhmonov regained power. Although the war ended in early 1993, the opposition forces continued to fight from bases in Afghanistan. To protect the border, the Governments of Tajikistan and the Russian Federation agreed that Russian border forces would continue to be deployed along the Tajik-Afghan border. On September 24, 1993, the deployment of CIS peacekeeping forces in Tajikistan was decided[663]. On June 27, 1997, President Rakhmonov and the Head of the Islamic opposition, Said Abdullo Nuri, signed a peace accord under the auspices of the Russian Federation and the UN[664]. The General Agreement on the Establishment of Peace and National Accord envisaged the return of refugees, the demobilisation or reintegration of the United Tajik opposition fighters into the governmental structures, the reform of the armed forces, police and security apparatus, and improvements to the democratic processes in the country[665]. Despite the signature of the agreement, the situation remains fragile and the OSCE's efforts in the region are, in the OSCE view, of the utmost importance for the establishment of confidence and the consolidation of stability in the country[666].

The OSCE Mission to Tajikistan was deployed in Dushanbe on February 19, 1994[667] to support political reconciliation, democracy-building and respect for human rights. In the face of

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[662] For more detail on the concept of post-conflict rehabilitation refer to chapter 2, section 2.4.2.3. Sneek, T., "Complementarity and Co-operation: The OSCE as Part of a European Security Model for the 21st Century", *Helsinki Monitor*, vol.7, n.4, 1996, p.56.

[663] http://www.un.org/Depts/DPKO/Missions/unmot/Unmot.htm.

[664] The UN Mission of Observers to Tajikistan (UNMOT) was established by UN Security Council resolution 968 (1994) of December 16, 1994, and expanded to assist in the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan on Nov. 14, 1997, Security Council resolution 1138 (1997); "Peacewatch: Tajikistan", *UN Chronicle*, New York, 1998, pp.59 and 65, and 1999, p.83.

[665] "Asia: Old-fashioned habits", *The Economist*, Nov. 20, 1999, p.45.

[666] 6th Ministerial Council Meeting, Stockholm, Chairman's Summary, Annex 1 to MC(6).JOUR/2, agenda item 10, Dec. 19, 1997.

[667] 4th Council Meeting, "Regional Issues, Tajikistan", chapter I, parag.4, 4C/Dec.1, Rome, Dec. 1, 1993, as regards its establishment and beginning of activities. The decision explicitly recommended the CSCE in Vienna and the Field Mission to closely co-operate with the UN. On October 1, 1995, the Mission opened

the escalation of civil war, in 1992 the Government of Dushanbe addressed the UN and not the CSCE. The Conference's involvement became effective later, after a cease-fire had been agreed and CIS peacekeeping troops deployed. The Tajik authorities requested the CSCE's involvement at the February 1993 CSO Meeting, when the CSCE participating states agreed to dispatch a Personal Representative to the Republic of Tajikistan[668]. The political negotiations between the Tajik Government and the opposition started in April 1994 under UN mediation. The CSCE was granted an observer role.

The Mission is currently playing a post-conflict rehabilitation role[669] with a focus on peace-building through the fostering of democratic institutions and the rule of law, human rights issues, reinforced ties with NGOs and the media, advice on Constitutional matters, and the preparation of electoral processes[670]. In its confidence-building effort, the OSCE Mission to Tajikistan is supported by the ODIHR and co-operates with the UN and NGOs[671]. The Mission's support for the establishment of an independent national Ombudsman institution in Tajikistan[672], and various interventions in environmental and economic issues, denote the overall approach and comprehensive addressing of the OSCE, particularly relevant in a rehabilitation and consolidation phase.

In co-operation with the UN Mission of Observers in Tajikistan (UNMOT), the OSCE Mission assisted in the implementation of the peace process and acted as a guarantor of the Tajik Peace Agreement of June 1997. Difficulties in implementing the General Agreement on the Establishment of Peace and National Accord make the situation highly volatile, due to persistent competition for influence and control of territory and resources between the opposing parties. Moreover, Russia still retains 25,000 troops in Tajikistan and there is no clear indication of when

three field offices in Kurgan-Tube, Shartuz and Dusti. In April 1998, a field office was established in the Garm region and in June 2000 the field office in Khujand became operational. The aim of these offices was for the Mission to follow the human rights situation as regards returning refugees and displaced persons in the country, as agreed at the 28th PC Meeting, Journal 28, agenda item 1, PC.DEC/59, Jul. 6, 1995.

[668] 19th CSO Meeting, 19CSO/J3, Feb. 2-4, 1993.

[669] Informal conversation with Traian Hristea, Member of the OSCE Mission to Tajikistan, Vienna, Oct. 7, 1999. See also http://www.osce.org/Tajikistan/overview.htm.

[670] "Survey of OSCE Long-term Missions and other OSCE Field Activities", OSCE Secretariat, Vienna, Jan. 17, 2000, p.21. For practical examples of the OSCE activities in Tajikistan see "Seminars bring together political parties from regions of Tajikistan" and "Training Seminars held for local authorities in Tajikistan", *OSCE Newsletter*, vol.VII, n.10, Oct. 2000, pp.10-11; "Human rights cases are closely monitored by Tajikistan Mission" and "Regional Head of Missions meeting held in Tajikistan", *OSCE Newsletter*, vol.VII, n.4, Apr. 2000, p.12; "OSCE Mission holds Conference in Tajikistan electoral process and media", *OSCE Newsletter*, vol.VII, n.3, Mar. 2000, p.8; "Project implementation workshop held in Tajikistan", *OSCE Newsletter*, vol.VII, n.1, Jan. 2000, p.10. See also OSCE Seminar on "Confidence-Building", Dushanbe, Apr. 24-26, 1996, REF.SEC/245/96, May 8, 1996. The ODIHR is also closely involved with the OSCE Mission to the country, including projects in the fields of elections, civil society, rule of law and gender equality. Other projects have included the role of journalists and the media. "ODIHR Semi-Annual Report", OSCE-ODIHR, Autumn 1999, pp.12 and 19. See also http://www.osce.org/Tajikistan/mandate.htm.

[671] The Mission to Tajikistan co-operates with the UN in the field, now the UN Tajikistan Office of Peace-Building, the UNHCR, the International Organisation for Migration and several NGOs, including for example the International Foundation for Electoral Systems or the Open Society Institute and local NGOs. *Annual Report 2000 on Interaction between Organisations and Institutions in the OSCE Area*, The Secretary General, SEC.DOC/4/00, November 24, 2000, pp.77-80.

[672] 60th PC Meeting, Journal 60, PC.DEC/109, agenda item 2, Feb. 29, 1996.

these may leave the country. Russia supports the Tajik Government against the Islamic opposition, which it also combats fiercely in Chechnya. "[I]t is Afghanistan itself, with its fierce Islamists, that Russia is mainly worried about. In this respect, Tajikistan is in the front line"[673]. Nevertheless, the Russian strategy is ambiguous since it has been promoting dialogue between the parties, while at the same time supporting one party, the Tajik Government. This has revealed many obstacles to compromise, given the Russian support[674].

Nevertheless, in April 2000 the OSCE Troika Ministers welcomed the formal closure of the transition period and the implementation of the General Peace Agreement, as an important "benchmark in the process of national reconciliation and a move towards implementing reforms"[675]. This was the result of the multi-party Parliamentary elections held in Tajikistan on February 27, 2000[676]. The UN also welcomed the OSCE's role in the implementation of the agreement and decided to withdraw its Mission from the country by May 15, 2000[677]. From June 2000 a follow-up Mission, the UN Tajik Office of Peace-Building (UNTOP) was established. Nevertheless, since the UNTOP is smaller than the OSCE Mission and has no field Offices, the OSCE's activities in the republic have been strengthened. The OSCE Mission has thus been directing efforts to continuous dialogue and co-operation between the parties and has developed a number of initiatives related to democracy-building, focusing particularly on human dimension aspects[678]. The OSCE role in Tajikistan has thus been positive for promoting confidence and contributing to stability-building, allied to the international presence it implies.

5.3.4. Summary of OSCE activities in the former Soviet area

The following table summarises the different aspects of the OSCE Missions' activities in the field under the organisation's goals of preventive diplomacy, crisis management and/or post-conflict rehabilitation. The aim of this summary is to provide a better understanding of the range of issues the OSCE deals with in the former Soviet space. The all-encompassing OSCE approach to the issues is included in the organisation's broad understanding and multi-faceted instruments, and reflected in its Missions' broad and inter-connected mandates, as shown in Table 3.

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[673] "Asia: Old-Fashioned Habits", *The Economist*, Nov. 20, 1999, p.46.
[674] Lynch, D., *Russian Peacekeeping Strategies in the CIS*, p.161.
[675] "OSCE Troika Ministers meet in Vienna", *OSCE Newsletter*, vol.VII, n.4, Apr. 2000, p.3.
[676] "Asia: Edging towards democracy", *The Economist*, Mar. 4, 2000, p.43.
[677] UN Security Council, statement by the President of the Security Council, S/PRST/2000/9, Mar. 21, 2000. Refer also to chapter 3, section 3.2.2.1.
[678] For more on Tajikistan see Ghébali, V., *L'OSCE dans l'Europe Post-Communiste*, pp.301-312; Jonson, L., "The Tajik War: A Challenge to Russian Policy", RIIA, Discussion Paper 74, 1997; Lynch, D., *Russian Peacekeeping Strategies in the CIS*, pp.150-172; Roy, O., "The Role of the OSCE in the Peace Process of Tajikistan", *Central Asia: Conflict, Resolution and Change*; Rubin, B., "Russian Hegemony and State Breakdown in the Periphery. Causes and Consequences of the Civil War in Tajikistan" in Rubin, B. and Snyder, J. (eds.), *Post-Soviet Political Order*, pp.128-161.

Mandate Missions	Preventive diplomacy	Crisis management	Post-conflict rehabilitation
Mission to Estonia Mission to Latvia Project Co-ordinator to Ukraine Advisory and Monitoring Group to Belarus	clearing house for information and advice promote respect for human rights assist in the development of democratic institutions and processes contacts with competent authorities, populations, IOs and NGOs		
Mission to Georgia Mission to Moldova Conflict in the Area dealt with by the Minsk Conference: Nagorno-Karabakh OSCE Assistance Group to Chechnya	clearing house for information and advice promote respect for human rights assist in the development of democratic institutions and processes contacts with competent authorities, populations, IOs and NGOs	facilitate political framework for settlement of the conflict according to OSCE principles co-ordinate activities with other OSCE institutions and IOs	initiatives for the consolidation of democratic institutions and processes
Mission to Tajikistan	prevent re-escalation of armed confrontations clearing house for information and advice promote respect for human rights		assist in the development of democratic institutions and processes political, social, economic re-building maintain contacts

Table 3: Summary of the OSCE activities in the former Soviet Union according to the Missions' mandates

5.4. Applying theory to practice

The OSCE has developed a broad range of instruments and procedures to address the challenges in the former Soviet space, with the final aim of achieving acceptable and durable solutions to the existing problems. The Field Missions have become a privileged means of addressing difficulties in the area, in combination with other OSCE institutions and procedures. The challenge is how to ensure the co-ordination of all tools developed by the OSCE in order to create a homogenous system, avoiding task duplication, processing all information coming from the various OSCE sources, and linking decisions in Vienna to operations in the field. An assessment of OSCE field activities might be done by evaluating whether the organisation made a difference, contributing to positive developments in the field, with regard to the more general objectives previously set. In this regard, the context in which the OSCE operates must be taken into account. Variables such as the complexity of the problems the organisation is addressing, the willingness or otherwise of the parties to compromise, the Russian Federation's role in the area, as well as other international organisations' efforts, are all matters affecting the reach of the OSCE's activities.

The OSCE Missions' activity has proved positive in many aspects. Publicising events in the field, the Missions keep the OSCE community informed of developments, emphasising international concern and drawing attention to the distinct problems the republics of the former Soviet Union face. Their presence has contributed to a reduction in tensions and has had a restraining effect on conflicting parties, providing a forum for dialogue between disputants. Moreover, the multi-dimensional approach contained in their mandates, including the human dimension, democratisation and socio-political and economic factors has contributed to their enlarged reach, and to the building of stability and confidence in the OSCE area. The combination of different OSCE tools and reliance on the organisation's normative strength have been relevant in this regard. Nevertheless, the OSCE Missions have encountered obstacles in the pursuit of their activities.

Crisis management has proved the most problematic area, the main difficulties arising from the lack of true commitment from participating states at the decision-making level, and from external and internal aspects of the Missions in the field. These are related to the consensus decision-making principle, which has hampered the adoption of more pragmatic decisions, and the lack of enforcement mechanisms, which limit the organisation's persuasive power. Moreover, since the OSCE's field activities cannot be assessed in isolation, the role of other players, including international organisations and the Russian Federation, and the level of receptivity of the host country, are detrimental aspects. Mediation efforts pursued by the organisation envisage the framing of relations between the parties in an acceptable political framework according to OSCE principles. Nevertheless, the OSCE has found many difficulties both at headquarters level and in the field in pressuring the parties to the finding of a final settlement. This has been the case of the conflicts in Georgia, Nagorno-Karabakh and Moldova, as further developed in chapter seven.

In general, the OSCE has proved its usefulness in preventive diplomacy and conflict prevention. The OSCE tools, particularly the Field Missions in combination with the HCNM, the ODIHR and the Representative on Freedom of the Media, supported by the organisation's principles and Vienna decisions, have proved positive. The case of Latvia, where the Mission in the field has been closely collaborating with the HCNM in the promotion of an ethnically stable situation, and working together with the ODIHR and the Representative on Freedom of the Media for the promotion of the human dimension of the OSCE in the country, has been an example. The closure of the OSCE Mission to Ukraine and its replacement by a Project Co-ordinator also demonstrates the successful accomplishment of the Mission's mandate.

However, the OSCE's preventive diplomacy activities have also met difficulties. The increasingly repressive and authoritarian posture of the Belarus authorities is an example of the obstacles the OSCE might face in the pursuit of its mandate, eliciting different levels of success of the organisation's Missions in the field. Moreover, some participating states understand the OSCE's continued involvement in their countries as negative, particularly Latvia and Estonia. The lack of a profound knowledge by the general public and, in many instances, the local populations,

also does not contribute to a positive assessment of the Missions' reach. The publicity for the OSCE's preventive diplomacy activities is limited, restricting the understanding of its scope in the former Soviet space. "[T]he OSCE suffers from the unrewarding lot of preventive diplomacy: the test of its success is a non-event, i.e., the non-occurrence of conflicts"[679].

The Missions face endogenous and exogenous constraints on their activities. Unwillingness to implement OSCE principles and/or to give effect to agreed commitments in the field constitute external constraints on their activity. How the Missions' potential is used depends upon the support received from the host country and from OSCE headquarters in Vienna. The translation of political decisions into operational activity through the work of the Mission in the field allows the evaluation of the participating states' commitment to a certain problem and of the state(s)' concerned observance of OSCE principles. These Missions function, therefore, as a 'barometer' measuring the degree of the participating states' worries over events in their region[680].

The role of the Russian Federation is fundamental in this regard. As argued before, the Russian attitude within and towards the OSCE has balanced according to its national interests. In places, the Russian Federation welcomes the OSCE's involvement, such as in Estonia and Latvia where it sees the organisation's activities as a means of keeping these countries under close scrutiny, on the basis of the Russian speakers' status. In other places, such as Georgia, Nagorno-Karabakh, Chechnya and Moldova, Russia does not welcome the OSCE's presence in the same way, restraining the organisation's involvement both at headquarters and in the field. As analysed before, Russia does not enjoy veto power over all OSCE activities and procedures, therefore its restraining efforts are limited. Moreover, it has to balance its internationally assumed commitments with its particular interests, avoiding strong reactions by the international community. The fact is that despite all difficulties, the OSCE deployed several Missions in the field, in particular in Chechnya, with Russian acquiescence.

The OSCE's relationship with other international organisations in the field is other aspect of relevance. The mutually-reinforcing nature of this relationship has contributed to effectiveness, by a more focused addressing of the issues. The OSCE has benefited from legal expertise, funding and support to particular areas of its activity. Moreover, the OSCE has also demonstrated its relevance by the comparative advantages it offers, namely its enlarged involvement and its addressing of delicate matters, such as the status of the Russian-speakers in Estonia and Latvia.

Expectations in the field of prompt and clear directives, and more involvement from Vienna, end many times in frustration. The relationship between the Mission and the CPC in Vienna is fundamental for the Mission's performance. The day-to-day decision-making within the OSCE occurs at the PC level, where resolutions are adopted and then transmitted to the field by

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[679] Lord Lucas of Chilworth, "The CSCE Human Dimension: Principles, mechanisms and implementation", CC/CSCE 94(4), Nov. 1994, gopher://marvin.nc3a.nato.int:70/11/Other_International/naa/pub/C-C/1994/al198cc.asc.

[680] Commission on Security and Co-operation in Europe, *CSCE Missions*, prepared by the Staff of the Commission, Sep. 1, 1992, p.3.

the CPC. Thus, the Vienna CPC monitors and accompanies the situation in the field, but does not have decision-making power. Close consideration of the issues in Vienna and their discussion at the OSCE meetings, supported by field reports and in-person statements, by the HoM or other Mission members, is fundamental. The feeling of distance in the field requires a change in attitude at headquarters level, as concerns the addressing of the issues, their presentation for discussion and improved dialogue. Moreover, it is fundamental that the Liaison Officers in Vienna who make the headquarters-field link are properly informed and have a wide knowledge of events in the field. The case of a Liaison Officer who had never been to the country he/she represented[681] is an example of the headquarters' failure to follow-up consistently on the Missions' activities in a coherent and thoughtful way.

This linking process must be a two-way process, with real co-operation between the field and the Secretariat. An efficient Vienna-Field Missions link will only be possible with responsibility from both sides. The CPC must demonstrate full acquaintance with events in the field and support the Missions in their daily efforts, while the Missions must be able to provide the relevant information in a clear manner, making of field reports the privileged means of informing Vienna. These reports, many times merely descriptive, should also include analysis in order to allow Vienna and the OSCE participating states to conveniently follow developments taking place in the many regions where the OSCE has Missions deployed, and to define their policies accordingly. The limited feedback in Vienna to the regular Missions' reporting also requires improvement.

Internal constraints on the Missions' activities derive from their very nature. The rotation of regular members imposes institutional difficulties on the Missions' activity. It is essential to be creative and innovative, but no less fundamental is the need to be knowledgeable. If on the one hand this rotation prevents accommodation, on the other hand the replacement of personnel often comes when real understanding of the issues is becoming clear. The Mission personnel is seconded by national Governments and their link to national Foreign Offices is not synonymous with a good knowledge of the situation in the field or with specific qualifications in mediation or negotiation techniques[682]. Moreover, the human and intellectual profile of the Missions' members is fundamental. For example, difficulties have arisen in Moldova due to the personal character of a

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[681] At the time of the interview, the Liaison Officer had not visited the country in question, though the OSCE Officer has done so since. As regards the case of Tajikistan, for example, it was stressed in a Seminar that the CSCE should not contemplate the events of this region in a detached way in Vienna, without real connection to the area, but should rather support regional efforts, Report on the CSCE Seminar on "Regional Security Issues", Ashgabat, May 24-26, 1994, p.14.

[682] Despite the strong human dimension activities within the Missions' mandates, the human dimension Officers do not receive training from specialised bodies, such as the OSCE ODIHR. The military personnel are usually military graduates from participating states, whose experience in dealing with real conflict situations may be minimal or non-existent. These difficulties may, hopefully, be minimised with the new Operations Centre within the OSCE Secretariat in Vienna, and the growing importance attached to training courses and seminars for future field personnel, as analysed before.

Mission leader, constraining the normal activities of the Mission on the ground, an issue revisited in chapter seven.

The exit strategies for the Missions should also be clearly defined and planned before deployment to allow more efficiency in the field. Unclear definition of the necessary conditions for the withdrawal of a Mission reveals a lack of strategy and the limits of the consensus decision-making, which is not positive for the OSCE's credibility. There is the risk of these Missions becoming more or less permanent, creating dependency relations in the countries where they are deployed. Exit strategies should thus be formulated, including the transference of some of the Missions' competencies to local and national authorities and non-governmental institutions. The case of Estonia, analysed in the following chapter, is interesting in this regard.

5.5. Conclusion

The new tasks of the OSCE are directed to conflict prevention, crisis management and post-conflict rehabilitation as fundamental aspects for the consolidation of security. However, in some instances the existence of a gap between needs and capabilities has become evident. The fact of not having enforcement mechanisms does not guarantee implementation and thus effectiveness may be questioned. The OSCE has few 'carrots-and-sticks' to offer. The organisation cannot reward the parties for their compliance or punish them for failing to implement agreed procedures. It can, nevertheless, facilitate the political framework for the settlement of conflicts. In this regard, not only must the Field Missions be actively promoting dialogue and negotiations, but also the OSCE participating states as a whole must be willing to find appropriate solutions. Once again the responsibility of the OSCE participating states in assuming their commitments is required. Nevertheless, the OSCE's most cited weaknesses, particularly its politically-binding nature and non-enforcement powers, have revealed one of its strengths. It is the very nature of the OSCE as an institution and of its Field Missions that allows the organisation's involvement in the former Soviet space.

The fact is that, despite all the difficulties, the OSCE has made a difference in the former Soviet space, through its norms and procedures and through the activities of the Field Missions together with other OSCE institutions. In some cases, the improvements verified with the presence of the OSCE Mission and its combination with other OSCE institutions have been clear, such as in Ukraine. In others, the success is not so clear, although the Missions' presence in the field and their monitoring and reporting role have been valuable. Georgia and Moldova are examples of this. The particular characteristics of the OSCE make of it a relevant player in the area for the building of stability, allowing its enlarged involvement in many of the former republics.

The OSCE has undergone a learning process which in its view has allowed a more acute evaluation of its possibilities and limitations. Searching for innovative ways of dealing with the

new challenges, the OSCE has been focusing on what it does best, namely preventive diplomacy[683]. However, crisis management and post-conflict rehabilitation are also important areas of OSCE activity. The OSCE has been refining strategies and approaches, which have nevertheless revealed limits due to the many inner and external constraints on the organisation's activity. This chapter defined the context for the OSCE's involvement in the former Soviet Union, the Missions it deployed and the different activities included in their mandates. The multidimensional approach pursued by the Mission and the cross-cutting nature of their activities has become clear.

Applying the normative and operational instruments and procedures adopted by the OSCE member states to address real problems is the aim of the case-studies. The goal is to assess the efficacy and validity of these procedures in more detail. The case-studies focus on Estonia and Moldova, concentrating on the main OSCE roles of preventive diplomacy and conflict management, respectively. They embrace the whole OSCE activity in both countries, ranging from political, social and economic issues to military aspects. They also include the role of other international organisations and of the Russian Federation as fundamental variables. As such, the comprehensive analysis of the OSCE presence in these countries envisages validating the hypothesis formulated throughout this study as regards the OSCE's possibilities and limitations as a preventive diplomacy and conflict management forum, highlighting the OSCE's new approaches and contribution to the building of a co-operative and peaceful Europe.

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[683] "The OSCE should continue to concentrate on things it has proved it can do well: conflict prevention, political consultation, norm-setting, the integration of new states, the promotion of civil societies, and co-operation on military aspects of security", Hoynck, W., "The OSCE and its Contribution to New Stability", *Europai Szemle, European Review*, "OSCE 1995", E Europaische Rund-Schau, Special Issue, vol.VII, Budapest, 1996, pp.27-28.

Chapter 6 Case-study: Estonia

6.1. Introduction

The OSCE's involvement in the former Soviet Union is diversified geographically, technically and in terms of performance, as argued before. The case of Estonia provides an insight into the organisation's preventive diplomacy activities. The analysis of OSCE involvement in Estonia through the deconstruction of the problems, the HCNM and the Mission's mandate and competencies, and its interaction with other OSCE institutions envisages clarifying the organisation's appliance of procedures and mechanisms to the country's problems. How has the OSCE responded to inter-ethnic tension in Estonia? Which mechanisms and procedures were implied in the Mission's activities? With what consequences? Did the OSCE's involvement in Estonia bring a new dimension to the organisation's activities? If so, in what way has the organisation contributed to the amelioration of conditions in the field?

After a brief historical introduction, the chapter describes the problems that have emerged in the immediate post-independence period in Estonia. Arising particularly from citizenship procedures and the new legislation approved by the Estonian authorities, tensions were rooted in the interpretation of the new policies by the non-Estonian community as discriminatory. The involvement of the Russian Federation, severely criticising the Estonian authorities over the new practices further increased tensions. Mutual accusations between Estonia and the Russian Federation and the raising of anxiety within Estonia set the context for the CSCE's involvement in the country, and for the deployment of a Field Mission in early 1993.

The definition of the Mission's mandate, its appliance to the problems in the field and the obstacles encountered by the Mission are addressed. How the Estonian-Russian relationship has been evolving, and what contribution the OSCE in Vienna and its institutions in the field have been making to improve relations between the two countries, is the focus of attention. This analysis includes an assessment as regards the current status, the remaining difficulties and the Russian-Estonian initiatives of co-operation. The chapter proceeds with the analysis of the Mission's relationship with other international organisations in Estonia, and with an assessment of the overall OSCE activity in Estonia in a multi-dimensional and integrated way. The chapter concludes by summing up the possibilities and limitations of the OSCE Mission as well as of the HCNM's involvement, calling into question the permanence of the Mission in view of the discontent voices emerging in Estonia.

6.2. Background

On February 24, 1918, Estonia declared independence from Russia after two years of war, consolidated by the signature on February 2, 1920, of the Tartu Peace Treaty between Russia and Estonia. The Treaty included recognition of the Republic of Estonia, made clear in the December 21, 1920 Estonian Constitution. At this time Estonia experienced a few years as an independent state. The Estonian language developed into a language of research and scholarship, and the number of schools and cultural associations increased. The economy developed, particularly the exploitation of oil-shale, cellulose and phosphorite, suffering nevertheless from the worldwide economic depression in 1932. In general politics followed the independence line, despite some movements in favour of integration with Soviet Russia. The failed attempted coup by the Communist Party in December 1924 permitted the consolidation of political stability in the country with the adoption of a new Constitution in 1938.

However, with the Second World War and in line with secret clauses of the Molotov-Ribbentrop Pact, Estonia fell under the Soviet sphere of influence and was annexed to the Soviet Union on June 17, 1940. Between 1941 and 1944 Estonia was under German occupation, returning to Soviet control after the end of World War II. Soviet occupation included the control of the socio-economic system, the implementation of Soviet institutions and the deportation of Estonians, set against the fostering of Russian-speaking immigration to the republic[684]. As a result, significant demographic changes took place in the region between 1939 and 1989. During the occupation period, the percentage of ethnic Estonians in the total population resident in Estonia dropped from 88% to 61%[685].

During the Soviet occupation period, demonstrations or attempts at revolt were repressed, but not suppressed. Gorbachev's *perestroika* allowed these movements to voice their concerns and demands[686]. Public demonstrations against Soviet rule took place and the independence movement became more organised. Political parties, such as the Estonian National Independence Party and the Popular Front movement, gained relevance. The Soviet authorities found it increasingly difficult to ignore popular pressure.

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[684] This artificial migratory flow was exploited by the Soviet Union as a means of changing the ethnic balance in the region. However, there was no free labour market in the former Soviet Union, thus many individuals were simply sent to an area to work. "I've lived in Estonia since 1952... and retired in 1970... I came here by chance. You know, I could have ended up anywhere - on Novaya Zemlya, for example", Kim, a seventy-two year old retired Russian Air Force Lieutenant Colonel, interviewed in Aug. 1993, "Integrating Estonia's non-citizen minority", *Helsinki Watch*, vol.5, issue 20, Oct. 1993, p.21.

[685] Data from Report of the CSCE ODIHR Mission on the study of Estonian legislation, Feb. 3, 1993. See also Kirch, M. and Kirch, A., "Ethnic Relations: Estonians and Non-Estonians", *Nationalities Papers*, vol.23, n.1, Mar. 1995, pp.43-44.

[686] Melvin, N., *Russians beyond Russia: The Politics of National Identity*, RIIA, Chatham House Papers, Pinter, 1995, pp.25-26.

In early 1990 the Supreme Council of Estonia declared Soviet annexation invalid and announced a transitional period leading to independence from the Soviet Union[687]. On August 20, 1991 the Supreme Council of Estonia adopted the resolution on the country's national independence, at the time of the attempted hard-line coup against Soviet President Gorbachev. The new independent status of the Republic of Estonia was subsequently recognised by the Soviet Government[688]. In January 1991, Estonia and the Soviet Union signed the "Treaty on the Basis of Inter-State Relations between the Federal Socialist Republic and the Republic of Estonia"[689].

From an Estonian standpoint, in August 1991 Estonia did not declare its independence, but adopted a decision on the re-establishment of independence on the basis of the historical continuity of statehood[690]. Therefore, Estonians understood the moment as liberation from illegitimate Soviet occupation. The new situation paved the way for the institutionalisation of reforms in Estonia based on democratic principles and a market-economy system, which profoundly changed the prevailing status quo. The then Estonian minority became a majority in its own country. This inversion of roles caused unrest among the Russian-speaking population[691], who feared for the preservation of their rights. The Estonian adoption of new legislative acts, particularly regulating citizenship and electoral procedures, generated much controversy, intensifying anxiety among non-Estonians. The denial of the Soviet legacy and everything linked to the years of occupation was translated in governmental policies and legislative acts, understood by the Estonian authorities as the proper way to consolidate independence and statehood[692].

6.2.1. The 1938 Citizenship Law

Estonia reinstated the Citizenship Law of 1938 on February 26, 1992 with the adoption of a resolution "On the Application of the Law on Citizenship"[693]. All citizens on June 16, 1940 and

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[687] This declaration was reinforced at the first session of the Estonian Parliament, "First session of the newly elected Riigikogu", *Estonian Review*, n.72, Oct. 5-11, 1992.

[688] On August 24, 1991, President Yeltsin issued a decree recognising the independence of Estonia, ending fifty years of Soviet occupation. "A decree that changed the world", *RFE/RL*, Aug. 22, 1997.

[689] For further developments on the Estonian history see for example Melvin, N., *Russians beyond Russia*, pp.25-38; Kionka, R. and Vetik, R., "Estonia and the Estonians" in Smith, G. (ed.), *The Nationalities Question in the Post-Soviet States*, 2nd ed., Longman, London, 1996, pp.129-140. See Annex 5 for a map of the Baltic states and Annex 6 for a map of Estonia.

[690] "The restoration of Estonian independence", http://www.ciesin.ee.

[691] The terms 'non-Estonians' and 'Russian-speakers' are here used as convenient forms of shorthand to describe not only ethnic Russians, but also other non-Baltic and non-Russian nationalities, such as Belarussians, Ukrainians or others. See Kirch, M. and Kirch, A., "Ethnic Relations: Estonians and Non-Estonians", *Nationalities Papers*, vol.23, n.1, Mar. 1995, p.46.

[692] Interview with Peeter Miller, Political Department Counsellor, OSCE Co-ordinator, Estonian Ministry of Foreign Affairs, Tallinn, May 11, 1999.

[693] "Overview of the reporting from the CSCE Mission to Estonia", Dec. 17, 1993. "Government presented the Supreme Council with two resolution projects concerning the Law on Citizenship", *Estonian Review*, n.16, Feb. 17-21, 1992; "Supreme Council of Estonia adopted a resolution to implement the Law on Citizenship as it was on June 16, 1940", *Estonian Review*, n.17, Feb. 24-28, 1992. For more detail about this Law and other Laws further discussed in the chapter see Uibopuu, H., *Minorities in Estonia, Their Legal*

their descendants received Estonian citizenship, regardless of ethnicity. All others who had taken Estonian citizenship after Soviet annexation were not entitled to automatic citizenship. Those excluded were regarded as foreign nationals or stateless persons. However, it was possible to gain citizenship by naturalisation, which required residency within the republic for two years starting from March 30, 1990 (plus one year to process the application), the signing of an Oath of Loyalty to the Estonian state and its laws, and knowledge of the Estonian language. The Law exempted from the language exam or residency requirements, individuals "who provided valuable services to the national defence or society of the Republic of Estonia"[694], stateless persons residing in Estonia ten years prior to their application for citizenship and those who registered for citizenship with the Congress of Estonia[695].

Although individuals who were citizens and their descendants of the pre-war Republic of Estonia were able to acquire citizenship regardless of their ethnicity, the result of the Law has been to disproportionately and negatively affect Russian speakers. The vast majority of people to receive citizenship were Estonian. Though not discriminating in ethnic terms, the Citizenship Law would leave many Russian-speakers with uncertain status, causing dissatisfaction within the Russophone community. Moreover, the language requirement constituted a major obstacle to the learning of the Estonian language, aggravated by the lack of satisfactory technical, material and human resources[696].

The Russian Federation asked for a simple registration procedure and approved of the signing of an Oath of Loyalty, while disagreeing with the language exams[697]. According to the Director General of the Passport Office, Liivam'agi, these reactions revealed over-politicisation of the issue[698]. In early September, in the midst of turbulence in the country, Estonian Foreign Minister Velliste made clear that "most Estonians and non-Estonians do not want confrontation.

Status under Estonian Law and Estonia's International Commitments, Salzburg 1998, Euroopa Noukogu Tallinna Info-Ja Dokumendikeskus, pp.1-69.

[694] Resolution on the application of the Law on Citizenship, article 7 (1), (2), (3), "Integrating Estonia's Non-Citizen Minority", *Helsinki Watch*, vol.5, issue 20, Oct. 1993, p.8. In fact, the Estonian Constitution contains a clause which allows the President to grant citizenship "for special services", which was applied to grant automatic citizenship to members of the Russian-speaking elite, such as editors of Russian language newspapers, leaders of moderate political groups and businessmen. Melvin, N., *Russians beyond Russia*, p.47.

[695] The Congress of Estonia registered people who wanted to become citizens of Estonia. Applications were accepted from people who had been citizens of Estonia in 1940 and their descendants, whether living in Estonia or abroad. These people were exempt from the language exam. The Congress of Estonia was a body elected by and representing Estonian citizens. It aimed at the restoration of Estonia's independence on the basis of the legal continuity of the Estonian state. The Congress later merged with the Supreme Council, resulting in the restoration of the National Parliament. Its last session was on September 22, 1992 due to the Constitutional Parliament election. "Estonian citizens committee celebrates anniversary", *RFE/RL*, Mar. 13, 2000; *Estonian Review*, n.66, Aug. 24-30, 1992; and "Citizenship requirements eased", *Estonian Review*, n.90, Feb. 15-21, 1993.

[696] Documents 1-5.

[697] "Estonian and Russian negotiations", *Estonian Review*, n.68, Sep. 3-7, 1992.

[698] *Estonian Review*, n.18, Mar. 1-6, 1993.

Those who wanted to foment strife can only be found outside the country"[699]. The Estonian Minister was referring to the Russian forces acting in Estonia and to the Russian comments on the Estonian citizenship and naturalisation policies. Accusations included the Estonian "drive along the road to apartheid by declaring a third of its population aliens"[700]. Russian Foreign Minister Kozyrev accused Estonia of "ethnic cleansing" affecting "one third of the residents [who] are treated differently based upon ethnicity. I have in mind the Russian speakers - Russians, Ukrainians, Belarussians, Jews and even Finns - who are not being given citizenship. They want citizenship but it is being denied for one reason: ethnicity. If this is not 'ethnic cleansing', what is it?"[701]. Moreover, according to Kozyrev the Russian Federation reserved the right to take further steps in order to protect ethnic Russians permanently residing in Estonia[702].

6.3. The OSCE's involvement

Due to severe Russian criticism of the Estonian policies as discriminatory and violating international human rights commitments, accompanied by the interruption of gas supplies to Estonia[703], the Estonian Government confidentially asked the CSCE CIO for immediate assistance. The CSCE intervention in Estonia was initiated at a time of much instability and tension, not only on an internal level among the Russophone community, but also on an external level due to the strained Estonian-Russian relations.

Estonia became a CSCE participating member on September 17, 1991, after it regained independence. Its expectations on joining the CSCE included international recognition of its statehood and the country's affirmation as a new democracy[704]. The CSCE was the vehicle for the internationalisation of the problems between Estonia and the Russian Federation. As a consequence of its geo-strategic location and Westward-looking commitment, Estonia became a privileged region enjoying Western states' concern. After consultations with the HCNM, in September 1992 the Estonian Government invited a CSCE Expert Mission to the country. Within the Moscow Document framework[705], the Mission's objective was to evaluate the conformity of the Estonian national laws with those internationally recognised on human rights.

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[699] "Foreign Minister Trivimi Velliste on community relations in Estonia", *Estonian Review*, n.118, Aug. 30-Sep. 5, 1993.
[700] Kozyrev cited in "The Estonian Law on Aliens", *RFE/RL Research Report*, vol.2, n.38, Sep. 24, 1993, p.9.
[701] Russian Foreign Minister Kozyrev cited by the Ministry of Foreign Affairs of the Republic of Estonia, Press Release, "Estonia officially protests slander campaign by Russian officials", Feb. 9, 1994.
[702] Russian statement in relation to the citizenship Law on Jan. 19, OSCE DOC.127/95, Jan. 30, 1995; "Estonia at the CSCE", *Estonian Review*, n.58, Jul. 6-12, 1992; "Russia's stance toward Estonia", *Estonian Review*, n.73, Oct. 12-18, 1992; "Russia threatens economic sanction on Estonia", *Estonian Review*, n.75, Oct. 26-Nov. 1, 1992.
[703] "Estonian-Russian dispute continues", *RFE/RL*, Jun. 28, 1993.
[704] "Estonia's membership was the result of a natural process, since all former Soviet republics were admitted as participating members of the CSCE", interview with Peeter Miller, Political Department Counsellor, OSCE Co-ordinator, Estonian Ministry of Foreign Affairs, Tallinn, May 11, 1999.
[705] Document 48.

The CSCE-ODIHR's Mission that visited the country in September 1992 found no evidence of deliberate discrimination and concluded that the Estonian Constitution and other laws met international standards on human rights. Professor Tomuschat, Head of the Mission, referred nevertheless to the presence of a large number of non-citizens, emphasising the need to better inform the population and clarify the procedures for applying for citizenship. Lack of information among the Russian-speaking community was the main reason found by the Mission for the mutual inability to understand the other party[706]. As such, the CSCE Mission recommendations included the launching of a large-scale programme of effective language teaching[707] and the adoption of a detailed Law on the Language Requirements for acquiring citizenship. This was soon drafted by the Estonian Government, demonstrating, in the CSCE's view, the Estonian authorities' willingness to clarify the procedures for naturalisation of the Russian-speaking community living in Estonia[708].

According to the text of the Law on the Estonian Language Requirements for Applicants for Citizenship, after submitting an application, the applicant had nine months to pass the language exam. The applicant had to demonstrate understanding of announcements, articles from newspapers and descriptions of current events, and be able to speak and give an opinion on varied topics. However, the pamphlet outlining the language requirements appeared only in Estonian, a fact that generated criticism among the Russian-speakers[709].

Post-independence instability in Estonia, translated in uncertainty among non-citizens with regard to their future in the country, and in difficult relations between Estonia and the Russian Federation, defined the background for the deployment of the CSCE Mission. In November 1992, the Personal Representative of the CSCE CIO, Gunnar Klinga, visited Estonia[710] with a mandate to explore modalities for a possible CSCE Mission to the country. Klinga classified citizenship procedures and in particular language requirements as the main issues of concern, given the numerous non-Estonians residing in Estonia. The situation was aggravated by the lack of qualified language teachers, materials and financial resources. Klinga recommended that the main goal of CSCE activity in Estonia should be to encourage interaction and mutual understanding between the Estonian and Russian communities, avoid tensions and misunderstandings and promote civic society. Gunnar Klinga was also of the opinion that part of the anxieties among the population could be avoided through more dissemination of information.

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[706] Report of the CSCE-ODIHR Mission on the study of Estonian legislation (invited by the Republic of Estonia), December 1992, Feb. 3, 1993, pp.18-20; "Estonian citizenship requirements questioned by CSCE visitor", *The Baltic Independent*, Dec. 11-17, 1992; "CSCE observer and human rights experts review Estonia", *Estonian Review*, n.80, Nov. 30-Dec. 12, 1992. The Mission visited Estonia from 2 to 5 December 1992.

[707] Document 49.

[708] Response to the Report of the CSCE ODIHR Mission on the study of Estonian legislation (invited by the Republic of Estonia), Jan. 15, 1993; *Estonian Review*, n.89, Feb. 8-14, 1993. The Law on Estonian Language Requirements for Applicants for Citizenship was adopted by the Riigikogu on Feb. 10, 1993.

[709] "Integrating Estonia's Non-Citizen Minority", *Helsinki Monitor*, vol.5, n.20, Oct. 1993, p.18.

[710] 17th CSO Meeting, Prague, 17CSO/J2, Nov. 5-6, 1992. Gunnar Klinga visited Estonia from 23 to 28 November 1992.

6.3.1. The Mission's mandate and the field-Vienna link

Following Gunnar Klinga's report, the CSCE decided on December 13, 1992 on the establishment of a Field Mission in Estonia[711]. At the time, the CSCE was enjoying a period of development and strengthening, which allowed its relevant tension-diffusing role and made it a welcome presence in Estonia. The embryonic state of the new mechanisms and procedures adopted at the 1992 Helsinki Summit did not reveal immediate problems for CSCE activity, due to the preventive nature of the Mission's involvement in Estonia. According to the terms of reference approved on February 3, 1993[712], the Mission was deployed on February 15, 1993 with the task of fostering dialogue and understanding among the inter-ethnic communities, envisaging the integration of the Russian-speaking population into the life of the country. Its mandate included the establishment and maintenance of contacts with the competent authorities on both the national and local level, and in particular with those responsible for citizenship, migration, language questions, social services and employment, as well as with relevant NGOs.

In the pursuit of its activity the Mission should engage in the collection of information and serve as a clearing-house for information, technical assistance and advice on matters relating to the status of the communities in Estonia, and the rights and duties of their members. As a contributor to the efforts to recreate a civic society, the Mission should promote local mechanisms to facilitate dialogue and understanding, and prepare local representative institutions for the future transfer of the Mission's responsibilities. On the same day, a Memorandum of Understanding was signed with the Estonian authorities, according to which the Mission was established for a period of six months, renewable[713]. The Estonian Foreign Minister Velliste hailed the arrival of the Mission as a historic step that "will provide the world with additional information about Estonia and its policies"[714].

In essence the Mission follows a bottom-up strategy, promoting understanding and stability between the Estonian and Russian-speaking communities, by fostering civil society through the stimulation of dialogue, human rights and democracy-building. Nevertheless, the Mission also pursues an important confidence-building role at the inter-state level, encouraging dialogue between Estonia and the Russian Federation. Thus, the activity of the Mission in Estonia is broad in vertical and horizontal terms, addressing the various socio-political categories and a vast range of issues, falling not only within the human dimension, but also of a legislative or social nature. The Mission works under the supervision of the OSCE Conflict Prevention Centre in

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[711] 18th CSO Meeting, Stockholm, 18CSO/J3, Annex 2, Dec. 13, 1992; "CSCE representation to open in Estonia", *Estonian Review*, n.77, Nov. 9-15, 1992; "CSCE Prime Ministers meet in Stockholm", *Estonian Review*, n.82, Dec. 14-20, 1992.
[712] 19th CSO Meeting, Prague, 19CSO/J2, Annex 1, Feb. 2-4, 1993.
[713] "CSCE Mission starts work in Estonia", *Estonian Review*, n.90, Feb. 15-21, 1993; "CSCE Mission working in Tallinn and Narva, soon to start in Kohtla-Jarve", *Estonian Review*, n.96, Mar. 29-Apr. 4, 1993; "Mission to push contacts among Estonia's ethnic communities", *Estonian Review*, n.116, Aug. 16-22, 1993.
[714] "Estonia Welcomes CSCE Mission", *RFE/RL*, Feb. 16, 1993.

Vienna, implementing Vienna-made decisions. Nevertheless, given the broadness of its mandate, the Mission enjoys some flexibility.

In the opinion of former HoM Timo Lahelma, there are many concrete problems which by their nature are better solved locally. An experienced staff with knowledge of the situation is certainly in a position to make judgements and act on its own initiative. The HoM will in these cases be responsible for any decisions to the CIO[715]. According to the OSCE Liaison Officer for the Baltic, "the question of an emergency situation demanding immediate action from the Mission is not considered, assuming the essence of the Mission's mandate. When something unexpected occurs, the Mission immediately informs Vienna, but the OSCE has not an army, so its activities and interventions are always limited"[716]. In this sense, according to the Liaison Officer, the decision-making process in Vienna is adequate to the needs in the field. There is daily contact between the Secretariat in Vienna and the Mission in the field through the Liaison Officer, complemented by regular submission of field reports to the CPC and HoM communications at PC meetings. High-level visits from OSCE representatives to Estonia confer more legitimacy on the Mission and demonstrate the institutional support of the organisation for the Mission's activities in the field.

The Mission is composed of six members and operates at its main office in Tallinn and two branch offices in north-eastern Estonia. The opening of the Narva and Johvi offices reflected the particularly difficult situation of the mostly Russian population inhabiting the region, and the Mission's concern for the area[717]. This imbalance, allied to numerous problems of unemployment and poverty in the area, has been a source of dissension and mutual exchange of criticisms between the Estonian and Russian authorities, as well as claims of discrimination from the Russian representatives in the region.

	Tallinn	Kohtla-Jarve	Narva	Sillamae
Estonians	205 468	13 838	2 901	598
Russians	168 282	44 740	64 819	16 465

Table 4: Comparison of Estonian and Russian residency in Tallinn and three north-eastern Estonia towns[718]

The problems in north-eastern Estonia range from socio-cultural aspects to economic and political issues. Difficulties with the language and lack of information about language training and citizenship procedures are problematic and aggravated by the lack of financial and human

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[715] Lahelma, T., "The OSCE's Role in Conflict Prevention: The Case of Estonia", *Helsinki Monitor*, vol.10, n.2, 1999, pp.24-25.

[716] Interview with Maria Letizia Puglisi-Scheide, OSCE Liaison Officer for the Baltic Countries, Vienna, Feb. 17, 1999.

[717] Documents 17, 32, 34-35. An issue revisited in the chapter.

[718] Data from the Statistical Office of Estonia, Jan. 1, 1998, http://www.vm.ee/eng/index.html. See also Kirch, M. and Kirch, A., "Ethnic Relations: Estonians and Non-Estonians", *Nationalities Papers*, vol.23, n.1, Mar. 1995, p.48.

resources[719]. In particular they affect old, illiterate or poor people who, for cultural or economic reasons, cannot or do not want to learn the language, hindering the integration of non-Estonians. Since there was not an Estonian atmosphere in the north-eastern towns, it was difficult to practise the language. "I don't know Estonian, it's difficult to learn the language. I don't even think I can learn the language given the fact that here in Narva you hear Estonian about as much as you do in Leningrad... This is an Estonian city and there's no Estonian spoken here"[720].

The high unemployment rate and low labour force mobility, due to language and socio-economic aspects, is also serious. Eighty per cent of the foreign investment in Estonia goes to Tallinn, not contributing to regional development or to the creation of new opportunities. "In regions like Ida-Virumaa, where unemployment is high and the first thing on most people's mind is how to put dinner on the table, there is little time for language classes"[721]. Narva librarians, for example, receive their professional journal in Estonian with a very small summary in English. Since they are not fluent in Estonian, they just see the pictures, or need a dictionary to translate it all[722].

The Russian Federation has severely criticised Estonia for discrimination and threatened to take action to defend the interests of Russian-speakers abroad. The Estonian authorities[723] attribute the difficult conditions of the north-eastern regions to the Soviet legacy, arguing unemployment is a consequence of the closure of industrial plants, which are no longer used or viable, and not of any kind of ethnic discrimination. Moreover, according to national legislation in force, everyone in Estonia has the right to apply for citizenship through the naturalisation process. The Mission, the HCNM and other OSCE institutions, such as the ODIHR have been addressing these difficulties.

6.3.2. The HCNM

The status of non-Estonians constitutes a central aspect of the Mission activity in Estonia. Citizenship legislation is, according to the Mission, of major importance to the development of inter-communal relations and to the integration process. The Mission encourages Estonian citizenship combined with the possibility of retaining an ethnic Russian identity in Estonia, a comprehensive long-term policy for the future of the non-indigenous communities in Estonia[724]. In

[719] See Holoboff, E., "National Security in the Baltic States" in Parrott, B. (ed.), *State Building and Military Power in Russia and the New States of Eurasia*, M. E. Sharp, New York and London, 1995, p.117.
[720] Nikolai, a former Soviet officer in his mid-thirties, interview in Aug. 1993, "Integrating Estonia's Non-Citizen Minority", *Helsinki Watch*, vol.5, issue 20, Oct. 1993, pp.23-24.
[721] Unsigned article of opinion, "Undemocratic behaviour", *The Baltic Times*, vol.37, n.176, Sep. 23-29, 1999. See also "Unemployment and privatisation worst problems in Eastern Estonia", *Estonian Review*, vol.4, n.24, Jun. 13-19, 1994.
[722] Interview with Sari Kantola, First Secretary, OSCE Mission to Estonia, Tallinn, May 12, 1999.
[723] Interviews with Ambassador Vaino Reinart, Permanent Representative of the Republic of Estonia to the OSCE, Vienna, Feb. 17, 1999 and Peeter Miller, Political Department Counsellor, OSCE Co-ordinator, Estonian Ministry of Foreign Affairs, Tallinn, May 11, 1999.
[724] Documents 37 and 57.

this area of activity, the Mission co-operates closely with the institution of the High Commissioner.

Max van der Stoel initiated consultations with the Estonian authorities in 1993[725] and ever since has been playing an active role in the resolution of citizenship problems in Estonia. In January and March 1993, the HCNM visited Estonia to get acquainted with the emerging tensions. Max van der Stoel concluded that the problems were not merely political, but had a strong psychological component due to decades of Soviet occupation and the presence of Russian troops in Estonian territory. Facilitating the process of acquiring Estonian citizenship for those willing to do so and assuring them full equality with Estonian citizens was, according to the High Commissioner, proof of the Estonian commitment to democracy and respect for human rights. This would contribute to lessening tensions while promoting stability-building through the reduction of the number of stateless persons. The HCNM considered that the limited number of applications for citizenship resulted from insufficient information and excessive fear over the language requirements.

Estonian reactions to the HCNM recommendations were positive, fully supporting the recommendation of the High Commissioner to take early action to improve a visible policy of dialogue between the Government of Estonia and the non-citizen population, and recognising the importance of drafting and implementing policies and legislation which will aid the reduction of the number of stateless persons permanently residing in its territory. The Estonian authorities accentuated the technical and economic difficulties the Estonian Government was facing in regard to the provision of information to the non-Estonian population on their rights and obligations, pertinent legislation and regulations, and practical matters concerning citizenship applications, and language instruction and examinations[726].

The CSCE Mission shared the HCNM's concerns, considering it fundamental to improve the flow of information and its availability to the public, the adoption of relevant legislation on citizenship and naturalisation procedures, and improved confidence-building measures to reduce distrust among non-Estonians[727]. Owing to the small number of applications for citizenship, in March 1994 the HCNM recommended the extension of the deadline for the registration of non-citizens beyond the original date of July 12, 1994[728]. He argued it was in everyone's interest that the number of persons who are deemed to be stateless should not be artificially increased. The Estonian authorities argued that an extension of the deadline was inevitable, but the Government

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[725] "CSCE minority representative in Estonia", *Estonian Review*, n.85, Jan. 11-18, 1993.

[726] CSCE Communication 124, Apr. 23, 1993, "Recommendations by the CSCE High Commissioner on National Minorities upon his visits to Estonia, Latvia and Lithuania"; letter to Mr. Trivimi Velliste, Minister of Foreign Affairs of the Republic of Estonia, dated Apr. 6, 1993, n. 206/93/L/Rev. and letter of reply "Comments by the Minister for Foreign Affairs of Estonia on the recommendations submitted by H. E. Mr. Max van der Stoel. See also Herd, G. et al., *Crisis for Estonia? Russia, Estonia and a Post-Chechen Cold War*, London Defence Studies 29, Brassey's, 1995, p.11.

[727] Documents 50-51; "CSCE HCNM visit Tallinn", *Estonian Review*, vol.4, n.20, May 16-24, 1994.

[728] Letter of the CSCE HCNM to Mr. Juri Luik, Minister for Foreign Affairs of Estonia, dated Mar. 9, 1994, N.3005/94/L, CSCE Communication 20/1994, Jun. 14, 1994.

could not allow the impression of not being able to enforce its own regulations[729]. The deadline was extended in May 1994[730].

In September 1994, Ambassador van der Stoel reiterated his view of Estonian compliance with international human rights standards[731]. The problem of fulfilling the naturalisation criteria formulated by the Estonian authorities was particularly acute in the north-eastern region of the country, where the population was mostly non-Estonian. In view of the local conditions, not favourable to the learning and practice of the language, and where Russian-supported groups instilled tensions, the region became the focus of attention of the HCNM and of CSCE Mission activity from the early days of its deployment in Estonia, as analysed further in the chapter.

6.3.2.1. The new Law on Citizenship

With the second reading of the draft new Law on Citizenship in the Riigikogu approaching, the HCNM addressed a letter to the Minister of Foreign Affairs of the Republic of Estonia, recommending clarification of procedures regarding criteria for permanent residence and language requirements, which should not exceed the ability to conduct a simple conversation[732]. The new draft law stipulated that aliens wishing to apply for Estonian citizenship had to live in Estonia on the basis of a permanent residence permit for no less than five years before and one year after the date the application was made, and passing the citizenship exam. Someone who resided in Estonia on the basis of permanent Soviet registration before July 1, 1990 and who had since remained in the country, adhering to the provisions of the Law on Aliens (applying for and being granted a residence permit), was regarded as fulfilling the residence requirement[733]. The language requirements were not modified. The new Law on Citizenship passed the Estonian Parliament on January 19, 1995, and came into effect on April 1, 1995[734]. The HCNM and the Mission considered the Law's general terms acceptable[735]. Citizenship exams began in December 1995 pursuant to Estonia's Citizenship Law and were monitored by the OSCE Mission[736].

6.3.2.1.1. Reactions to the Law

The Russian Federation criticised the new amendments to the Law on Citizenship as another deplorable step towards the institutionalisation of a policy of discrimination against the

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[729] CSCE Communication 20/1994, Jun. 14, 1994.

[730] "Estonian Government proposes one-year extension of application deadline for residence, work permits", *Estonian Review*, vol.4, n.18-2, May 2-4, 1994.

[731] "CSCE High Commissioner: no human rights abuses have been observed in Estonia", *Estonian Review*, vol.4, n.36.2, Sep. 8-11, 1994; "CSCE High Commissioner: no human rights violations in Estonia", BBC SWB, SU/2098 E/1, Sep. 12, 1994.

[732] Letter of the OSCE HCNM to the Minister for Foreign Affairs of Estonia, Mr. Juri Luik, dated Dec. 8, 1994, N.3053/94/L, Jan. 13, 1995.

[733] Estonian Foreign Minister Luik letter of reply dated Dec. 23, 1994, n.3053/94/L, Jan. 13, 1995 and Document 6. See section 6.2.5 for development of the Law on Aliens.

[734] "Parliament adopts new Citizenship Law", *Estonian Review*, vol.5, n.3, Jan. 16-21, 1995; "President proclaims new Citizenship Law", *Estonian Review*, vol.5, n.5, Jan. 29-Feb. 4, 1995.

[735] Document 7.

[736] *Annual Report 1996 on OSCE Activities*, The Secretary General, DOC.SEC/3/96/Corr., Jan. 15, 1997.

Russophone population and urged the OSCE to "remain alert"[737]. Russian sources accused Estonia of approving non-democratic citizenship standards and forcing its ethnic Russian population to choose Russian citizenship[738]. Moreover, Moscow did not exclude the possibility of using military force to protect Russians abroad, which raised concerns in Estonia[739], aggravating the already difficult Estonian-Russian relationship.

Commenting on the new Law on Citizenship, the High Commissioner[740] acknowledged the importance of learning the language and the principles of the state structure; however, van der Stoel considered it necessary to simplify the exam on the Constitution and the language test. As regards the language test, Minister Kallas[741] replied that the High Commissioner was provided with outdated information, since from April 1, 1995 the language exams were conducted according to the standards set forth in the law. For exams on the Constitution, candidates could consult the text of the Constitution and the Citizenship Law. Moreover, in early January 1996, a seminar on "Expert advice concerning current materials and procedures for testing and certification" was held under the auspices of the Council of Europe. The Estonian Foreign Minister added that closer co-operation between the OSCE and the Council of Europe would only strengthen the fruits born.

Minister Kallas also referred to Mission reports stating that anyone with minimum preparation could pass the language and the legal exams[742]. He concluded by arguing that all suggestions made by the High Commissioner had been implemented. Moreover, the Estonian Government, with the assistance of other foreign governments, had established language-training centres throughout the country in order that non-Estonians could meet the language requirements[743]. In May 1996, good exam pass-rates were reported by the Mission along with the need to further publicise the results as a confidence-building measure[744]. In October, the High Commissioner welcomed the decision to exempt applicants born before January 1, 1930 from the written language test[745]. The OSCE HCNM expressed satisfaction with the course Estonia was following as regards adaptation of its national legislation to the needs of the population, in

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[737] Statement by the Ministry of Foreign Affairs of the Russian Federation, Jan. 24, 1995, DOC.127/95, Jan. 30, 1995 and "Kozyrev: Russians in Baltic still suffer discrimination", *RFE/RL*, Jun. 14, 1995.
[738] Document 8.
[739] Document 9.
[740] Letter from the HCNM to Estonian Foreign Minister S. Kallas, Dec. 11, 1995, REF.HC/1/96, Feb. 13, 1996.
[741] Letter of reply from Foreign Affairs Minister Kallas to the OSCE HCNM, n.6/10680, Feb. 7, 1996.
[742] Document 10. See also Document 11.
[743] This development followed previous Estonian Government requests for financial support for language training projects. CSCE Communication 20/1994, Jun. 14, 1994.
[744] From 1996 the Mission has been reporting on a high passing rate in the language exams, Documents 10-11. See also "High success rate for naturalisation exams", *Estonian Review*, vol.6, n.20, May 13-19, 1996.
[745] Letter of the OSCE HCNM to Minister for Foreign Affairs of Estonia, Mr. Siim Kallas dated October 28, 1996, REF.HC/1/97, Jan. 4, 1997. However, Mr. Kallas argued this exemption was not a new policy, it has been in legal force since April 1, 1995 under provisions of the Law on Citizenship. Letter of reply from Acting Minister for Foreign Affairs of Estonia, Mr. Riivo Sinijarv, N.1/19028, Nov. 27, 1996.

particular stateless persons. Diminishing anxieties through the promotion of visible integration policies was fundamental, in the HCNM's view[746].

The Estonian Parliament voted on December 8, 1998 the necessary amendments to apply simplified procedures for the granting of citizenship to stateless children born in Estonia after February 26, 1992[747]. The children's parents had to apply on their behalf, be stateless themselves, and have resided in Estonia for at least five years. These amendments entered into force on July 12, 1999. They were welcomed by the HCNM and the Mission as promoting the integration of Russian-speakers, reducing the number of stateless persons, and meeting the European Commission requests as regards citizenship requirements[748]. Nevertheless, by the end of 1999 the Estonian Government had only received 222 applications for citizenship for children, against the expected high response to the amendment[749].

As a further measure to simplify the citizenship process[750], the Estonian authorities decided to grant citizenship without additional exams to students graduating from Russian language secondary schools who had successfully completed courses in the Estonian language. The Government would apply stricter controls over the quality of teaching of civic subjects in schools in order to render the new procedure operational.

6.3.2.2. The Law on Aliens

On June 21, 1993 the Estonian Parliament adopted the Law on Aliens to regularise the status of non-Estonian citizens. According to the Law, all non-citizens were termed aliens and had to decide whether they wanted to apply for Estonian citizenship, another country's citizenship or an alien's passport which would replace former Soviet Union ones. If they intended to remain in Estonia, they had to register with the local authorities and obtain residence and work permits within two years, by July 1995. Non-citizens already registered as residents of Estonia would have their permits transferred to the new aliens passport or another identification document. However, aliens' passports would be issued only to those not having the possibility of receiving a passport or corresponding document in his country, and only exceptionally would it be granted to former Soviet military officers[751]. The new Law did not guarantee residency to non-citizens presently residing in Estonia, many of whom had either been born or lived there for twenty, thirty or forty years.

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[746] "OSCE HCNM satisfied with Estonian citizenship policies", *Estonian Review*, vol.7, n.48, Nov. 23-29, 1997.

[747] "Citizenship Law passes third reading", *Estonian Review*, vol.8, n.47, Nov. 15-21, 1998.

[748] Document 59.

[749] *Baltic States Report*, vol.1, n.2, *RFE/RL*, Jan. 31, 2000.

[750] *Baltic States Report*, vol.1, n.11, *RFE/RL*, Apr. 3, 2000; "Government to grant citizenship to graduates of Russian high schools", *Estonian Review*, vol.10, n.13, Mar. 27-Apr. 2, 2000; "School leaving exams equalised with language proficiency tests", *Estonian Review*, vol.10, n.9, Feb. 27-Mar. 5, 2000.

[751] Document 52.

6.3.2.2.1. Reactions to the Law

The Russophone community reacted angrily. Disagreement over a highly discriminatory Law, as it was described by non-Estonians, led to public protests and demonstrations outside the Estonian Parliament[752]. According to the Russian authorities, the policies chosen by Estonia were not of integration, but of exclusion and confrontation. The CSCE Mission was criticised for passively legitimising the Estonian Government policies of exclusion, envisaging the establishment of a mono-ethnic state[753]. Moreover, protests over the allegedly too Russian-oriented Mission activity, not corresponding to Estonian expectations, were also heard[754]. The mostly Russian-inhabited Estonian cities of Narva and Sillamae called for a referendum on local autonomy[755] on July 16 and 17, 1993, despite an Estonian declaration in advance of its nullity. However, the Estonian authorities did not overlook the protests. Before promulgation, President Meri submitted the Law generating such controversy to the CSCE and the Council of Europe for evaluation.

The Council of Europe considered the Law acceptable as regards foreigners wishing to settle in the country, but the status of persons already resident in the territory of Estonia could not be compared to that of foreigners not currently residing in Estonia. Whatever the historical background, the Law had to be revised[756]. Max van der Stoel's recommendations highlighted the fact that legislative acts could not be analysed only as regards legal validity, but had to include a psychological dimension ensuring stability. The HCNM understood the need for a Law on Aliens, but suggested amendments to reduce anxieties and fears, facilitating the integration process. These included clarification of "whether a Russian resident of Estonia has to prove that he or she has not managed in obtaining the passport of his or her country of origin before he or she can apply for an alien's passport"; that the right of appeal should be granted in cases of refusal of a residence permit; that the conditions for obtaining residence and employment permits should be clarified and that the statement: "a residence permit will not be issued to any alien who does not respect the constitutional system and does not observe Estonia's legal acts", in article 12, should be deleted[757]. The Law was amended on July 8, coming into effect on July 12, 1993, taking into account the CSCE and the Council of Europe recommendations[758].

On September 21, 1993, the Estonian Government issued a decree to complement the Law on Aliens, regarding the basis for starting to issue residence and work permits as well as the

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[752] Documents 53-54.

[753] Document 54.

[754] Document 55.

[755] Mission to Estonia, "Present situation in Estonia", Jul. 1, 1993 and Document 55; "Narva plans a referendum", *Estonian Review*, n.58, Jul. 6-12, 1993; "Estonian Prime Minister charges Narva officials of intentionally aggravating tensions, provoking conflicts", *Estonian Review*, n.111, Jul. 12-18, 1993. Melvin, N., *Russians beyond Russia*, p.49.

[756] "Report on Human Rights in the Republic of Estonia", Ad Hoc Committee on Relations with Eastern Europe, Parliamentary Assembly, Council of Europe, Strasbourg 1991.

[757] CSCE Communication 192/93, Jul. 2, 1993; "CSCE HCNM visits Estonia", *Estonian Review*, n.109, Jun. 28-Jul. 4, 1993; Documents 13-14.

[758] "Estonia's President returns the Law on Aliens to Parliament and amendments made to conform to Council of Europe and CSCE recommendations", *Estonian Review*, n.110, Jul. 5-11, 1993.

procedures for issuing and renewing the permits. According to the decree, any alien who settled in Estonia prior to July 1, 1990 and who had been registered as a permanent resident in the former Estonian SSR, had to apply for residence and work permit by July 12, 1994 if he wanted to remain in Estonia. The demand for renewing permanent residence permits every five years was dropped. It also allowed those refused residence or work permits to apply for a court ruling. More than three months after the issuance of the decree, the CSCE Mission was reporting that the issuing of residence and work permits had not yet started[759]. Reasons for the delay were found in bureaucratic difficulties, such as delays in the printing of application forms, a scarcity of competent staff and lack of suitable office space.

In June 1994, the Estonian Parliament extended for one more year the July 12, 1994 application deadline for residence and work permits[760]. From July 1994, Estonian authorities decided to grant work permits to anyone eligible for permanent residency who had been in the country before July 1, 1990, thus abolishing the discriminatory aspect of the Law with regard to temporary residents. Further amendments to the Law on Aliens permitted the acceptance of applications beyond the July 12, 1995 deadline. Nevertheless, these applicants could not vote and had to pay a fine. This extension would be in force until January 1996 and the permits issued would be valid only for a three-year period. Later the deadline was further extended and 'latecomers' were allowed to apply for residence permits until April 30, 1996[761]. Those who applied before the July 12 deadline were entitled to a five-year residence permit with the maintenance of existing social and employment rights[762].

On September 24, 1997 the Law on Aliens was amended to allow those who had applied for a residence permit before July 12, 1995 to apply for permanent residence from July 12, 1998[763]. The Mission believed it would increase confidence and promote integration[764]. The main HCNM's recommendations as regards amending the Law on Aliens had been adopted by the Estonian authorities. The process of registration of aliens continued at a slow pace. Campaigns promoted by the Estonian authorities to encourage individuals residing illegally in the country to register were criticised for having low visibility in the Estonian media, which justified the initial modest results[765]. The slow process of issuing of aliens' passports was explained by the need to ensure the accuracy of the information provided by the applicants[766].

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[759] Document 13.

[760] Documents 15-16.

[761] Document 10; "Deadline for residence permit applications approaching", *Estonian Review*, vol.6, n.17, Apr. 21-27, 1996.

[762] Documents 4, 14 and 18.

[763] Document 19.

[764] Document 20.

[765] Document 5.

[766] Care was taken due to cases of Russian passport-holders having applied for an Alien's passport. The Estonian authorities requested Russian co-operation on the matter, but Russia refused to release information on individuals registered as Russian citizens, Document 70.

The problem was causing uneasiness and difficulties particularly for frequent travellers[767], since the Estonian authorities were issuing temporary travel documents valid only for one trip abroad. The difficulties led to an increase in the number of non-citizens applying for Russian citizenship to solve their travel problems, despite intending to remain in Estonia[768]. Therefore the High Commissioner urged the issuing of aliens' passports without any complicated procedures or excessive costs[769]. The decision to recognise the old Soviet internal passport beyond November 30, 1996 and until May 1997 as an international identification document was welcomed[770]. According to an Estonian Government decision, the Soviet internal passport could be used for border crossing to the Russian Federation until such time as its holders had been issued with a replacement document, the alien's passport.

The validity of the old Soviet internal passport, due to cease on May 15, 1997, was extended until November 30, 1998 as an identification and travel document. However, according to OSCE data, by May 1997 the majority of Alien's passports had been issued and applications were coming in at a modest rate[771]. In March 2000, the Estonian Parliament amended the Law on Aliens[772], according to which a temporary travel document may be issued to an alien staying in Estonia legally, for a single departure and entry, if the alien does not hold a valid travel document and is not eligible for an alien's passport. Moreover, the Estonian Government eased the procedure for renewing residence permits[773]. According to the new rules, applicants will no longer be required to present proof of residence and income, as well as copies of their alien's passports. The HCNM welcomed the improvements made by the Estonian authorities as contributing to confidence- and stability-building in the country. According to Veidemann, the Estonian Minister without portfolio responsible for nationality issues, the HCNM's recommendations were "final and without follow-up"[774] as regards the Law on Citizenship. However, this did not mean van der Stoel's distancing from Estonia's democratisation process and new procedures related to the status of national minorities in the country.

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[767] Idem.

[768] Letter of the OSCE HCNM to the Minister for Foreign Affairs of Estonia, Mr. Juri Luik, dated Dec. 8, 1994, N.3053/94/L, Jan. 13, 1995.

[769] *CSCE Newsletter*, vol.1, n.5, May 19, 1994, p.2 and CSCE Communication 20/1994, Jun. 14, 1994; Letter of the OSCE HCNM to the Minister for Foreign Affairs of Estonia, Mr. Siim Kallas, dated October 28, 1996, REF.HC/1/97, Jan. 4, 1997 and Document 21.

[770] Documents 20 and 22.

[771] Document 22 and *Annual Report 1997 on OSCE Activities*, Nov. 1, 1996 - Nov. 30, 1997, The Secretary General, SEC.DOC/1/97, Dec. 18, 1997, p.8.

[772] "Parliament eased alien's situation", *Estonian Review*, vol.10, n.12, Mar. 20-26, 2000.

[773] "Government eases issue of residence permits", *Estonian Review*, vol.10, n.4, Jan. 23-29, 2000; "Government eases residence permit renewals", *Baltic States Report*, vol.1, n.2, *RFE/RL*, Jan. 31, 2000.

[774] "Veidemann says no more OSCE demands on Estonia", *RFE/RL*, Oct. 22, 1998; "OSCE has no further demands for Estonia", *Estonian Review*, vol.8, n.43, Oct. 18-24, 1998.

6.3.2.3. The new Laws on Elections and on the State Language

Despite welcoming the Estonian Government's efforts to adopt the necessary amendments to legislation related to citizenship procedures, the HCNM followed closely the new Laws on Elections and on the State Language. These included ambiguities possibly leading to a discriminatory implementation of their provisions. Estonia recognised the right to vote for Estonian citizens and for foreigners with a permanent residence permit. Moreover, the right to vote was extended to those with a temporary residence permit of at least three years duration and who had lived within the area for at least five years. Those falling within this group had to apply to be put on the electoral roll[775].

On December 15, 1998, the Estonian Riigikogu approved amendments to the Laws on Elections and the State Language, according to which knowledge of written and spoken Estonian would be required for members of the Riigikogu or local governmental councils. These amendments changed the old law, demanding from candidates a sufficient command of the Estonian language to understand the content of legal acts, formulate questions, submit proposals and address the electorate. Proficiency in the language would be assessed by exam. The previous Law regulating elections was an administrative provision the procedure of which consisted of signing a form declaring fluency in Estonian, a mere formality.

According to the HCNM[776], these amendments contradicted constitutional provisions, which did not stipulate linguistic requirements as a condition for voting or standing for office. Citizens had to be free to choose whom they wished to elect and to freely present themselves for election. The main question concerned the fact that the elected person was deemed to represent the electorate, whose representation could not be conditioned by any language requisites. Moreover, as a signatory to the Copenhagen Document[777], Estonia was committed to the principle of democratic elections and to ensuring effective participation of persons belonging to national minorities in the public decision-making process. Despite the HCNM's criticisms[778] of the non-conformity of the Law with the Estonian Constitution and international legislation, and as hindering the national integration process, the Law was amended[779] and entered into force on May 1, 1999.

The Russian Federation showed discontent towards the new Law due to its unfair procedures. In the view of the Russian authorities, it should be up to the electorate and not to a language inspector to decide who "deserves to express the interests of the population". The dismissal of professionals due to incomplete language compatibility was also criticised[780]. Strong criticisms of the new Law also emerged in the press. "Nobody here disputes Estonia's right to a Language Law. (...) But what purpose does it serve when parties are forced to speak a language

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[775] Document 60.
[776] Letter of the OSCE HCNM to Lennart Meri, President of the Republic of Estonia, Dec. 19, 1998.
[777] CSCE Copenhagen Document, Jun. 1990.
[778] Letter of the OSCE HCNM to Lennart Meri, President of the Republic of Estonia, Dec. 19, 1998 and interview with Neil Brennan, Second Secretary, Lawyer, OSCE Mission, Tallinn, May 13, 1999.
[779] Documents 26 and 61.

voters do not understand?"[781] In the face of controversy, one week later President Meri returned the Law to the Parliament claiming it did not comply with international standards. The Riigikogu dropped the demand for candidates to local organisms to pass the language proficiency exam. However, the requirement of sufficient knowledge of Estonian was retained, which within the broader context of easing requirements for the acquisition of Estonian citizenship seemed fair.

The implementation of the Law on the State Language proved problematic as it implied intrusion in the private sphere. According to the Law, the Estonian language had to be used in the private sector "in order to meet the requirements of the work environment, consumer protection, and in the interests of health protection and security"[782]. The OSCE Mission advised the Estonian authorities on the implications of the amendments, which would make many people redundant; however, the Estonian authorities did not pronounce openly on the issue. "Will the shopkeeper have to close the shop because of not speaking Estonian?"[783]. In the face of growing controversy, the Estonian authorities decided to review the wording of the Law, justifying it by the requirements of the EU's internal market[784]. The Estonian Parliament amended the Law on June 14, 2000, relaxing conditions for the use of the Estonian language in the private sector[785].

The OSCE HCNM welcomed the adoption of the amendments to enable the Law to conform with international regulations[786]. The EU has also shown appreciation of the new amendments to the Law on the State Language, expressing its understanding that there is only one official language in Estonia, the Estonian language[787]. An example where the combined efforts of the OSCE Mission, the HCNM and the EU have shown how their collaborative approach might produce positive results.

6.3.2.4. The High Commissioner's involvement

Besides the legislative accommodation implied in van der Stoel's work, his involvement also encompasses a democratic institution-building dimension. The HCNM works in close co-operation with the Mission, particularly as regards the formulation of recommendations on legislation regulating naturalisation and citizenship procedures. In the words of former CIO Margaretha af

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[780] Document 71.

[781] Unsigned article of opinion, "Undemocratic behaviour", *The Baltic Times*, vol.37, n.176, Sep. 23-29, 1999.

[782] Document 62.

[783] Interview with Neil Brennan, Second Secretary, Lawyer, OSCE Mission, Tallinn, May 13, 1999.

[784] "Estonia gets down to amending Language Law", *Estonian Review*, vol.10, n.5, Jan. 30-Feb. 5, 2000.

[785] The exceptions were on the use of the language for essential services such as police, emergency health care and public health protection, labour safety and consumer protection.

[786] "Van der Stoel/Verheugen hailed changes in Estonian Language Law", *Estonian Review*, vol.10, n.24, Jun. 12-18, 2000.

[787] "EU praises changes to Estonian Language Law", *Baltic States Report*, vol.1, n.23, *RFE/RL*, Jul. 3, 2000; "Changes to the Estonian Language Law praised by EU", *Baltic States Report*, vol.1, n.22, *RFE/RL*, Jun. 27, 2000; "Euro MP sees no problem with Estonian Language Law", *Estonian Review*, vol.10, n.13, Mar. 27-Apr. 2, 2000; "Joint EU-Estonian Commission discuss integration progress", *Baltic States Report*, vol.1, n.11, *RFE/RL*, Apr. 3, 2000; "EU-Estonian Committee discusses integration progress", *RFE/RL*, Mar. 29, 2000.

Ugglas, the Mission is the "eyes and ears of the High Commissioner"[788] because it monitors the implementation of the High Commissioner's recommendations in the field. The Mission supports Ambassador Stoel by providing him with updated and detailed information about the problems in the country, allowing the formulation of more accurate and goal-oriented recommendations.

Simultaneously, the Mission benefits from the HCNM's involvement and guidelines for future activities. As regards citizenship issues and in parallel with the High Commissioner's work, the Mission has concentrated on dissemination of information and clarification of procedures as confidence-building measures. Moreover, it has also issued recommendations to the Estonian authorities to enlarge the reach of language training programmes, make public language exam results and accelerate the processing of citizenship applications. Unlike the Mission, the HCNM applies a top-down approach focused on contacts at the highest level as regards improvements to legislation which directly affects the Russophone communities in the country. These contacts have been direct, through visits of Ambassador van der Stoel to Estonia[789], but mostly indirect through the exchange of letters with Estonian representatives, particularly the Estonian Minister of Foreign Affairs.

The Estonian Government claims to have implemented the most relevant recommendations formulated by the High Commissioner, recognising them for their validity and pertinence. According to Foreign Minister Ilves, Estonia implemented van der Stoel's suggestions, which have strengthened the institution of the HCNM, helping to promote a new diplomatic instrument enjoying credibility and authority[790]. However, van der Stoel has been criticised for applying double-standards in the pursuit of his competencies[791] and for his Russian-sided opinions when insisting that the Estonian authorities must come to terms with the Russian minority in the country[792]. The Estonian authorities question not so much the validity of the High Commissioner's recommendations (though some were described as irrelevant or outdated[793]), but the High

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[788] Margaretha af Ugglas cited in Lahelma, T., "The OSCE's Role in Conflict Prevention: The Case of Estonia", *Helsinki Monitor*, vol.10, n.2, 1999, p.25.

[789] "CSCE HCNM visits Estonia", *Estonian Review*, n.109, Jun. 28-Jul. 4, 1993; "CSCE High Commissioner visits Estonia", *Estonian Review*, n.126-A, Oct. 25-27, 1993; "CSCE HCNM visit Tallinn", *Estonian Review*, vol.4, n.20, May 16-24, 1994; "CSCE HCNM starts visit to Estonia", *Estonian Review*, vol.4, n.36.1, Sep. 5-7, 1994; "President Meri received OSCE Human Rights Commissioner", *Estonian Review*, vol.5, n.17, Apr. 23-29, 1995; "OSCE Human Rights Commissioner visits Estonia", *Estonian Review*, vol.5, n.48, Nov. 26-Dec. 2, 1995; "Visit by OSCE Commissioner for National Minorities", *Estonian Review*, vol.6, n.41, Oct. 7-13, 1996.

[790] Ilves cited in "Estonia: integration of Russian speakers proceeds successfully", *RFE/RL*, Apr. 14, 1997.

[791] Interviews with Ambassador Vaino Reinart, Permanent Representative of the Republic of Estonia to the OSCE, Vienna, Feb. 17, 1999; Peeter Miller, Political Department Counsellor, OSCE Co-ordinator, Estonian Ministry of Foreign Affairs, Tallinn, May 11, 1999 and Mart Nutt, Member of Parliament, Pro-Patria, Tallinn, May 11, 1999.

[792] Document 47. "The High Commissioner and the Mission take pains not to criticise Russia, pointing to their mandate limited to Estonia. But the same care is not taken when Mr. van der Stoel comes to Estonia to meet leaders of the Russian Citizens Union, whose views are very close to those of Zhirinovsky", "Strange bedfellows", *Baltic Independent*, Mar. 4-11, 1994.

[793] Critics to the HCNM's partial activity and outdated information may be found in several letters from the Estonian Ministry for Foreign Affairs, such as the letters of Feb. 7, 1996, n.6/10680 and of Nov. 27, 1996, n.1/19028, for example.

Commissioner's attitude, defined as incoherent[794]. As a consequence, relations between the HCNM and the Estonian authorities, though officially amicable, have faced difficulties, perceptible in the letters exchanged between both entities.

The role of the HCNM in Estonia has been fundamental for diminishing anxieties. Through visits to the country, dialogue with the Estonian authorities and close co-operation with the OSCE Mission, Max van der Stoel has been able to formulate concrete recommendations with regard to legislation adaptation. These recommendations, particularly directed to citizenship-related matters, as analysed before, have proven their usefulness. The HCNM's involvement has contributed to the building of an increasingly tension-free scenario in Estonia, mostly by pursuing the clarification and simplification of citizenship requirements and related issues. The adoption of most of the HCNM's recommendations is the best example of their pertinence. In his efforts, van der Stoel benefited from a co-operative attitude with the Council of Europe, whose expertise on legal matters is complementary to that of the HCNM and of the Mission legal advisers. The EU directives for Estonian accession have also complemented the High Commissioner's efforts, since they have positively pressured Estonia to ease citizenship procedures and foster the integration of Russian-speakers inhabiting the country[795]. In this sense, the institution of the HCNM, the OSCE Mission, the Council of Europe and the EU combined efforts proved their mutually-reinforcing nature, by contributing in a more direct or indirect manner to the adaptation of legislation, and consequently to a reduction in the Russian-speakers' anxiety at a national level, and of the Russian Federation's claims at a higher level.

6.3.3. Other OSCE institutions in the field

The Mission has closely co-operated with the ODIHR as regards language training, democracy-building and election monitoring. For example, within the ODIHR's Grassroots programme, the Office provided assistance to the Estonian Law Centre in establishing a Centre for the Study of Constitutional Law, highlighting co-operation between the Office and the Field Mission as well as local players. Moreover, the ODIHR has promoted language training in collaboration with the Mission, including training for one hundred non-Estonian women and fifty children from former

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[794] "Why is not the HCNM recommending improvements to minorities in Western European countries or the Russian Federation? Estonia considers it would confer more validity and respect to the HCNM mandate". The standards applied to one must be valid for all CSCE states, in other words, there can be no 'rubber rulers', "The President addresses the CSCE Summit", *Estonian Review*, vol.4, n.49.1, Dec. 5-7, 1994. The example of a possible involvement in Chechnya was suggested. Ambassador van der Stoel recognised the potential for his involvement, "in a post-conflict situation relating to questions like the building of a new Constitution order as far as minority issues are concerned", Letter from the HCNM to Foreign Minister Luik, Feb. 14, 1997, REF.HC/1/97, n.1/19028, Jan. 2, 1997. However, after warfare was halted in the end of 1996, this involvement did not materialise.

[795] "Estonia to Take into Account EU Advice on Ethnic Russians", Itar-Tass, March 26, 1998, http://customnews.cnn.com and "UK's Cook Sees no Obstacle for Tallinn over Russian Minority", *RFE/RL*, March 31, 1998.

Soviet military base towns in Estonia[796]. The Office has also provided assistance to the Mission as regards NGO training, including the production of a video film and a book on multiculturalism and a Centre for NGOs in north-eastern Estonia[797]. The ODIHR has also provided support in the organisation of seminars falling within the human dimension and in the monitoring of electoral processes[798]. The Mission benefits from its co-operative relationship with the ODIHR, enlarging the reach of its activities.

As regards election monitoring, the OSCE's Parliamentary Assembly also co-operates with the ODIHR in the field[799]. Moreover, the Parliamentary Assembly has been following the integration process and how the adoption of citizenship-related legislation might affect the rights of voters in Estonia[800]. In this sense, it has been strengthening the High Commissioner and the Mission's activity by monitoring compliance with internationally agreed standards. In general, the electoral processes in Estonia have been described as fair, transparent and in accordance with Estonia's commitments as an OSCE participating state. The problems reported had mainly to do with new legislation and its implementation, which could limit the voter's right to elect his or her candidate of choice, particularly with regard to the language requirements in force from May 1, 1999[801]. An issue also followed attentively by the HCNM, demonstrating how the combination of efforts between the OSCE institutions and the Mission in the field, together with OSCE principles, might strengthen the OSCE's overall approach to Estonia.

6.3.4. The nature of the OSCE's involvement in Estonia

The nature of the OSCE's activity in Estonia has been a source of dissension. Its labelling of 'conflict prevention' has generated contrary views. Some argue that the real motivation for OSCE involvement was concern over potential conflict with Russia posing as the antagonist[802]. Others refer to the post-independence emerging tensions but exclude any possibility of escalation to armed confrontation[803]. According to the Estonian authorities, the OSCE is an important pillar of

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[796] ODIHR Annual Report 2000, Warsaw, Nov. 2000, pp.36 and 54.
[797] *Annual Report 2000 on OSCE Activities*, The Secretary General, SEC.DOC/5/00, November 24, 2000, p.27.
[798] Republic of Estonia Parliamentary Elections, 7 March 1999, ODIHR Election Observation, Mar. 31, 1999; ODIHR Election Observation Mission to Estonia 1999, Preliminary Statement – 8 March 1999; ODIHR Report on the Parliamentary Elections in Estonia, 5th March 1995, DOC.489/95, Mar. 17, 1995; CSCE ODIHR, Elections in the Republic of Estonia, Sep. 20, 1992, CSCE Communication 290, Oct. 2, 1992.
[799] The ODIHR and the PA signed a Co-operation Agreement in Copenhagen in September 1997, *Annual Report 2000 on OSCE Activities*, The Secretary General, SEC.DOC/5/00, November 24, 2000, p.131.
[800] OSCE's Parliamentary Assembly Report on the Parliamentary Elections in Estonia, 5 March 1995. "Only Estonian citizens have the right to put forward candidates, stand as a candidate and vote in Parliamentary elections. (...) The authorities should promptly deal with all applications for citizenship. At the same time non-citizens should decide which citizenship they wish to choose", idem, pp.2 and 9.
[801] Refer to the new amendments in section 6.3.2.3.
[802] Schlager, M., "The Right to Have Rights: Citizenship in Newly Independent OSCE Countries", *Helsinki Monitor*, vol.8, n.1, 1997, p.37.
[803] "Conflict or Compromise in the Baltic States?", *RFE/RL Research Report*, vol.3, n.28, Jul. 15, 1994, p.29; Jarve, P., "Security Choices of a Re-independent Small State: An Estonian Case" in Bauwens, W. et al. (eds.),

the European security architecture and a forum of first resort for the peaceful settlement of disputes within its region[804]. However, its presence in Estonia should not qualify the situation in the country as crisis-prone[805]. The Estonian authorities do not believe that the tense climate in the immediate post-independence period could escalate into armed conflict between Estonia and the Russian Federation[806]. The fact that there are important differences between Estonians and Russians is not a sufficiently solid reason for the equating of existing tensions with imminent conflict. There are several countries where a multiplicity of nationalities coexist peacefully, though moments of tension and demonstrations have also occurred without leading, however, to armed conflict.

The CSCE Mission was deployed under the belief that limited involvement at an early stage is preferable to large-scale intervention at a later stage[807]. However, within the OSCE's understanding of preventive diplomacy, the Mission deployment did not necessarily imply that conflict was imminent. It did, however, refer to the potential of tension-escalation. Estonia is mentioned many times by the OSCE representatives as a conflict prevention case as regards the tension-diffusing nature of the Mission's mandate, particularly at the time of its deployment in the country in 1993. At that time, the situation in Estonia was substantially different from today, with the local authorities struggling for the affirmation of the country's sovereignty. Nevertheless, OSCE representatives have been more careful in the labelling of the Estonian case and in making clear Estonia is not a crisis region[808].

6.4. Estonia and Russia: partners or adversaries?

The exchange of accusations and the linkage of different issues have been common in the Estonian-Russian relationship. Different views of the same problem and its possible resolution have been the cause of disagreement and poor dialogue. The Estonian authorities understand Russian accusations as attempts to influence world public opinion and international organisations in order to isolate Estonia from other democratic nations, diverting foreign investment and hindering the country's socio-economic and political development. The Estonian authorities argued the Laws adopted did not discriminate on ethnic grounds and sought support for their arguments in the OSCE and the Council of Europe's positive comments on the matter. The Estonian President has made clear the Russian-speaking population in the country is not viewed as

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Small States and the Security Challenge in the New Europe, Brassey's Atlantic Commentaries n.8, 1996, p.231; and Estonian authorities general opinion.

[804] "Estonia and the OSCE", *Estonia Today*, Jul. 3, 2000.

[805] "Estonia relations with international organisations", *Estonia Today*.

[806] Interviews with Peeter Miller, Political Department Counsellor, OSCE Co-ordinator, Estonian Ministry of Foreign Affairs, Tallinn, May 11, 1999 and Ambassador Vaino Reinart, Permanent Representative of the Republic of Estonia to the OSCE, Vienna, Feb. 17, 1999.

[807] CSCE Communication 338, Nov. 3, 1992.

[808] "Outgoing OSCE Ambassador pays farewell visit", *Estonian Review*, vol.7, n.43, Oct. 19-25, 1997.

a force dividing Estonia and Russia, but as a factor ensuring good neighbourly relations between the two countries[809].

Nevertheless, despite international evaluation of the conformity of the Estonian legislation to international standards, the Russian Federation maintained criticisms of ethnic discrimination and human rights violations. According to Russian sources, humanitarian questions form the cornerstone of Estonian-Russian relations, and the Estonian amendments to legislation have contributed to the deterioration of the situation of many Russian speakers in Estonia[810]. However, many Russian residents do not share the feeling of closeness to Russia which Russian authorities so often claim. Many Russian-speakers in Estonia view citizenship and related legislation as their opportunity to achieve equality with Estonian citizens and to be able to pursue civic and political rights. Insecurity and frustration dominate their views of governmental policies; however, they recognise Estonia offers better living conditions and opportunities than the Russian Federation or other former Soviet republics[811]. Moreover, the Russian criticisms and accusations have not been accompanied by concrete actions. The lack of interest of the Russian Federation in contributing to the language training programmes is noticeable, which may be interpreted as disinterest in the promotion of non-Estonian integration.

From the mixing of problems and the exchange of mutual accusations, the increase in tensions between the two countries was inevitable. On the one hand, the Russian Federation sees in the linkage of issues the best manner to persuade Estonia to comply with its human rights requirements and to maintain its influence in the country. On the other hand, Estonia charges Russia with interference in the country's internal affairs and denies claims of ethnic discrimination. Estonia cannot be denied its statehood, but it cannot overlook the presence in its territory of a large Russian-speaking community. The Russian Federation can legitimately express concern for Russians inhabiting Estonia, but it cannot interfere in Estonia's internal affairs nor impose any policies on the country.

In order to diffuse tensions and promote an environment conducive to dialogue between the two countries, the OSCE has offered a forum where difficult and even delicate issues such as the withdrawal of Russian troops from Estonian soil or the granting of Estonian citizenship to Russian speakers could be discussed. In the field, the HCNM and the Mission together with other

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[809] "Russian Deputy Foreign Minister in Estonia for discussions", *Estonian Review*, n.76, Nov. 2-8, 1992; "Estonian President sent note to Russian President", *Estonian Review*, n.77, Nov. 9-15, 1992.

[810] Document 27.

[811] "I have already adapted here. Why should I go searching for something better when I already have it here?", Igor, thirty-five year old Russian who has resided in Estonia for the past eleven years, interviewed in Aug. 1993, "Integrating Estonia's Non-Citizen Minority", *Helsinki Watch*, vol.5, issue 20, Oct. 1993, p.24. "This is my homeland, and I am not guilty of the fact, at least I don't think I am, that my parents settled here, that they were not born here", Irina, a Russian born in Estonia, interview in Aug. 1993, idem, p.21. See also survey conducted by Emil Pain, Advisor to Russian President Yeltsin, December 1994 according to which 2.1% Russian-speakers wanted to leave Estonia while 92.9% preferred to remain in the country, "Emigration: Statistics and Attitudes", *Estonia Today*, May 9, 1996. The average wage in Russia is about $65 per month, a low value when compared to Estonia's average month salary which is about $300, "Special Article: Putin's Russia, The chaos at the door", *The Economist*, Mar. 31, 2000, pp.23-26.

OSCE institutions have also contributed to inter-state dialogue and a reduction of tensions. The OSCE has contributed to the lessening of tensions through counter-arguing Russian accusations of 'ethnic cleansing' with investigations by experts, while simultaneously pressuring the Estonian authorities to regularise the status of non-citizens living in Estonia[812].

The ambiguous relationship between Russia and the OSCE, as discussed in chapter four, takes clear contours as regards Estonia. The issue of the withdrawal of Russian troops from Estonia, developed next, demonstrates how Russia acts according to its national interests. Since Russia's leverage in Estonia is limited, it welcomes the OSCE's involvement in the country. However, when it comes to particular issues directly involving its interests in the area, the Russian attitude becomes uncooperative, with consequences both at headquarters and in the field. Russia plays with concessions and demands in order to pursue its own interests while avoiding international criticism. If Russian pressures have increased nationalism and the desire for Western integration in Estonia, they have also led to increasing awareness in Estonia of the need to address Russian complaints. This complex 'give and take away' process has always ruled Estonian-Russian relations. Estonia has so far complied with most of the international recommendations and obligations, particularly those of the HCNM. However, problems remain which need to be solved in the spirit of good neighbourliness. Sharing concerns and discussing possible solutions would be an enormous step towards the normalisation of relations and towards ending the constant political uncertainty in Estonian-Russian relations: partners or adversaries?

The following sections address the major issues of disagreement between Estonia and Russia, highlighting the Russian ambiguities translated in a complex relationship with the OSCE, as demonstrated in chapter four. The OSCE's response to these problems, both in the field and from Vienna, is also a focus of attention.

6.4.1. The withdrawal of Russian troops from Estonian soil

At the time of the Estonian declaration of independence, Soviet troops were stationed on Estonian territory. The presence and later maintenance of these troops was understood in Estonia as an attempt by the Russian Federation to keep Estonia within its sphere of influence and as a justification for Russia's involvement in Estonian affairs. Therefore, Estonia urged the withdrawal of foreign troops from its territory. The process dates back to the immediate post-independence period in Estonia, when several documents were signed by the Baltic Assembly urging the withdrawal of Soviet troops, followed by appeals to international institutions such as the CSCE and the UN[813].

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[812] Idem.

[813] *Estonian Review*, n.13, Jan. 27-31, 1992; "The Baltic Council in session", *Estonian Review*, n.57, Jun. 22-28, 1992; "Baltic letter to the UN", *Estonian Review*, n.65, Aug. 17-23, 1992.

For the Russian Federation, the stationing of troops in Estonia meant continuity of its influence in the region and dissuasion of foreign economic investment in Estonia, thereby maintaining its status as main trading partner of the country. As such, Russia formulated a series of conditions to delay the withdrawal of troops, demanding social guarantees for Russian military pensioners and arguing it faced technical and economic constraints on withdrawal[814]. The withdrawal process was closely tied to other matters, particularly respect for human rights in Estonia through the adoption of appropriate legislative measures and the signing of economic inter-state agreements[815]. The linking of the different issues conferred bargaining power on the Russian Federation, allowing delays and pressuring for concessions. Nevertheless, the Russian positioning was always ambiguous, shifting from declarations of intent to accusations, and from statements to their subsequent denial[816].

Setbacks and exchanges of accusations were balanced with progress, such as the Estonian commitment to build accommodation for the withdrawing Russian troops and the Russian offer of a deadline for withdrawal. These positive steps were complemented by international pressure, including declarations from the OSCE, UN, EU or particular countries, and offers of financial support for the withdrawal process[817]. In the Estonian negotiator's view[818], "Russia had only to lose

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[814] See *RFE/RL Research Report*, "Progress on withdrawal from the Baltic States", vol.2, n.25, Jun. 18, 1993, pp.50-52; Holoboff, E., "National Security in the Baltic States" in Parrott, B. (ed.), *State Building and Military Power in Russia*, p.114.

[815] "Oil supplies from Russia suspended" and "Estonian delegation in Budapest", *Estonian Review*, n.58, Jun. 29-Jul. 5, 1992; "Russian President halts troop withdrawal from Baltics", *Estonian Review*, n.75, Oct. 26-Nov. 1, 1992; "Russia once again declares suspension of troop withdrawal from Baltics", *Estonian Review*, n.96, Mar. 29-Apr. 4, 1993; "Discussions on withdrawal of foreign troops focus on the lack of housing for Russian military personnel in Russia", *Estonian Review*, n.104, May 24-30, 1993; "Estonia responds to Russian allegations", *Estonian Review*, n.107, Jun. 14-20, 1993; "Russia wants to draw Estonia into its sphere of influence", *Estonian Review*, n.109, Jun. 28-Jul. 4, 1993; "Official statement by leaders of Estonia on Russian President's speech in Naples", *Estonian Review*, vol.4, n.28, Jul. 11-17, 1994; "Russia adopts discriminatory economic policies against Estonia", *Estonian Review*, vol.4, n.36.2, Sep. 8-11, 1994. "Lukin advises Estonia to ratify troop accords if it wants free trade with Russia", BBC SWB, SU/2363 E/2, Jul. 24, 1995; "Meri opposes linking withdrawal agreement to border treaty with Russia", BBC SWB, SU/2368 E/1, Jul. 29, 1995.

[816] An example was the halting of the withdrawal process, according to Russian sources due to the violation of human rights in Estonia, and the later disavowal of the statements, according to which Russia did not connect the withdrawal of troops with human rights or citizenship questions in Estonia. See "Estonian delegation in Budapest", *Estonian Review*, n.58, Jun. 29-Jul. 5, 1992; "Russian President halts troop withdrawal from Baltics", *Estonian Review*, n.75, Oct. 26-Nov. 1, 1992; "Russian Deputy Foreign Minister in Estonia for discussions", *Estonian Review*, n.76, Nov. 2-8, 1992.

[817] "Estonia prepared to help in building homes for withdrawing Russian troops", *Estonian Review*, n.126-B, Oct. 21-24, 1993; "Russian delegation offered deadline for withdrawal - 31 August 1994", *Estonian Review*, n.129, Nov. 15-21, 1993; "US allocates USD 6 million to help Russian withdrawal", *Estonian Review*, n.114, Aug. 2-8, 1993; "Foreign credits to Russia tied to withdrawal", *Estonian Review*, n.120, Sep. 13-19, 1993; "Clinton reiterates US support for speedy Russian troop pullout from Estonia", *Estonian Review*, n.128-A, Nov. 8-10, 1993; "Hurd urges Russia to withdraw troops from Estonia", "Swedish Foreign Minister sees no reason for delayed Russian military presence in Estonia", and "US to assist Estonia financially over Russian troop withdrawal", *Estonian Review*, vol.4, n.21.1, May 23-26, 1994; "Danish Parliamentarians declare support for troop withdrawal from Estonia", *Estonian Review*, vol.4, n.24, Jun. 13-19, 1994; "The EU expects the Russian Federation to withdraw its troops", *Estonian Review*, vol.4, n.25, Jun. 20-26, 1994; "Canadian Foreign Minister pledges support to international demands for Russian troop pullout", and "Senior US officials support demand for the withdrawal of Russian military forces by August 1994", *Estonian Review*, vol.4, n.26.1, Jun. 27-29, 1994; "Nordics call for Russian troop withdrawal from Baltics", *Estonian Review*,

in case it did not withdraw its troops". Vaino Reinart added that the withdrawal of troops and its disconnection from additional conditions represented a credibility test for the Russian Federation in the face of its international commitments on the matter.

For Estonia, the withdrawal of Russian troops was both a question of security and sovereignty, which became legitimised within the CSCE framework at the 1992 Helsinki Summit[819]. However, Estonia experienced the CSCE's inability to address and resolve the question in a practical and efficient manner. Given the non-binding character of CSCE resolutions, its echoes were not as effective as Estonia hoped for. Nevertheless, the CSCE addressed the issue at several meetings. At the institutional level, the CSCE kept reminding the Russian Federation of its commitments and urging the withdrawal of troops[820]. However, on the ground Russia pursued its double strategy of not implementing the CSCE recommendations and delaying the withdrawal process, while seeking acceptable justifications based on economic, technical or social considerations to appease the international community. After the December 1993 elections in Russia, the strengthening of nationalists and communists led to a hardening of the Russian discourse, as analysed in chapter four.

In March 1994, the CSCE CSO urged all parties involved in the withdrawal of the remaining Russian troops from the territories of the Baltic States to promptly conclude appropriate agreements[821]. At the same meeting, Estonia addressed to the CSCE a written protest on the Russian linking of the troop withdrawal with the citizenship problem, arguing the Russian Federation had unilaterally stepped back from the agreed final date for withdrawal, August 31, 1994[822]. The Russian Federation denied the Estonian charges as running counter to UN and CSCE commitments[823]. Further attempts to link the withdrawal with other issues, such as the alleged human rights violations, followed[824]. The draft agreement on the social guarantees for the retired Russian military was discussed in April 1994 without result and stalled due to the Estonian legislation which, while allowing exceptions, did not issue residence permits to persons retired

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vol.4, n.27, Jul. 4-10, 1994; "US Senate urges Russian troops to leave Baltics", *Estonian Review*, vol.4, n.28, Jul. 11-17, 1994.

[818] "Delaying withdrawal, Russia would only lose - Estonian chief negotiator", *Estonian Review*, vol.4, n.18-2, May 2-4, 1994.

[819] The Final Document adopted at the Summit calls on the participating States concerned "to conclude, without delay, appropriate bilateral agreements, including timetables, for the early, orderly and complete withdrawal of such foreign troops from the territories of the Baltic States", *Helsinki Document 1992*, Helsinki Declaration, parag.15; and "Estonia at the CSCE", *Estonian Review*, n.58, Jul. 6-12, 1992.

[820] For example, on July 11, 1994 the CSCE Parliamentary Assembly urged the pull out of troops; on June 27, 1994 the CSO recalled the Helsinki II commitments, Helsinki Summit, Jul. 9-10, 1992; 4th Council Meeting, 4C/Dec.1, Rome, Nov. 30-Dec. 1, 1993, chapter I, point 5; 3rd Ministerial Council, Stockholm, Dec. 1992; 1st annual session of the CSCE Parliamentary Assembly, Budapest, Jul. 3-5, 1992.

[821] 25th CSO Meeting, 25CSO/J3, Mar. 2-4, 1994.

[822] Interpretative statement under parag.79 (chapter 6) of the final recommendations of the Helsinki Consultation by the Delegation of Estonia in connection with decision (h) of the 25th CSO Meeting, 25CSO/J3, Mar. 4, 1994.

[823] Document 28. Vares, P., "Dimensions and Orientations in the Foreign and Security Policies of the Baltic States" in Dawisha, A. and Dawisha, K. (eds.), *The Making of Foreign Policy in Russia and the New States of Eurasia*, M. E. Sharp, vol.4, New York and London, 1995, p.165.

[824] Documents 2 and 29.

from career positions in foreign military forces[825]. The stalemate was broken with the finding of agreement on July 26, 1994 on the military pensioners' provisions and on the withdrawal of troops by the end of August[826].

In the end, the completion of the troop withdrawal revealed the Russian commitment to respect Estonia's independence and integrity, as well as internationally-assumed commitments[827]. The OSCE's continuous pressure on Russia at the decision-making level had the merit of causing discomfort in Moscow for the persistence of criticisms and the continuous reminders of the Russian failure to assume its international commitments[828]. However, the withdrawal issue also revealed the limits of the OSCE's politically-binding commitments and of the organisation's lack of enforcement mechanisms. The organisation's limitations in Vienna and in the field became clear. Russia restrained the adoption of concrete resolutions, however it could not use its veto power over OSCE agreed commitments[829]. Simultaneously, not enjoying enforcement powers, the OSCE could not persuade Russia to comply with the agreed resolutions, demonstrating the organisation's limitations.

The OSCE benefited from the United States and the EU leverage[830], translated in pressure on the Russian authorities by linking economic assistance to the completion of withdrawal, and on the Estonian authorities by relating the country's accession to the EU with the resolution of the remaining issues blocking the troop withdrawal. The conclusion of the withdrawal agreement and the consequent departure of Russian troops from Estonian territory was praised by the CSCE as a "tremendous accomplishment" which would have positive influence in the resolution of the remaining difficulties between Russia and Estonia[831]. However, the expected positive outcomes were limited.

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[825] Document 30.

[826] Documents 31 and 64. "Russia agrees to pull out troops from Estonia", *RFE/RL*, Jul. 27, 1994; "Historic Estonian-Russian Presidential Summit leads to agreement on troop withdrawal by August 31, 1994", *Estonian Review*, vol.4, n30.1, Jul. 25-27, 1994; "Russian troop pullout ends a chapter in Estonian history", *Estonian Review*, vol.4, n.35.1, Aug. 29-31, 1994; "Responses from abroad", *Estonian Review*, vol.4, n.30.1, Jul. 25-27, 1994. "Russian troops evacuate their property from Estonia", BBC SWB, SU/2065 E/1, Aug. 4, 1994; "Legal formalities on Estonia troop withdrawal completed, says Russian spokesman", BBC SWB, SU/2068 E/1, Aug. 8, 1994. The dismantling of the nuclear reactors in Paldiski was not agreed simultaneously with the troop withdrawal. The issue dragged on for some more time, though by August 1995 the hand-over of the Russian military site in the area was initiated and progress praised by international entities, "Russian specialists leaving former Russian naval base", *Estonian Review*, vol.5, n.32, Aug. 6-12, 1995; "Foreign experts are satisfied with progress in Paldiski", *Estonian Review*, vol.5, n.33, Aug. 13-19, 1995.

[827] Melvin, N., *Russians beyond Russia*, p.53.

[828] At several instances the CSCE has recalled the parties of their obligations, *Helsinki Document 1992*, Helsinki Declaration, parag.15; 4th Council Meeting, 4C/Dec.1, Rome, Nov. 30-Dec. 1, 1993, chapter 1, parag.5; 28th CSO Meeting, Prague, 28CSO/J2 and J3, Sep. 14-16, 1994.

[829] For example, at Helsinki in 1992, the CSCE's participating states committed to "remove (...) the problems that remain from the past, like the stationing of foreign armed forces on the territories of the Baltic States without the required consent of those countries. (...) We call on the participating states concerned to conclude, without delay, appropriate bilateral agreements, including timetables, for the early, orderly and complete withdrawal of such foreign troops from the territories of the Baltic States", *Helsinki Document 1992*, Helsinki Declaration, paragraph 15.

[830] "US Congress ties Russian aid to Baltic troop withdrawal", *Estonian Review*, n.73, Oct. 12-18, 1992.

[831] CSCE CIO Antonio Martino statement, *CSCE Newsletter*, vol.1, n.8, Sep. 7, 1994, pp.1-2; 28th CSO Meeting, 28CSO/J2, Sep. 15, 1994 and *Budapest Document 1994*, "Declaration on Baltic Issues". See also

6.4.1.1. Estonian Government Commission on Military Pensioners

According to the Agreement on "Matters Related to Social Guarantees for Military Pensioners of the Russian Federation on the Territory of the Republic of Estonia" of July 26, 1994[832], residence permits would be issued to military pensioners and their close relatives in accordance with Estonian law[833]. An officer retired before August 20, 1991 was eligible for a residence permit if he was born before January 1, 1930, if his spouse or underage child was an Estonian citizen residing in Estonia or if his permanence in the country was necessary for the Republic of Estonia[834]. However, Estonia safeguarded the right not to confer citizenship on anyone considered a threat to the country's national security.

Established in September 1994, the Estonian Government Commission on Military Pensioners deals with the processes of former Russian Military Officials, deciding about the issuing or not of residence permits to the around one thousand officials concerned. It was agreed that a CSCE representative would participate in the work of the Government Commission to assure impartiality and transparency in the evaluation process[835]. Captain Mahrenholtz was appointed the CSCE representative to the Commission and took up his functions on November 16, 1994[836].

Currently the Commission deals mainly with the renewal of residence permits, since none of the applicants will ever be entitled to permanent residence permits[837]. The Commission also deals with repatriation or integration of divorced and widowed former military dependants abandoned after the troop withdrawal[838]. Interruptions in the work of the Commission have occurred mostly due to insufficient logistics or electoral periods. Moreover, the inadequate completion of forms, for example by ex-KGB officials, or the missing of deadlines, have caused delays to the process and hampered the Commission's work. Between 1995 and May 1999 there were fifty-three refusals of residence permits, thirty-two of which to voucher receivers[839], the others being due to criminal records or provision of false information[840].

"Estonia thanks the CSCE for backing on foreign troop withdrawal", *Estonian Review*, vol.4, n.41.1, Oct. 10-12, 1994; "Baltic Presidents issue joint statement on occasion of Russian Army withdrawal" and "Russian troops complete withdrawal from Estonia and Latvia", BBC SWB, SU/2070 E/2, Sep. 2, 1994.

[832] For the text of the agreement see "Russian-Estonian Agreement on Military Pensioners' Rights", BBC SWB, SU/2064 E/1, Aug. 3, 1994.

[833] A major improvement in relation to the Law on Aliens which categorically excluded the issuing of residence permits to members of the armed forces of a foreign state.

[834] Mission Report on the situation in Estonia in accordance with point 5.d) of the draft agenda of the 25th CSO Meeting, Feb. 17, 1994.

[835] 28th CSO Meeting, Journal 3, decision (g) under agenda item 6 (e), Prague, 28CSO/J3, Sep. 16, 1994.

[836] Permanent Committee, Journal 40, item 6, Vienna, PC/J40, Ann, Nov. 7, 1994 and CSCE DOC.1024/94, Nov. 4, 1994.

[837] Depending on the case, temporary permits may be valid from five months to five years with options for extension. "No residence permits issued to Russian ex-servicemen", BBC SWB, SU/2070 E/2, Aug. 10, 1994.

[838] Documents 65-66.

[839] By mid-1997 the United States was promoting an assistance programme which consisted of the emission of housing vouchers for the repatriation of ex-military officials to the Russian Federation or other former Soviet republics. According to the contract, those opting for the voucher had a three month period to leave Estonia. However, the lack of tight supervision allowed some officials to apply both for the voucher and for a residence permit to stay in Estonia, illegitimately accumulating benefits. This problem involves around five

The OSCE's representation in the Commission added a new dimension to OSCE activity in Estonia. Praised by Estonia and the Russian Federation for pursuing an independent role and promoting transparency[841], it demonstrates the OSCE's availability and versatility to assist in finding a solution to the problems[842]. However, many who thought all applicants would be granted a residence permit misunderstood the OSCE Representative's role in the Commission. Severe criticisms of the OSCE Representative for sanctioning the Estonian Government emerged in Russian newspapers when the Estonian authorities refused residence permits to some applicants[843]. The OSCE Representative regrets the misinterpretation of his mandate within the Commission, as limiting the reach of its activity in Estonia and reflecting a distorted perception of the nature of the organisation's involvement[844].

6.4.2. The Estonian Western orientation

Estonian political development since the regaining of independence has been stable. Despite changes in Government as a result of electoral processes, the general line of orientation has centred on democracy-building and the implementation of market economy reforms, while the country's integration in Western structures has been maintained. After joining the OSCE, the UN and the Council of Europe, Estonia applied for EU and NATO membership. Admission to the EU demands, apart from the economic aspects, the integration of the country's large Russian minority, and a new approach as concerns social welfare and environmental protection[845]. According to the

hundred ex-officials who sold or rented their apartments in Russia and remained in Estonia. Estonia has adopted amendments to its legislation as regards its right not to issue residence permits to the ex-servicemen falling within this category. Captain Mahrenholtz described the amendments to the law as fair, not affecting the authorities' general policy towards former Soviet officers. "OSCE: Estonian Law not to affect Russian ex-servicemen", *Estonian Review*, vol.9, n.45, Oct. 31-Nov. 6, 1999. Documents 67 and 68.

[840] Interview with Tiina Ilsen, OSCE Representative to the Estonian Government Commission on Military Pensioners, Tallinn, May 13, 1999.

[841] The Russian Federation values the OSCE's presence as a guarantee against the arbitrary rule of bureaucracy, besides conferring legitimacy on the Commission's work. Statement by the Representative of the Russian Federation Deputy Director of the Second European Department of the Russian Minister for Foreign Affairs Vdaltsov, Sep. 29, 1994, DOC.862/94, Oct. 5, 1994 and interview with Vladimir Pryakhin, Senior Counsellor of the Permanent Mission of the Russian Federation to the OSCE, Vienna, Feb. 17, 1999.

[842] Déclaration du Representant de la France au nom de L'EU sur la Commission Estonienne sur les Retraitres Militaires, Conseil Pérmanent de l'OSCE du 16 Février 1995, OSCE DOC.244/95 and 20th PC, EU/France statement, PC/128/95, May 11, 1995.

[843] Document 69.

[844] Interview with Tiina Ilsen, OSCE Representative to the Estonian Government Commission on Military Pensioners, Tallinn, May 13, 1999.

[845] "Estonia to take into account EU advice on ethnic Russians", Itar-Tass, Mar. 26, 1998, http://customnews.cnn.com. Including Estonia in the first-round accession talks demonstrated recognition for the Estonian rapid progress in implementing reforms, "Estonia: European Commission recognises rapid progress", *RFE/RL*, Jul. 16, 1997; "UK's Cook sees no obstacle for Tallinn over Russian minority", *RFE/RL*, Mar. 31, 1998. EU formal accession talks started in Brussels on March 31, 1998. See also Community Legislation in Force, Doc 298A0309(01), Official Journal L068, 09/03/1998, p.0003-0198 and Doc 298A0624(01), Official Journal L181, 24/06/1998, p.0003-0048 for examples of Partnership and Co-operation Agreements between the EU and Estonia in trade and customs matters, respectively.

Estonian authorities[846], bringing Estonia's legislation into line with the EU guidelines is the key issue in getting ready for membership. Accession to the EU means security, economic aid and growth as well as the recognition of Estonia as a developed democratic country[847].

Particularly controversial is Estonian accession to the Atlantic Alliance[848]. Russian concerns go beyond purely defence-related matters, including fears of exclusion which might lead to less dynamism and competitiveness in Russia. Enlargement "is not a theoretical threat, but a real fact which will bring tanks and heavy armament from the West towards the Russian border", causing discomfort within the Russian Federation[849].

According to the Estonian view, the country's desire to integrate into NATO reflects a fear of Russia, fuelled by Russian threats and insistence on political concessions for economic ties. "There is only one state in the world whose influential politicians have publicly threatened to eliminate the Republic of Estonia. To state bluntly that Estonia needs to defend itself against Russia is therefore not an unfriendly act, but an acknowledgement of reality"[850]. The politics of enlargement have thus aggravated the image of Russia as an expansionist power, and reinforced the image of Russia as the enemy.

Wrong perceptions have been created on both sides, contributing to the aggravation of mutual concerns. Estonia must be able to show Russia that its accession to NATO does not impair Russian interests, while the Russian Federation must clarify its role in post-Cold War Europe. "Russia's policies toward the Baltic countries will be the litmus test of its new direction, [showing] the true nature of Russia's commitments to international norms and principles"[851]. The integration of Estonia in Western institutions cannot be underestimated, but Estonia's security lies in more than NATO membership. The implementation of a strong and stable economy, with sound social structures and the clarification of relations with Russia, are certainly fundamental aspects.

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[846] *Estonian Review*, vol.5, n.22, May 28-Jun. 3, 1995.

[847] Interview with Peeter Miller, Political Department Counsellor, OSCE Co-ordinator, Estonian Ministry of Foreign Affairs, Tallinn, May 11, 1999. See also "Feature: Estonia's European Union Priorities", Reuters, Mar. 25, 1998, http://customnews.cnn.com.

[848] Refer to chapter 4, section 4.2.4.2 on Russia-NATO relations. See also "Russia criticises East bloc's drive to join NATO", Reuters, Dec. 18, 1997; "Club or clubbed", *The Economist*, Jan. 17, 1998, p.46; "Baltic-Russian Relations in the New Geopolitical Framework", Project on Ethnic Relations, Novgorod, Russia, May 15-16, 1998, pp.5-23; "Balts and Russians: Can They Get Along?", *Project on Ethnic Relations Bulletin*, n.14, Winter/Spring 1999, pp. 1 and 10; van Ham, P., "The Baltic States and *Zwischeneuropa*: 'Geography is Destiny?'", *International Relations*, vol.XIV, n.2, Aug. 1998, p.48; Lieven, A., "The Baltic States, NATO and Russia", 1998; Oovel, A., "Estonian Defence Policy: Independence and International Co-operation", *NATO Review*, vol.44, n.5, Sep. 1996, pp.7-10; van Ham, P. (ed.), "The Baltic States: Security and Defence after Independence", Chaillot Paper 19, Institute for Security Studies, WEU, Jun. 1995.

[849] Interview with Vladimir Pryakhin, Senior Counsellor of the Permanent Mission of the Russian Federation to the OSCE, Vienna, Feb. 17, 1999.

[850] Hannes Walter, Estonian Defence Ministry cited in van Ham, P., "The Baltic States: Security and Defence after Independence", Chaillot Paper 19, Institute for Security Studies, WEU, Jun. 1995; Vares, P., "Dimensions and Orientations in the Foreign and Security Policies of the Baltic States" in Dawisha, A. and Dawisha, K. (eds.), *The Making of Foreign Policy in Russia*, pp.168-169; "Leaders reiterate wish for NATO membership in face of Russian threats", BBC SWB, SU/2403 E/1, Sep. 8, 1995; "Russian Defence Expert warns Estonia against joining NATO", BBC SWB, SU/2599 E/1, Apr. 30, 1996.

[851] Former Swedish Prime Minister Carl Bildt cited in van Ham, P., "The Baltic States and *Zwischeneuropa*: 'Geography is Destiny?'", *International Relations*, vol.XIV, n.2, Aug. 1998, p.49.

The analysis of the Russian positioning on the withdrawal issue and the Estonian Western orientation reveal how the addressing of delicate issues by the Russian Federation may suggest hindering of the OSCE's involvement, both at headquarters and in the field. On the one hand, it has become clear that when the OSCE is pressuring the Estonian authorities to comply with international norms as regards the rights of Russians in the country, in meetings in Vienna or in the field through the activities of the Mission or the HCNM, Russia welcomes the OSCE. Moreover, Russia clearly prefers the OSCE's involvement, due to the organisation's particular characteristics, as analysed before[852], than NATO's enlargement to Estonia. On the other hand, when its interests collide with the organisation's principles, Russia downgrades it. Nevertheless, Russia does not have an unlimited right of veto. It has to face OSCE norms and agreements, as exemplified in the withdrawal issue by the continuous pressure of the OSCE's participating states in Vienna on Russia to abide by the agreed commitments. The continuous violation of OSCE agreements by the Russian Federation might not only widen international criticism, but lead to the suspension of economic aid to Russia, thus Moscow carefully balances its interests in the area with the commitments it has assumed, resulting in the ambiguities of Russian policy-making analysed in chapter four.

Many obstacles remain between Estonia and the Russian Federation in the building of a co-operative relationship. Nevertheless, improvements have been made. In order to clarify its policy towards non-Estonians and the country's commitment to their positive integration, the Estonian Government launched an integration programme. As a complement to the Presidential Roundtable and the Estonian-Russian Intergovernmental Commission, the initiative envisages enforcing collaborative approaches between the two countries. The objectives and reach of these measures, as well as the contribution of the OSCE's Mission to them, are addressed in the following section.

6.4.3. Estonian-Russian relations: building co-operation?

Amidst various obstacles to the building of good neighbourly relations between the two countries, there have been mutual efforts to ameliorate relations, translated in the signature of various agreements on co-operation[853]. These positive moves should, nevertheless, be understood in the context of contradictions, concessions and demands which has always characterised the Estonian-

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[852] Refer to chapters 2 and 4 for more detail.

[853] Examples include industry, environment, administrative aspects and customs. "Estonia and Russia sign customs agreement", *Estonian Review*, vol.9, n.24, Jun. 6-12, 1999; "Estonian-Russian police to exchange information", *Estonian Review*, vol.8, n.18, Apr. 26-May 2, 1998; "Estonian and Russian Ministries sign agreement", *Estonian Review*, vol.7, n.52, Dec. 21-27, 1997; "Estonia and Russia sign environmental agreement", *Estonian Review*, vol.6, n.3, Feb. 14-20, 1996; "Estonia and Russia ready to sign three accords", *Estonian Review*, vol.5, n.41, Oct. 8-14, 1995; "Estonia and Russia conclude fishery agreement", *Estonian Review*, vol.4, n.18-2, May 2-4, 1994; "Estonia and Russia sign communications agreement", *Estonian Review*, n.86, Jan. 18-24, 1993; "Estonian-Russian talks initial two minor agreements", *Estonian Review*, n.129, Nov. 15-21, 1993.

Russian relationship. They are, nonetheless, fundamental steps for the progressive normalisation of relations between the two countries.

6.4.3.1. The Presidential Roundtable and the Estonian-Russian Intergovernmental Commission

In the face of growing criticism, from July 1993, President Lennart Meri began a series of Roundtable discussions on the problems of ethnic minorities with the leaders of their main groups[854]. Including representatives from the Association on National-Cultural Minorities, the Representative Assembly[855] and Members of Parliament, the Roundtable discusses issues affecting non-citizens and ethnic minorities. According to its statutes, the Roundtable elaborates recommendations and proposals as regards "the integration into Estonian society of all people who have linked their lives to Estonia or wish to do so; the resolution of the socio-economic, cultural and legal problems of aliens and stateless persons permanently residing in Estonia as well as of ethnic minorities; support for persons seeking Estonian citizenship; and the resolution of questions related to the learning and use of the Estonian language"[856].

The CSCE Mission contributed to the establishment of the Roundtable, praised by the Conference's participating states[857], and participates as a permanent observer in the discussions. The Mission considers it a useful confidence-building tool, since it allows the discussion of difficult issues on the institutional level[858]. The Roundtable is an important forum for discussion of problems related to non-Estonians and the suggestion of possible solutions to them, contributing to improvements in Estonian-Russian relations, and within Estonia between the two communities[859].

On March 15 and 16, 1998, the statute of the Estonian-Russian Intergovernmental Commission was defined in Tallinn. The main goal of the Commission was to develop co-operation between Estonia and Russia on three different levels, including trade, economy, science and technology; social and humanitarian affairs; and cultural matters[860]. Agreements in these different areas have either been signed by the parties or are under discussion[861], demonstrating

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[854] The first meeting of the Roundtable took place on July 10, 1993. Document 56; "Estonian President's first Roundtable talks with national minorities", *Estonian Review*, n.110, Jul. 5-11, 1993.

[855] In January 1993, the Representative Assembly was established in Tallinn to unite the social movements of the Russian-speaking population and to voice their rights and interests. The Assembly was involved in political activities as regards the drafting of state legislation, such as citizenship procedures, of relevance to the Russian-speaking community. *Estonian Review*, n.87, Jan. 24-31, 1993; and "Estonia registers Russian-speakers' Representative Assembly", *Estonian Review*, n.110, Jul. 5-11, 1993.

[856] http://president.ee/ymarlaud/statutes.htm and http://president.ee/ymarlaud/members.htm. See also Zaagman, R., "Conflict Prevention in the Baltic Area: The OSCE HCNM in Estonia, 1993-1999", *Helsinki Monitor*, vol.10, n.3, 1999, pp.36-37.

[857] CSCE Communication 192/93, Jul. 2, 1993; "CSCE HCNM visits Estonia", *Estonian Review*, n.109, Jun. 28-Jul. 4, 1993; "Estonian President meets with CSCE special envoy", *Estonian Review*, n.120, Sep. 13-19, 1993.

[858] Document 58 and 22nd CSO Meeting, Prague, 22CSO/J2, Annex 2, Jun. 19-Jul. 1, 1993.

[859] "Estonian Roundtable discusses Russian-speaking north-east", *Estonian Review*, n.130-B, Nov. 25-28, 1993; "President's Roundtable discusses integration", *Estonian Review*, vol.8, n.16, Apr. 12-18, 1998.

[860] "Estonian-Russian Intergovernmental Commission launched", *Estonian Review*, vol.8, n.12, Mar. 15-21, 1998; "Estonian-Russian Intergovernmental Commission", *Estonia Today*, Jul. 6, 2000.

[861] Agreement on Co-operation and Mutual Assistance in Customs Matters, June 8, 1999; agreements on road and air transport, Jul. 4, 2000; Agreement on Avoidance of Double Taxation as regards the issue of income

flexibility and willingness to co-operate. The working groups' activity has proved positive in building better understanding, expressed in the parties' view that relations have evolved positively[862]. Nevertheless, the two countries still have a long way to go to the normalisation of relations, which must include the building of trust and confidence along with the implementation of the agreed measures.

6.4.3.2. Estonian Government integration strategy

In the autumn of 1997, the Estonian Government launched the integration strategy, reflecting a new attitude towards the presence of non-Estonians. The new strategy was not rooted in the problems of the past, but directed to the future, looking at non-citizens as participants in rebuilding Estonia. Its main goals include reducing the number of stateless persons through the active participation of non-Estonians in society, diminishing regional isolation and promoting social and political integration of these populations in the legislative and executive branches of Government[863]. Many of the problems in Estonia stem from political and social tension rather than legal discrimination. For this reason, the integration of the Russian-speaking populations is closely tied to the efforts of the Estonian Government to introduce more inclusive policies and to the receptivity of the non-Estonians to the Estonian Government initiatives. The state integration programme addresses the 30% of the population who are stateless and wish to acquire Estonian citizenship.

The Estonian authorities understand integration of the Estonian and Russian communities as complementary processes[864]. Integration is a two-way process which, to succeed, depends both on governmental initiatives and on the Russian-speakers' receptivity and engagement, as pre-conditions. Formal citizenship is different from becoming a member of society. In this regard, the Estonian Prime Minister's adviser, Jeogeni Golikov, argued that integration goes beyond politics,

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tax liability of the Russian pensions received by former Soviet military in Estonia, May 30, 2000; Agreement on Transfer of Sentenced Persons; agreements between the cities and Universities of Tartu and Pskov; and agreements on the status of the grave sites of military and civilians are under discussion. On cultural matters, the regulation of the representations of the Russian higher educational institutions and founding their branches; agreement on the exchanging of lecturers, scientists and students; the return by Russia of items of cultural value, such as the Estonian Presidential Badge of Office, the funds of the Museum of Tartu University and the funds of the Estonian National Post Office, have been discussed, though without clear results. See "Estonia and Russia sign aviation and motor transport agreements", *Estonian Review*, vol.10, n.27, Jul. 3-9, 2000; "Taxation of Russian Military Pensions soon to be solved", *Estonian Review*, vol.10, n.10, Mar. 6-12, 2000; *Baltic States Report*, vol.1, n.20, *RFE/RL*, Jun. 7, 2000; "Estonian-Russian Committee discusses return of cultural property", *Estonian Review*, vol.8, n.24, Jun. 7-13, 1998; "Estonian-Russian Intergovernmental Commission meeting concludes successfully", *Estonian Review*, vol.8, n.49, Nov. 29-Dec. 5, 1998; "Estonian Minister of Culture calls for return of heritage items", *Estonian Review*, vol.10, n.27, Jul. 3-9, 2000.

[862] "Slowly, step-by-step we develop our relations", interview with Paul Lettens, Political Department Counsellor, Estonian Ministry of Foreign Affairs, Tallinn, May 13, 1999. "Estonian-Russian relations better than ever before", *Estonian Review*, vol.10, n.18, May 1-7, 2000.

[863] "The Integration of Non-Estonians into Estonian Society, The Bases of the Estonian State Integration Policy", unofficial translation, document adopted by the Riigikogu on June 10, 1998, pp.1-5.

[864] "Integration means that aliens should familiarise themselves with local life but it also means that Estonians should accept the fact that Estonia is a multicultural state", "Citizenship and Migration Boards", Estonian Official information, http://www.mig.ee/eng_index.html.

including the consolidation of society in the spheres of culture, language and economics[865]. However, many sectors in Estonian society are still in need of assistance. The implementation of the multi-faceted goals of the integration strategy is not simple[866]. While the Estonian Government cannot force anyone to integrate, it can promote the conditions for successful integration through information dissemination, language training and various CBMs. Certainly, there are groups which do not want to integrate, in particular Russian sponsored groups which remain problematic; nevertheless, this is a natural phenomenon in every country, which in any way has to be addressed.

How the Estonian authorities will implement the goals included in the integration strategy will make a difference as regards its efficiency and reach. A project entitled "The integration of non-Estonians into Estonian society" was approved in 1998[867]. Later, on March 14, 2000, the programme "Integration in Estonian society 2000-2007" was approved by the Government of Estonia[868]. According to Estonian sources, these programmes are the result of internal and external changes demanding new steps with regard to integration policies. These should comply with Estonian Constitutional principles, international law, Estonian national and social interests and with the goal of ensuring rapid modernisation of society in the context of accession to the EU. At the same time, they should preserve both stability and a commitment to the protection and continued development of Estonian culture[869]. The 2000 programme focuses on language training and educational issues. According to the Minister of Ethnic Affairs, Katrin Saks[870], "language is not an objective in itself, but a means to obtain education, find a job and live a better life". The Estonian authorities consider the linguistic environment needs to be changed in order to allow successful integration[871]. Simultaneously, the programme secures the protection and development of ethnic minorities' language and culture. Recognising the programme will not "solve all national

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[865] Jeogeni Golikov cited in Document 72.

[866] Factors assisting the process of integration include the desire to continue residing in Estonia and become an Estonian citizen, have friends and acquaintances among Estonians, and learn the language. Other factors, such as the absence of a clearly defined legal status and the consequent uncertainty and anxiety towards the future, regional isolation of certain areas, in particular north-eastern Estonia, insufficient or no knowledge of the language, apprehension as regards Estonian receptivity, and feelings of rejection and distrust through social exclusion, hinder integration, "Factors inhibiting non-Estonians' integration" in *Estonia's experiment: the possibilities to integrate non-citizens into Estonian society*, conducted by Tartu University Market Research Team, 1997, http://www.oef.org.ee/integrenglish/three.html.

[867] With the aim to monitor the social environment of integration; anticipate social conflicts; appoint integration officials and their training; draw up integration scenarios and operational strategies of the CBM for every possible development; form the public opinion and inform the different social groups, develop the management of the quality of services; and determine the guidelines for CMB training, http://www.mig.ee/eng_index.html.

[868] "Estonian Government approves integration programme", *Baltic States Report*, vol.1, n.9, *RFE/RL*, Mar. 20, 2000; "Integration Commission discusses programme", *Estonian Review*, vol.9, n.34/35, Aug. 15-29, 1999.

[869] "The bases of the Estonian state integration policy for the integration of non-Estonians into Estonian society", Estonian Riigikogu, Jun. 10, 1998, http://www.rrik.ee/saks/ikomisjon/programme.htm.

[870] "Government approved state integration programme", *Estonian Review*, vol.10, n.11, Mar. 13-19, 2000 and "Experts approved state integration programme - Integration in the Estonian society in 2000-2007", *Estonian Review*, vol.10, n.9, Feb. 27-Mar. 5, 2000. A programme envisaging the refund of half of the fees for Estonian language courses for those who eventually pass the language exam aims an higher participation of non-speakers in the language classes, *Baltic States Report*, vol.1, n.1, *RFE/RL*, Jan. 24, 2000.

[871] "Linguistic environment needs to be changed", *Estonian Review*, vol.8, n.40, Sep. 27-Oct. 3, 1998.

problems in Estonia"; the Minister argued it "should speed up the integration of ethnic minorities into Estonian society"[872].

Within the governmental strategy, the institution of Ombudsman occupies a relevant place. The Ombudsman project resulted from a suggestion by the HCNM. Following consultations between the Estonian authorities and the UNDP, with the participation of the OSCE Mission, it came into force on June 1, 1999. The role of the Ombudsman is attached to the previous Legal Chancellor's competencies, thus having very traditional functions. Its tasks include overcoming difficulties with language training related to lack of support material; contributing to the decrease in the large number of Russians who only have temporary permits, and providing information and advice. A well-functioning Ombudsman institution in Estonia would allow the OSCE Mission to transfer part of its responsibilities to the local representative, as defined by its mandate. However, since the Ombudsman's competencies were taken over by a Government official, from the Mission's point of view its independence might be doubted[873].

Other initiatives related to the integration process have included the strengthening of the Ida-Virumaa Roundtable, which seeks active integration of non-Estonians on a regional level, while ensuring the preservation of their cultural identity[874], and the opening of an Integration Office in Johvi[875]. Moreover, the Estonian Ministry of Education, in collaboration with the Integration Foundation, has organised the publication of study materials and training courses for teachers at Russian middle schools. In order to improve Russian-speakers' competitiveness in the labour market, the Labour Market Department, in collaboration with regional offices and with financial support from the PHARE programme, has organised free language courses for non-speakers, involving about 2000 job seekers and unemployed[876].

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[872] "Estonian Government approves integration programme", *RFE/RL*, Mar. 15, 2000.

[873] Opinion shared by the OSCE Mission to Estonia and the UNDP Office in Tallinn. Interviews with Lt. Col. Christian Bistrup, Deputy Head of OSCE Mission to Estonia, Tallinn, May 11, 1999 and Kristina Mauer, UNDP Programme Officer, Tallinn, May 13, 1999.

[874] Document 33.

[875] The goal of the Office is to provide information on the country's policies and programmes of action within the integration sphere, "Population Minister opened office in Ida-Virumaa county", *Estonian Review*, vol.9, n.42, Oct. 10-16, 1999.

[876] "Unemployed to get free language courses", *Estonian Review*, vol.10, n.11, Mar. 13-19, 2000. Other language programmes have been developed with international support. "EU and UNDP launch major language training programme in Estonia", *Estonian Review*, vol.8, n.42, Oct. 11-17, 1998; "Aid programme signed for Russian-speakers' integration", *Estonian Review*, vol.8, n.35, Aug. 23-29, 1998.

6.4.3.2.1. Practical effects of the integration strategy

Assessing the reach of the Government's integration strategy is a long-term process. Still in its initial stages, it will take time before the language courses and other initiatives can be said to be working on a nation-wide level. According to the Estonian authorities, the process is developing but more dialogue and information on new opportunities are required as a confidence-building factor[877]. Social integration through job-finding and reallocation or training of unemployed people, in particular in north-eastern Estonia, would also be a fundamental step[878]. According to Tanel Matlik, adviser to the Estonian Minister of Inter-Ethnic Affairs, receptivity to the Government's initiatives has been high. "People understand the value of learning the state language and many Russian speakers are beginning to identify themselves as 'Russian-Estonians'"[879]. Signs of receptivity to the programme are found in the non-citizens' sending their children to Estonian kindergartens and schools[880] and the "possibility to listen to Estonian in shops in north-eastern regions where people are making an effort to communicate, understand and learn the language"[881].

Nevertheless, the integration programme has been criticised. According to Viktor Andreyev, Head of the Russophone United People's Party, the programme is based on "the wrong assumption that integration is only a one-way process, in which the ethnically non-Estonian part of society would adopt the Estonian language"[882]. His arguments run against the Estonian authorities' understanding of the integration process as a two-way process, showing once more the problematic relationship between the Estonian authorities and the Russian-speakers. It remains to be seen, on the one hand, whether the Estonian authorities will fully comply with their commitments to the integration process. And on the other hand, whether the Russophones will reply positively to the opportunities offered, particularly as regards the learning of the language and naturalisation procedures, and if they will consider the Government's initiatives within the integration programme sufficient and adequate.

6.4.3.2.2. Governmental Citizenship and Migration Boards

The Governmental Citizenship and Migration Boards (CMBs) were the official institutions established by the Estonian authorities to deal with naturalisation procedures, supporting the

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[877] Interviews with Tanel Matlik, Adviser to the Minister of Inter-Ethnic Affairs, Tallinn, May 12, 1999 and Paul Lettens, Political Department Counsellor, Estonian Ministry of Foreign Affairs, Tallinn, May 13, 1999.
[878] On June 7, 2000 a protest of about 5000 people, forming a human chain between the cities of Narva and Johvi against the high rate of unemployment in the region, and further job cuts in particularly sensitive areas, such as mining and energy, demonstrated how the integration strategy must include social aspects and regional development as fundamental pillars for its success. "Thousands protest unemployment in north-east", *Baltic States Report*, vol.1, n.20, *RFE/RL*, Jun. 7, 2000.
[879] Interview with Tanel Matlik, Adviser to the Minister of Inter-Ethnic Affairs, Tallinn, May 12, 1999.
[880] According to an opinion poll non-citizens wish their children learn Estonian, "Opinion Polling in Estonia", SEC/239/97, Apr. 18, 1997 and "More Russian-speakers prefer Estonian schools", *Estonian Review*, vol.10, n.16, Apr. 17-23, 2000.
[881] Interview with Peeter Miller, Political Department Counsellor, OSCE Co-ordinator, Estonian Ministry of Foreign Affairs, Tallinn, May 11, 1999.
[882] *Baltic States Report*, vol.1, n.3, *RFE/RL*, Feb. 7, 2000.

Government's integration strategy. The fundamental aim includes the definition of new development and operational programmes, directed to citizenship issues in co-operation with local authorities[883]. From the Estonian view, the Board endeavours to be efficient, customer-friendly and to legitimise its actions by compliance with legislation in force[884]. However, CMBs have been accused of mismanagement, leading to distrust from the populations[885]. Problems of corruption, particularly as regards the issuing of illegal passports, have been reported[886].

Could this malfunctioning suggest a subtle attempt to increase requests for Russian citizenship? A comparison of Russian citizenship rates with the July 1995 and 1996 deadlines for application for citizenship suggests that by the time of the deadlines, applications for Russian citizenship increased substantially. By July 1997, over 120.000 stateless persons had chosen Russian or other citizenship[887], demonstrating difficulties in acquiring Estonian citizenship and its consequences, such as restrictions on travel. In fact, to apply for Russian citizenship the only requirement demanded was former Soviet citizenship[888]. The Russian Federation had motives for increasing the number of Russian citizens in Estonia as a way to justify political moves and interference in Estonia's internal affairs, for the protection of its ethnic kin living in Estonia. Simultaneously, the number of people with civic loyalties to the Russian Federation would also be increased, justifying its continuous involvement in Estonian affairs.

	Alien's passports	Temporary residence permit	Permanent residence permit	Work permit
1999	19 893	11 626	75 031	1 798
1998	15 603	27 650	12 485	4 495
1997	138 479	8 237	716	6 172
1996	16 215	53 113	625	79 888
1995		237 147	40	100 273
1994		36 076	4	8 306
1993		4 030	888	225
1992		4 445	1 947	603
1991		2 961	7 291	279
TOTAL	190 190	385 285	99 027	202 039

Table 5: Decisions by the Citizenship and Migration Board on the issuing of different documents[889]

[883] These include issuing identity documents; residence and work permits to aliens; visas; applications for asylum and refugee-related issues; the prevention of illegal immigration; issues related to the integration of aliens; and the storing of data files.
[884] Idem.
[885] On a visit to Narva, the Minister of Ethnic Affairs, Katrin Saks, encountered severe protests about the work of the Citizenship's Office. Complaints included the lack of valid documents, which prevented the elderly from receiving pensions and younger people from working. The Minister promised to strengthen the staff of the Office in order to speed up the processing of applications, "Steps to improve citizenship authority's work in north-eastern Estonia", *Estonian Review*, vol.10, n.3, Jan. 16-22, 2000.
[886] "More Russian than Estonian citizens in Narva", *Estonian Review*, vol.5, n.20, May 14-20, 1995; "Three arrested suspected of selling 40 Estonian passports", *Estonian Review*, vol.5, n.27, Jul. 2-8, 1995.
[887] Estonian Citizenship and Migration Board statistics. See also "More and more young people requesting Russian citizenship in Narva", BBC SWB, SU/2066 E/1, Aug. 5, 1994.
[888] Document 24.
[889] Source: Citizenship and Migration Boards, Jan. 13, 2000, http://www.mig.ee/eng_index.html.

Table 5 aggregates data related to the processing of citizenship applications and aliens' passports. It makes clear the progress made both at the Estonian Government level in conferring Estonian citizenship and issuing aliens' passports and at the Russian community level for their interest in applying and fulfilling the necessary requirements. The number of temporary residence permits diminished, with a consequent increase in the issuing of permanent residence permits. Simultaneously, since with a permanent residence permit there is no obligation to apply for a work permit, the issuing of these documents also diminished. The issuing of aliens' passports has been irregular, but considerably lower in 1998 and 1999 when compared to 1997, corresponding to the increased number of permanent residence permits issued by the CMBs.

In August 1998, the OSCE Mission reported that the number of residence permits issued kept increasing and that a number of residents without documents had obtained either a foreign passport or an Alien's passport[890]. Slowly the situation of the stateless people in Estonia is being resolved, lessening tensions and contributing to the regularisation of the situation of non-Estonians residing in the country.

6.4.3.2.3. The OSCE's contribution to the integration process

The OSCE Mission pursues a multi-dimensional approach, addressing the various levels and all sectors of Estonian society and reports on the country's situation and implementation of policies. Monitoring whether implementation is properly carried out, and preventing distorted results because of inadequate implementation, are at the core of the Mission's activity. Implementation assessments are made through visits to the relevant institutions, such as hospitals, workplaces, and the observation of the level of knowledge and competence of workers and administrators, as well as the evaluation of the population's receptivity to the new initiatives. Therefore, the Mission is not just a human-rights watcher, but is also instrumental in contributing to the smoothness of the integration process[891].

The OSCE Mission provides assistance to the Estonian authorities in the implementation of the integration strategy through a multi-faceted approach, encompassing language and education, cultural affairs, out-of-school activities, and regional development. Before integration takes place, economic structures need to be strengthened and equal opportunities offered to all. The OSCE Mission has been developing concrete projects directed to the fostering of integration and inter-community dialogue, many of them with the support of other OSCE institutions, international organisations, NGOs and/or national institutions. The Mission considers language training at the core of the initiatives to foster the process of integration in Estonia, the so-called "integration through education". In this regard, the OSCE Mission has been working together with the ODIHR, the HCNM, and the UN, the Council of Europe and the EU on language training

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[890] Document 25.
[891] Document 36.

projects[892]. According to EU sources, the financing of language courses is an example of concrete preventive diplomacy in the service of OSCE principles and commitments[893], and it is undoubtedly the main area of co-operation between the two organisations.

The OSCE Mission is a member of the Steering Committee for the Administration of Funds of the EU-PHARE/UNDP Language Programme, co-operating with all the representatives on the Committee, which include the delegation of the European Commission and of the UNDP, the Ministry of Education, the Office of the Minister for Ethnic Affairs, and the President's Roundtable on Minorities[894]. OSCE resources in the field are strengthened by the co-operation developed with the EU, since the Mission benefits from EU and UNDP funding for its projects. There have been some joint initiatives between the OSCE and the Council of Europe, such as close consultation on the establishment of a system of language training for aliens living in Estonia and the financing by the Council of some OSCE Mission projects, particularly language training[895]. The training of NGOs on conditions to their establishment and funding, and growing awareness of their importance in society, drawing on their potential for promoting integration, have also been Mission goals[896]. This demonstrates the importance the OSCE attaches to the development of NGOs, including their confidence-building role, and possible contribution to preventive diplomacy, as analysed in chapter three[897].

Although language-training programmes in Estonia are financially supported by several organisations and individual countries, the OSCE's Mission has been playing a fundamental role with regard to the implementation and monitoring of these programmes, particularly in north-eastern Estonia. The value of the Mission's involvement in this process is translated in the preventive character of these programmes, in the sense that they are oriented to integration and to the building of confidence, and contributing to diminish tensions between the Estonian and Russian communities. However, the Mission has been engaged in other integration-related projects, particularly in the mostly Russian inhabited areas of Estonia.

Besides assisting the Estonian authorities with the channelling of foreign aid from participating members to support language courses, the Mission promoted in the summers of 1997 and 1998 special programmes which gave the opportunity to Russian-speaking children to spend their vacation with Estonian families, and organised summer camps for school-children by the Peipsi Lake. Both initiatives were met with "extraordinary receptivity"[898]. In general, these

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[892] The United States, the Nordic countries and Germany have also been reported as contributors to language training in Estonia. Documents 24 and 38.

[893] Document 73.

[894] *Annual Report 2000 on Interaction between Organisations and Institutions in the OSCE Area*, The Secretary General, SEC.DOC/4/00, November 24, 2000, p.53.

[895] Document 41; *Annual Report 1994*, The Secretary General, Vienna, Nov. 14, 1994, p.8; and "Co-operation and assistance programmes with countries of central and Eastern Europe", Council of Europe Annual Report 1996, SG/Inf(97)1, pp.101-102, 105 and 109.

[896] Document 41. NGOs have received technical support from the Mission, for example in the development of WWW pages.

[897] Refer to chapter 3, section 3.3.1.1.

[898] Documents 5, 25 and 39. "Integration-related activities in 2000", *Estonia Today*, Jul. 18, 2000.

projects focus on language training, including programmes for adults or specific sectors of society, like courses in Ida-Virumaa for nurses, or in Narva for teachers. The aim is to promote improvements in educational and cultural terms which might contribute to new opportunities, particularly in employment, and possibly assist in the fulfilment of the naturalisation requirements, including the language exam.

Other initiatives include the promotion of civic education through the organisation of seminars, mainly on integration and multi-cultural education, such as the cultural lectures on Estonian culture in the city of Narva, where knowledge of Estonian history and language was scarce[899]. Moreover, initiatives directed to the education of Russian-speaking students in public administration, joint computer and language training for residents of children's homes, and the integration of widows and divorcees of ex-Soviet military officers into Estonian society[900] have also contributed to consolidating the integration process.

Projects involving the Estonian and Russian communities on issues of common concern, such as water supplies[901] or the establishment of a Youth Centre in Narva[902], and of the Narva Resource Centre for Teachers of Second (i.e. Estonian) and Foreign Languages, vital for re-training teachers[903], are practical examples of the integration efforts, demonstrating how the Mission in collaboration with other OSCE institutions in the field, makes a difference. The Mission also addresses requests for advice as regards citizenship requirements from people contacting the OSCE field offices. However, when issues fall outside its mandate, relating to social or bureaucratic matters, the Mission addresses complaints or questions to the competent authorities on a local, regional or even national level. In general, the Mission has been supportive of the Government's strategy for integration, due to its stabilising and confidence-building role[904].

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[899] Seminar on "Training Teachers for Integration", Narva, Aug. 2000; Training workshop on "Women's Leadership and Participation in Public Life", Mar. 25-26, 2000; "Integration, Education and Language: On the Brink of the New Millennium", Tallinn, Jun. 1999; "Multi-national Education", Ida-Virumaa, Nov. 1998; "Integration Seminar", Narva, Oct. 1998; "Conference on Integration", Mustvee, Nov. 21-22, 1997; Seminar on "The Role of Local Governments in Regional Co-operation", Narva, Oct. 30-Nov. 1, 1997; Seminar in Tartu to develop the educational system, May 5-6, 1997; Mission project on education of Russian speaking students of Estonian public administration, supported by the Council of Europe; the OSCE together with the Council of Europe and the UNDP co-operated with the Ministry of Justice in the organisation of the Seminar "Ombudsman as Protector of Human Rights", Sep. 18-19, 1998. Documents 5, 22, 40-41 and 45; *Estonian Review*, vol.8, n.40, Sep. 27-Oct. 3, 1998.
[900] *Annual Report 1998 on OSCE Activities*, Dec. 1, 1997-Nov. 30, 1998, The Secretary General, SEC.DOC/2/98, Dec. 2, 1998, pp.9 and 33.
[901] The Mission developed a project discussion on a small north-eastern town where local representatives gathered to discuss water supplies. All participants were provided with the same information and translation means, when necessary, to allow similar conditions for active participation in the meetings. The result was a constructive discussion, the sharing of concerns and the suggestion of solutions. The success of the initiative paved the way for other shared projects in the region in order to establish a working network, interviews with Sari Kantola and Anna Westerholm, First Secretaries, OSCE Mission to Estonia, Tallinn, May 12, 1999.
[902] Established with the support of the Nordic Council and the Council of Europe, Document 41.
[903] The Resource Centre was established on March 20, 1998. Document 46.
[904] "OSCE praises Estonia", *Estonian Review*, vol.8, n.16, Apr. 12-18, 1998.

6.5. The OSCE Mission and other international organisations in the field: building collaborative approaches?

The office of the UNDP in Estonia was established in 1993[905]. It has developed a multi-dimensional approach, dealing with human rights, including poverty or gender issues; the environment, developing projects on the quality of water or the protection of seals; and sector development, such as raising public awareness of NGOs or training courses[906]. The UNDP office and the OSCE Mission in Estonia exchange information on a regular basis. At first relations were not very amicable, tending to competitiveness. The OSCE Mission's involvement in the implementation of the integration strategy was criticised as going beyond the Mission's competencies. According to Kristina Mauer from the UNDP office, minority rights are a "very politicised issue in Estonia and the OSCE Mission has been trying to sneak in through the integration issue"[907]. However, Mauer[908] also stresses that there is no point in such a competitive attitude, since the organisations' mandates are different. "The UNDP has a broad mandate and operates at the governmental level, while the OSCE has a narrow mandate, is a monitoring organisation acting through follow-ups and advice and dealing with particular cases".

Currently relations are more co-operative[909] and the OSCE participates in the Steering Committee for the Administration of Funds provided by the EU for language programmes[910], showing how collaboration instead of competition may produce more positive results in practice. The UNDP has also been the target of Estonian Government criticism. According to the Ministry of Foreign Affairs of Estonia, talking about Estonia as a developing country is not positive to its international image. The prospects are, according to UNDP sources, for the UNDP to leave Estonia by the end of the year 2000[911].

Estonia was admitted to the Council of Europe in May 1993. There is a clear tendency on the part of the Estonian authorities to attach more significance to the Council of Europe than to the OSCE. According to Estonian sources, the OSCE's commitments are political by nature, which confers on them value and the status of an indirect form of pressure, since the other participating states condemn violations[912]. Nevertheless, it is the same political character of OSCE decisions that in many instances restrains the organisation's activity. Admission to the OSCE is a simple process,

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[905] Narusk, A. and Mand, K. (eds.), *Human Rights in Estonia*, UNDP, Tallinn, 1998.

[906] UNDP Estonian Human Development Reports, http://www.ciesin.ee/undp/nhdr.html. See also "The Estonian Tiger Leap into the 21st Century" (translated from Estonian), UNDP and Tiigrihuppe Sihtasutus, Tallinn, 1999.

[907] Interview with Kristina Mauer, UNDP Programme Officer, Tallinn, May 1999.

[908] Idem.

[909] Opinion shared by the OSCE Mission. Interview with Lt. Col. Christian Bistrup, Deputy Head of OSCE Mission to Estonia, Tallinn, May 1999.

[910] See EU-PHARE/UNDP Estonian Language Training Programme, Oct. 16, 1998 and the brochure on the EU-PHARE Language Training Programme.

[911] "The Estonian authorities want to show a 'super-image' of the country", interview with Kristina Mauer, UNDP Programme Officer, Tallinn, May 1999.

[912] Letter from the Minister of Foreign Affairs of Estonia to the HCNM, Nov. 27, 1996, REF.HC/1/97, n.1/19028, Jan. 2, 1997.

while the Council of Europe's accession requirements are not mere formalities, but demand the fulfilment of a set of criteria, conferring on it more legitimacy.

However, competition has occurred at the implementation level, particularly when the Council had a Mission deployed in Estonia, since there was no clear division of tasks as regards both Missions' mandates. In January 1998, the Council of Europe closed its human rights-monitoring Mission, understood by the Estonian authorities as a recognition of the country's democratisation process and level of implementation of international commitments. According to the OSCE HoM, there is "no sign of poor relations"[913]. A Council's representative visits the Mission three to four times a year. Moreover, since the Council of Europe withdrew its representation from Estonia, the Mission's role with regard to the implementation of joint projects in the field was strengthened. The Mission and the HCNM benefit from a co-operative attitude with the Council of Europe, with regard to expertise on legal matters. Moreover, the joint implementation of language-training projects demonstrates how co-operation between the two organisations might prove positive at headquarters level and with a corresponding effect in the field.

The OSCE and the EU have been co-operating on the preparatory work for Estonia's accession to the European Union. The OSCE Mission to Estonia closely collaborates with the EU in the implementation of language-training courses or other initiatives directed to the promotion of the integration-strategy goals. The HCNM keeps close contacts with EU representatives with regard to developments in the integration process, benefiting from the Estonian desire to integrate into the EU. When Estonia will become a EU member is still uncertain, however after the country's accession to the EU, the OSCE Mission's presence in Estonia will become irrelevant[914]. Estonia's accession will mean that Estonia has met the required criteria which include the adaptation of legislative acts, political decisions and economic and financial aspects. OSCE co-operation with the EU occurs both at headquarters and in the field, translated in expertise and funding for OSCE-promoted or monitored activities.

Does the OSCE benefit from these inter-relations or does it instead lose relevance in Estonia? The dual positive and negative reply cannot, in the case of Estonia, dismiss the reduced weight the Estonian authorities confer on the organisation in the face of other international organisations in the country. In this sense, the OSCE receives financial support from the UN or the EU, for example for the carrying out of joint projects, while simultaneously it is not selected for many tasks because other international organisations are preferred.

Nevertheless, the different organisations in Estonia have proved their mutually-verifying role in the pursuit of their tasks, such as the monitoring of compliance with international norms. The Estonian desire to integrate in the EU strengthens the OSCE's activities in the country,

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[913] Interview with Lt. Col. Christian Bistrup, Deputy Head of OSCE Mission to Estonia, Tallinn, May 1999 and Document 20.
[914] Interview with Lt. Col. Christian Bistrup, Deputy Head of OSCE Mission to Estonia, Tallinn, May 1999.

particularly the Mission's initiatives and the High Commissioner's recommendations. The contacts developed by van der Stoel with EU authorities about the situation in Estonia were used by the HCNM as a form of pressure over Estonian authorities for compliance. At the same time, by fulfilling the criteria demanded, Estonia was praised by the EU. The same reasoning applies to the Council of Europe-Mission relationship. Moreover, the Mission's economic resources are limited, and the co-operative attitude between the Mission and the EU and the UNDP contributes to strengthening its role in Estonia.

The OSCE's non-enforcing and politically-binding character has also revealed a strength of the activities of its Missions in the field, and here particularly its Mission to Estonia. It has allowed the Mission to deal with delicate issues such as the status of the Russian-speaking community inhabiting Estonia. The division of tasks between organisations as regards language-training initiatives, for example, was positive and a sign of the possible inter-institutional synergies; however, there the OSCE's role is limited. Its real contribution comes from the nature of its commitments and its norm-setting strength as a source of legitimacy for the organisation's involvement in certain delicate areas. The Mission's strength derives, therefore, from the development of the concept of mutually-reinforcing institutions and from the particular areas where the OSCE's uniqueness becomes relevant.

6.6. The OSCE in Estonia: an assessment

The OSCE Mission's activity in Estonia, together with other OSCE institutions, particularly the HCNM, the ODIHR and the Parliamentary Assembly, with the support of the decision-making process in Vienna and the OSCE agreed principles, have substantially contributed to the reduction of tensions. The Mission's mandate in Estonia must be understood in its all-encompassing reach, including socio-political, humanitarian, cultural and economic aspects, as analysed in the introductory chapter. Through diplomatic moves for the promotion of dialogue, judicial and legal advice and the raising of funds for integration-directed projects, the Mission made its mandate operational. Though not producing ready-made solutions, the Mission is looking objectively at the issues and promoting efficient settlement strategies in order to fulfil its objectives, in particular its tension-diffusing and democracy-oriented goals.

The High Commissioner, through the issuing of recommendations on legislation adaptation, has been playing a fundamental tension-diffusing role. Addressing the concerns of the Russian-speaking population in the country and promoting a legal environment favourable to integration, van der Stoel's involvement has been complementary to the Mission's activities, as analysed previously. The ODIHR has also contributed to the implementation of the Mission's mandate through rendering operational activities falling within the human dimension, particularly directed at integration and democracy-building. The Office's specialised role has strengthened the Mission's activities in Estonia by the complementary nature of the efforts developed. The ODIHR

has also proved its usefulness in election-monitoring in Estonia, in collaboration with the Parliamentary Assembly of the OSCE.

As regards the OSCE Mechanisms, apart from the Moscow Mechanism, applied to evaluate the conformity of the Estonian national laws with those internationally recognised on human rights, no other Mechanism has been made operational due to their particular nature and aims, as analysed in chapter two. The OSCE norms and agreements, on the other hand, have become a fundamental resource. Their politically-binding character does not exempt non-complying states from criticism and does not allow participating states a veto right over them. In this sense, the Russian Federation's positioning over issues such as the troop withdrawal is interesting. Russia is very keen on the OSCE presence in Estonia. Since the OSCE Mission, an international observer, is dealing with inter-community tensions and addressing fundamental issues for Russian-speakers, Russians see it as an ally and protector[915]. Again we see the Russian sanctioning of the OSCE when the organisation is promoting its interests, but registering its discontent when the OSCE's activities interfere with its particular interests, as analysed previously, for example as regards the withdrawal issue.

The OSCE role in Estonia has integrated different dimensions of the organisation's activities, translated in its institutions' complementary activities and on the norm-setting framework it offers to its participating states. The Mission deals with complex problems which can only be solved with the contribution of all parties, including Moscow, which must recognise the sovereign rights of Estonia to adopt and implement its own laws based on commonly agreed European norms[916]. However, the successful development of the OSCE Mission's activity in the country is shared by the parties' willingness to implement and follow field and headquarters recommendations as beneficial policy options. In circumstances where the parties chose not to comply, such as the Russian reservations about withdrawing troops from Estonia, the limitations on OSCE activity both in the field and in Vienna surfaced.

From words to action there are fundamental aspects that escape the control of the Mission, such as the willingness of the parties to properly implement commitments. National interests often rise above nicely-worded principles, obstructing the OSCE's activity both in the field and at the decision-making level[917]. Decisions in Vienna are politically-binding and the OSCE has no enforcement mechanisms. It can use diplomatic pressure, causing discomfort and stressing non-compliance, though with limited reach. This is why Russia delayed at its convenience the withdrawal of Russian troops from Estonia, using different arguments to sustain its interests. The

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[915] Interviews with Vladimir Pryakhin, Senior Counsellor of the Permanent Mission of the Russian Federation to the OSCE, Vienna, Feb. 17, 1999 and Lt. Col. Christian Bistrup, Deputy Head of OSCE Mission to Estonia, Tallinn, May 11, 1999.

[916] Nyberg, R., "The Baltic Countries and the Northwest of Russia: A European Challenge", Exercise Viking Review 94, Afnorth, Kolsas, Feb. 9, 1994, p.16.

[917] The Russian positioning within and towards the OSCE was analysed in chapter 4, section 4.4.

OSCE consensus decision-making procedure has also been used by Russia to pursue its interests in the Baltic region, blocking any Estonian attempts to close the Mission.

The Estonian authorities[918] praise the OSCE Mission as a forum for dialogue and, in the aftermath of the country's independence, for diffusing tensions and promoting negotiations between Estonia and the Russian Federation. The OSCE has played a positive role in dealing with minority rights and helping with amending legislation, particularly through the HCNM's recommendations. Estonia recognises the value of the OSCE commitments and indirect form of pressure, since violations are condemned by the other participating states. However, "now there are no more open conflicting problems, thus there is just a minor role for the OSCE"[919]. Moreover, the Estonian authorities criticised restraints on the Mission activity emanating from the political character of its decisions and the lack of enforcement powers[920].

Not long after the Mission's deployment, Estonia adopted a critical tone over the OSCE's Mission activity in the country. In several instances, the Estonian Government has shown disagreement with Mission reports of events in the field, charging the Mission with lack of independence and objectivity[921]. According to the Estonian authorities, the terminology applied by the OSCE Mission should be rigorous, and instead of describing its activity in Estonia as falling within conflict prevention, should refer to it as "early preventive diplomacy"[922]. The inauspicious side-effects of the OSCE's presence in Estonia, downgrading human rights in the country and spreading an inaccurate image of Estonia to the world, have been stressed[923]. Estonia justifies its claims on the improvements made in legislative terms in order to comply with international standards. These acts have reflected the concern for integration through the creation of common interests. According to the Estonian authorities, the evolution into a new stage, where the

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[918] Interviews with Peeter Miller, Political Department Counsellor, OSCE Co-ordinator, Estonian Ministry of Foreign Affairs, Tallinn, May 11, 1999; Mart Meri, Member of Parliament, Moderates, Chairman of the Cultural Affairs Committee, Tallinn, May 12, 1999 and Paul Lettens, Political Department Counsellor, Estonian Ministry of Foreign Affairs, Tallinn, May 13, 1999.

[919] Interview with Mart Nutt, Member of Parliament, Pro-Patria, Tallinn, May 11, 1999.

[920] "Foreign Minister reiterates mistrust in OSCE", *Estonian Review*, vol.9, n.48, Nov. 21-27, 1999. Estonian President Meri did not participate in the OSCE 1999 Istanbul Summit as a form of protest against OSCE inefficiency and soft standards as regards the Chechen crisis. "I find the OSCE will be celebrating when it should be acting", "President not to attend OSCE Summit", *Estonian Review*, vol.9, n.45-46, Nov. 7-20, 1999.

[921] Document 74.

[922] Mart Volmer, Estonian Ambassador to the OSCE, informal conversation, January 2000.

[923] Documents 74-75. "Can you imagine the millions Estonia has lost in foreign aid due to this kind of side effects caused by an OSCE wrong and misleading attitude?", Estonian Senior Official, interview A. "In general, the OSCE is sent to deal with negative issues in other countries, thus the image of Estonia will remain negative", interview with Tanel Matlik, Adviser to the Minister of Inter-Ethnic Affairs, Tallinn, May 12, 1999. This opinion is shared by Estonian Foreign Minister Toomas Hendrik Ilves cited in "Estonia: integration of Russian speakers proceeds successfully", *RFE/RL*, Apr. 14, 1997, "It is impossible to measure how much foreign investment Estonia has foregone due to news magazines which print maps which place little symbols indicating a crisis on both the Balkans and the Baltic simply because of the presence of OSCE Missions".

Government's initiatives are in place and Estonia enjoys an almost tension-free atmosphere, renders the Mission's presence irrelevant[924].

The issue of the OSCE's nature demonstrates again how the organisation's weaknesses become its greatest strengths by the fact that they allow an enlarged involvement of the organisation in particular issues, such as addressing the Russophone community's problems, particularly through the Mission and the HCNM's activities. Nevertheless, not without difficulties. The Mission has faced a lack of trust between the Estonian authorities and the Russophone community, and on a wider level between Estonia and Russia. Local problems, such as the passivity of many Russian-speakers, scarce financial and human resources and misunderstanding over the Mission's competencies have limited its activity[925]. The Mission has also followed problems in the implementation of the Government's integration strategy. An example was the allocation by the Estonian authorities of an Integration Officer for Narva who was only in place for about two weeks. Since then, and until June 1999, no one was appointed to the post. Nevertheless, reports on the Officer's work were regularly published[926]. It was a valid project, but with no implementation. A responsible and co-ordinated implementation of integration projects throughout the country is a necessary step for positive results.

The OSCE's role in preventive diplomacy benefits from co-operation with other international organisations, demonstrating how the combination of efforts both at headquarters and in the field, including legal expertise or economic aspects, may contribute to resource-sharing and more efficiency. The mutually-reinforcing nature of the different organisations in Estonia and the particular approaches developed by the OSCE, demonstrating its comparative advantages in particular areas, such as addressing the problems of the Russophone community, have become clear. The successful OSCE activities in Estonia are therefore an example of the organisation's potential in preventive diplomacy.

6.7. The future

The implementation of OSCE principles and commitments throughout the OSCE area is the main goal of the organisation. Since the OSCE Mission to Estonia was deployed, acting as a clearing-house for information, fostering dialogue and addressing citizenship questions have been high on the Mission's agenda. Making operational the goals entrusted by its mandate, the Mission has undergone a learning process which, to a certain extent, was a test case of the organisation's ability to empower well-worded commitments and procedures. The OSCE has been fairly successful in

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[924] Interview with Tanel Matlik, Adviser to the Minister of Inter-Ethnic Affairs, Tallinn, May 12, 1999.

[925] The legal or social complaints addressed to the Mission, often mistaken for human rights violations, are an example. Moreover, the OSCE Representative to the Estonian Government Commission on Military Pensioners was misunderstood in his mandate, as analysed before.

Estonia, though not without controversy. The Mission managed to foster dialogue between Estonia and Russia, easing their relationship, and to promote better understanding between the Russian-speaking and the Estonian communities, through the offering of non-confrontational options. The issuing of several recommendations by the HCNM managed to persuade the Estonian Government to amend controversial legislation, diminishing anxieties. The consequent openness generated confidence among non-citizens, an important factor for integration.

Despite difficulties, the conditions for the establishment of harmonious relations between all parties in Estonia have been established. The Russian-speaking population is adjusting to the favourable standard of living in Estonia, learning the Estonian language, and getting acquainted with Estonian history and culture. Moreover, political, economic and cultural organisations have flourished in Estonia[927], allowing a Russian identity to form within Estonian society. These initiatives have contributed to improvements in inter-community understanding. For their part, the Estonian authorities have adopted several measures to facilitate the accommodation of ethnic differences, particularly the integration strategy. Currently, integration is a key word in Estonian domestic policies. However, true integration is not limited to the naturalisation of aliens. Integration is a two-way and long-term process. All players must be involved and committed, which has not always been the case, due either to the uncooperative nature of local Estonian authorities, or to the passivity of some members of the non-Estonian communities. The current situation in Estonia does not correspond yet to full integration, though it reveals an almost tension-free coexistence between Estonians and non-Estonians.

The OSCE's presence in Estonia has contributed to the setting of favourable conditions for progress, although the fundamental changes taking place in the country are part of a long-term process. The small size of Estonia, its commitment to democracy and the country's moderation and reasonableness in addressing difficulties, particularly those related to non-citizens, have greatly contributed to its development. However, a focus on regional initiatives is required. Tallinn's development is sharply contrasted with the backwardness of the countryside, which is less developed and requiring economic, social and technological investment. Outside Tallinn, a less industrialised panorama includes decaying former Soviet factories transformed into piles of old and rusty iron by the roadside. The underdevelopment of social structures demands the creation of new job opportunities and the restructuring of social and health services. A more balanced development with the consequent ease in tensions must be a primary goal. The successful implementation of the integration programmes in these less favoured and mostly Russian inhabited

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[926] Interview with Sari Kantola and Anna Westerholm, First Secretaries, OSCE Mission to Estonia, Tallinn, May 12, 1999. According to the Estonian authorities, the Integration Officer was replaced and a new Officer has been working since September 1999.

[927] Such as the Estonian Ethnic Minorities Association, the Russian Representative Assembly, the Union of Russian Citizens, the Council of the Russian Community, and the Russian Citizens Union. Hopf, T., "Russian Identity and Foreign Policy in Estonia and Uzbekistan" in Wallander, C. (ed.), *The Sources of Russian Foreign Policy*, p.165. Interviews with Tanel Matlik, Adviser to the Minister of Inter-Ethnic Affairs, Tallinn,

areas will bring countrywide benefits as regards stability-building and overall development. Estonia is advancing with success after almost fifty years of Soviet occupation. A long and painful route that will certainly be crowned with success in the years to come. Undoubtedly, ensuring the satisfactory implementation of legislation, financial, social and political commitments on a nation-wide level, such as the integration strategy commitments, is fundamental.

6.7.1. Time to withdraw?

On the one hand, the OSCE Mission has been fairly successful in the implementation of its mandate, with clear signs of improvement in inter-ethnic relations and even on a higher level in promoting Estonian-Russian dialogue. The Estonian authorities, in general, praise the Mission for its contribution to stability-building in the country, recognising the value of its early warning initiatives and the promotion of inter-ethnic and Estonian-Russian dialogue as fundamental aspects. On the other hand, the Mission has faced criticism of its activity from the Estonian authorities, who have asked for its closure. The criticisms are not new and the Estonian desire to withdraw the Mission from Estonia is well known.

A reformulation of the OSCE's presence in the country is, therefore, needed. In fact, the Estonian authorities expressed their intention to close the Mission back in 1994, justified by the country's improvements and the limited resources of the OSCE, which could be redirected to other regions[928]. In April 1997 Hendrik Ilves, the Estonian Minister of Foreign Affairs, addressed the OSCE PC, asking for the closure of the Mission. The Estonian Minister argued that the success of a Mission could only be assessed after its closure and that Estonia had been much damaged in political and economic terms due to the permanence of the Mission in the country[929]. Later, Ilves told the OSCE he hoped the Mission could be closed soon because its work had been successful and the practical groundwork for the integration of the Russian-speakers in Estonia was in the final-stages[930].

In May 1999, President Meri of Estonia made public his support for the closure of the Mission, suggesting its reorganisation into a Scientific Research Centre. Foreign Minister Ilves, who argued the Research Centre could play a more constructive role by raising awareness of human rights and international law, reinforced the idea[931]. According to the Speaker of the

May 12, 1999 and Paul Lettens, Political Department Counsellor, Estonian Ministry of Foreign Affairs, Tallinn, May 13, 1999.

[928] Representative of the Estonian Delegation, "In certain situations it might be already necessary to consider whether the presence of a Mission on the ground is the best way to continue, as the scarce resources of the CSCE need to be deployed to those regions where they are most needed", OSCE Review Conference, Budapest, 1994 and interview with Peeter Miller, Political Department Counsellor, OSCE Co-ordinator, Estonian Ministry of Foreign Affairs, Tallinn, May 11, 1999.

[929] 109th PC Meeting, PC/229/97, Apr. 10, 1997.

[930] "Estonian Foreign Minister on future of OSCE Mission", RFE/RL, Apr. 11, 1997.

[931] Estonian Ministry for Foreign Affairs, "Press releases and news", vol.1, n.38, Jun. 14, 1999, http://www.vm.ee and "OSCE Commission meets with Government Officials", Estonian Review, vol.9, n.24, Jun. 6-12, 1999.

Parliament Toomas Savi, "Estonia has fulfilled the amendments requested by the OSCE, thus it is now time for the Mission to withdraw"[932]. The Estonian authorities argue the OSCE Mission's initial tasks have either been fulfilled or taken over by NGOs or governmental institutions. As a result, Estonia is working with its partners on an exit strategy for the successful conclusion of the Mission's activity in Estonia[933]. Moreover, for the first time other OSCE participating members have shown support for the closure of the Mission. Anna Lindh, Foreign Minister of Sweden, argued Estonia had followed practically all the recommendations made by the HCNM, therefore "the mandate of the Mission is close to being exhausted"[934]. The voices in favour of the closure of the OSCE Mission to Estonia have become clearer with time, particularly after the President of Estonia's public statements on the issue. Earlier comments on the issue were more restricted, since Estonia avoided confrontation with the OSCE, as this would possibly lead to unnecessary misunderstandings[935].

In the HoM's opinion[936], the prospects are for the Mission not to stay much longer. The Mission has partially accomplished its mandate, but there are still problems which require monitoring. According to the Mission, there is legislation still in need of clarification, the need to constantly adapt the legal framework to an evolving society, assure effective implementation of the integration strategy, and monitor the naturalisation process, and other new developments[937]. Moreover, the Mission finds the institution of the Ombudsman and the CMBs, the national bodies which should take on part of the Mission's responsibilities, not independent in their activities because of their closeness to the Government.

An independent international presence to monitor implementation is positive, exerting pressure for adequate implementation of decisions and policies. Estonia is set on its course to democracy and stability. Nevertheless, if not properly conducted there may be incidents and a renewal of tensions. Economic and social factors, such as high unemployment rates, low salaries, and hard living conditions, are strong enough to cause resentment and anguish. Avoiding the creation of two separate communities in Estonia is fundamental, thus the need for a rigorous and

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[932] "Speaker of Parliament sees OSCE Mission in Estonia concluded", *Estonian Review*, vol.10, n.24, Jun. 12-18, 2000 and *Baltic States Report*, vol.1, n.22, *RFE/RL*, Jun. 27, 2000.

[933] "Estonia and the OSCE", *Estonia Today*, Jul. 3, 2000.

[934] The arguments of the Swedish Minister of Foreign Affairs are of particular relevance in view of the fact that Sweden was one of the supporters of the deployment of the CSCE Mission in Estonia, "Sweden backs closing OSCE Mission in Estonia", *Estonian Review*, vol.10, n.22, May 29-Jun. 4, 2000; "CSCE Representation to open in Estonia", *Estonian Review*, n.77, Nov. 9-15, 1992.

[935] Interviews with Ambassador Vaino Reinart, Permanent Representative of the Republic of Estonia to the OSCE, Vienna, Feb. 17, 1999 and Peeter Miller, Political Department Counsellor, OSCE Co-ordinator, Estonian Ministry of Foreign Affairs, Tallinn, May 11, 1999.

[936] Interview with Lt. Col. Christian Bistrup, Deputy Head of OSCE Mission to Estonia, Tallinn, May 11, 1999.

[937] Interviews with Lt. Col. Christian Bistrup, Deputy Head of OSCE Mission to Estonia; with Sari Kantola and Anna Westerholm, First Secretaries, OSCE Mission to Estonia, Tallinn, May 12, 1999 and with Professor Ghébali who also believes it unwise to close the Mission since the problems have not been settled yet. Confidence-building measures are demanded, thus the value and significance of a continuing presence of the Mission to promote and implement them, interview in Geneva, Mar. 5, 1999.

nation-wide implementation of the integration-strategy programme accompanied by effective regional policies.

In view of the current developments in the country, particularly the process of EU and NATO accession, the course of Estonian policies should not suffer any major drawbacks. Estonia is part of the international community and is committed to respecting and complying with its obligations on national and international levels. Translating this willingness into practice will be a fundamental confidence-building measure to non-Estonians. The OSCE's presence implies a closer monitoring of developments in the country, but it does not seem indispensable under the current circumstances. Nevertheless, the OSCE Mission's departure from the country should not be complete and without follow-up. The organisation of regular visits by OSCE experts to Estonia, the High Commissioner's continuous monitoring and review implementation meetings may diminish any negative effects arising from the closure of the Mission, particularly among Russian inhabitants. Moreover, the suggestion made by President Meri could become a possibility.

The Mission had the merit of applying the OSCE principles of preventive diplomacy and early warning to concrete problems, through different activities and in particular the HCNM's involvement. The tension-diffusion function of the Mission has been recognised by all parties in Estonia, which have equally praised its activity. The closure of the Mission would not bring into question the validity of its activity and the success of its results. The legitimacy of the Mission would be endorsed, drawing positively on the OSCE's value as an organisation devoted to preventive diplomacy. The definition of the exit strategy for the Mission after December 2000 would be an appropriate measure, in view of the achievements of the Mission, of the present conditions in Estonia and of the Estonian authorities' requests.

Chapter 7 Case-study: Moldova

7.1. Introduction

The OSCE's activity in the Republic of Moldova is substantially different from that in Estonia, though there are easily identifiable common elements. These are particularly related to the human dimension, socio-economic and democratisation activities of the OSCE in both countries, as well as the involvement of Russia and of other international organisations in the field. Despite similarities, due to the distinct nature of the problems and of the country's performance in economic, social and political terms, the differences outweigh the similarities. Since there has been armed confrontation in the Republic of Moldova, the OSCE Mission's involvement is primarily directed towards finding a political settlement to the dispute, and is thus a crisis management role.

The chapter outlines the background to the problems in Moldova, drawing on the reasons behind the armed conflict, its escalation and the signature of the cease-fire agreement under the auspices of the Russian Federation. When the CSCE became involved in the republic, confrontations had been halted and a cease-fire brokered. However, a final settlement was far from being achieved. Therefore, the CSCE Mission was entrusted with assisting in the political settlement of the conflict together with Ukraine and Russia, mediators to the conflict. The chapter proceeds with an analysis of the Mission's contribution to the process of negotiations and its relationship with the other mediators. The role of Russia and Ukraine and the trilateral relationship (OSCE Mission-Russia-Ukraine) at the mediation level are analysed. The chapter also focuses on the relationship of the Mission with other OSCE institutions and international organisations in the field, and how this relationship is translated into operational practice.

The impact of parallel conflict resolution efforts to the finding of an agreement, and an assessment of the OSCE activities in Moldova complete the chapter. What activities has the OSCE developed to implement its mandate in the country and contribute to the political settlement of the conflict? How does the OSCE relate to the other mediators, particularly the Russian Federation, a party that has been directly involved in the armed confrontation? To what extent has the OSCE Mission contributed to stability and trust-building in the country? The chapter will focus on these fundamental questions in order to clarify the OSCE's activity in the Republic of Moldova, the nature of its involvement and the Mission's possibilities and limitations as a forum for crisis management.

7.2. Background

The Republic of Moldova[938], a territory of around 33.700 square kilometres, borders Ukraine in the north, east and south, and Romania in the west. The region between the Prut and Dniester rivers, today the Republic of Moldova, was historically called Bessarabia and annexed to the Russian Empire in 1812. After Russia's defeat in the Crimean War in 1856, and the ensuing Paris Treaty, Romania recovered the southern part of Bessarabia, which it lost again at the Congress of Berlin in 1878. The Treaty of Berlin recognised Romania as an independent state and southern Bessarabia was returned to Russian control. After a period under Russian Tsarist control, Bessarabia was again given over to Romanian rule from 1918, with the Russian signing of the Treaty of Brest-Litovsk. The new border along the Dniester between the Romanian state and the newly created Soviet Union was unsatisfactory to the latter, which never recognised Romania's right to Bessarabia.

On October 11, 1924, the Soviet Union declared the Ukrainian region on the east bank of the Dniester, the Autonomous Soviet Socialist Republic of Moldavia. On June 28, 1940, following the Molotov-Ribbentrop Pact, the Soviet Union demanded from Romania the regions of Bessarabia and northern Bukovina, territories which were occupied by Soviet troops. In August, the Autonomous Soviet Socialist Republic of Moldavia was joined with the part of Bessarabia annexed from Romania, becoming known on August 2, 1940 as the Soviet Socialist Republic of Moldavia (Moldavian SSR). In July 1941, the Soviet Union again lost Moldavia to Romania, excluding the area on the left bank of the Dniester, as the result of the Romanian declaration of war on the USSR, with the support of German troops. On August 6, 1941 Romania created the Transdniestria province out of Bessarabia and other territories captured from the Soviet Union.

Soviet control was re-established three years later, in August 1944. Having re-conquered Bessarabia in March, Soviet troops entered Romania and occupied Bucharest, where a communist Government was imposed. The present borders of Moldova were established in 1947 with the formation of a new Moldavian Soviet Socialist Republic and the formal ceding of the area from Romania to the Soviet Union, according to the Paris Peace Treaties. From that time on, Socialist policies were implemented in the territory, including the fostering of Russian and Ukrainian immigration, particularly to the industrial centres, and the imposition of Cyrillic script, with the consequent institutionalisation of Soviet power throughout the territory. The distinctiveness of Moldavian and Romanian histories was asserted, and the Soviet Union crowned as liberator from Bucharest's authority. The Soviet ideal of weakening Moldavian ties with Romania was pursued[939].

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[938] The Supreme Soviet in Chisinau officially renamed Moldavia "Moldova", declaring the Soviet Socialist Republic of Moldova on June 5, 1990. On May 23, 1991 the Soviet Socialist Republic of Moldova was renamed 'Republic of Moldova', leaving out the terms 'Soviet' and 'Socialist'. Refer to Annex 7 for a map of the Republic of Moldova.

[939] For more detail on Moldovan history see for example Dima, N., *From Moldavia to Moldova: The Soviet-Romanian Territorial Dispute*, Columbia University Press, New York, 1991; Hamm, M., "Chronology",

7.2.1. The way to the collapse of 1991

Under the reformist Government of Gorbachev in Moscow, a breach of the tight censorship system allowed the emergence of political groups and greater freedom of expression. By May 1989, the Popular Front of Moldavia had become prominent. The movement sought the re-introduction of Latin script to replace the Cyrillic alphabet, the adoption of Romanian as the state language and a new tri-colour flag like the Romanian one. On August 30, 1989 the Constitution of the Moldavian SSR was amended by the Law "On Granting the Moldavian Language the Status of State Language and the Return to It of Latin Script", to introduce Moldavian as the state language, written in Latin script[940]. According to the Law, Russian became an inter-ethnic language of communication and the language of the Gagauz people should be protected and developed. This meant the Russian language did not acquire Constitutional status in parallel with Moldavian, despite enjoying cultural and social prestige among the population and being the most widely spoken tongue in the Republic[941]. The use of various minority languages, such as Ukrainian, Bulgarian or Yiddish, was also guaranteed. The language issue had much to do with the question of defining the identity of the people, which was not rooted in ethnic terms, but more in historic, geographic and cultural aspects[942].

Although apparently very encompassing and generous, it was article seven of the Law[943] that generated most controversy. It stipulated that employees of the state administration and public offices' had to know Moldavian, Russian and, in areas with Gagauz population, also Gagauz at a level necessary to fulfil their obligations. From January 1, 1994, employees would be submitted to a language exam which would determine their fluency and thus their capability to perform their professional duties. Demands for the proficiency in the Moldavian language for all state and public officials caused serious concern among the non-Moldavian speaking population.

The following day, a "Law on the Functioning of Languages on the Territory of the Moldavian SSR" was adopted, regulating the Language Law implementation. Although the Law was directed at the public sector, it affected almost everyone in Moldavia since at the time of its adoption the private sector was almost non-existent in the republic. At that time, almost every Moldavian speaker knew Russian, but not many Russian speakers knew Moldavian. The exact requirements and definition as regards the 'necessary level' of knowledge of the language were not

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Nationalities Papers, vol.26, n.1, 1998, pp.164-175; King, C., *The Moldovans, Romania, Russia, and the Politics of Culture*, Studies of Nationalities, Hoover Institution Press, 2000. For a chronology of the main events in Moldova see Henderson, K. and Robinson, N., *Post-Communist Politics: An Introduction*, Prentice Hall, 1997, pp.109 and 215.

[940] Already on December 28, 1988, a report by the Moldavian Committee on the History and Development of the Moldavian Language stated that "Latin script [was] not only a graphic code, but [also] a moral factor, an index of national dignity, a symbol of the nation, "Report on the USSR", *RFE/RL*, Mar. 24, 1989.

[941] "Intolerance - Moldova", *RFE/RL Research Report*, vol.3, n.16, Apr. 22, 1994, p.18.

[942] Kolsto, P. and Malgin, A., "The Transdniestrian Republic: A Case of Politicised Regionalism", *Nationalities Papers*, vol.26, n.1, Mar. 1998, p.119.

[943] "Report of the CSCE Human Dimension Mission to the Republic of Moldova", Annex 3, ODIHR, Jan. 30-Feb. 4, 1993.

clear, generating anxiety among non-speakers[944]. These developments, allied with the strengthening of the Popular Front movement, crystallised Transdniestrian fears of Moldavian unification with Romania.

According to Transdniestrian sources, the "Moldavian leadership adopted a series of laws and decrees trying to realise a conception of Moldova as a second Romanian state"[945]. Allied to the nationalist voices in Chisinau "demanding that non-Moldavians be deported", the evidence of their "anti-Slavic and anti-Semitic views", and the intention to "create a pure ethnic state and break-up with the Soviet Union, the people of Transdniestria had risen against the aggressive militant nationalism". These facts were, according to Transdniestrian sources, the motor leading to the "re-establishment of statehood on the territory of the Transdniestrian region"[946].

7.2.1.1. Transdniestrian declaration of independence

As a result, on September 2, 1990, Transdniestria declared autonomy from the Republic of Moldova. Three months later, in December 1990, the Second Extraordinary Session of People's Deputies of the Dniester Area declared the Moldovan Transdniestrian Republic, *Pridnestrovskaia Moldavskaia Republika* (PMR) following a referendum where 97.7% of the votes were favourable to independence[947]. According to Smirnov, the Transdniestrian leader[948], "the referendum on independence should in no way be seen as an ultimatum. Our proposals for a reorganisation of the Moldovan state system will remain in force. But now two completely equal partners will sit down at the negotiation table"[949]. Transdniestria finds in the existence of the Moldavian Autonomous Soviet Socialist Republic, between 1924 and 1940, the historical background supporting the "re-establishment of statehood on the territory of the former Moldavian Republic"[950].

The Transdniestrian declaration of independence preceded the Moldovan one and was not recognised by the central authorities in Chisinau. The CSCE also did not recognise the PMR, considering its establishment contradictory to the CSCE principles of the inviolability of external and internal borders, as reinforced at the 1992 Prague Meeting[951]. From that moment on the laws of the Republic of Moldova were declared invalid and without enforcement in the Transdniestrian region.

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[944] On April 1, 1994, following CSCE recommendations, Moldova's new Parliament suspended the implementation of the language tests. Despite easing tensions, it did not have positive consequences in the tense Moldovan/Transdniestrian relationship. *OSCE Newsletter*, vol.1, n.4, Apr. 15, 1994, p.2. "Language regulations relaxed", *RFE/RL*, Apr. 6, 1994.
[945] "General information on Trans-Dniester Moldavian Republic", Transdniestrian official homepage, http://www.olvia.net.md.
[946] Idem.
[947] Melvin, N., *Russians beyond Russia*, p.63.
[948] Igor Smirnov became the first President of the PMR and was re-elected in 1996 for a further 5 year term.
[949] Kolsto, P. and Malgin, A., "The Transdniestrian Republic: A Case of Politicised Regionalism", *Nationalities Papers*, vol.26, n.1, Mar. 1998, p.109.
[950] "General information on Trans-Dniester Moldavian Republic", Transdniestrian official homepage, http://www.olvia.net.md.
[951] 2nd Council of Ministers, Prague, Jan. 30-31, 1992.

Moldova declared itself an autonomous Soviet Republic on June 23, 1990, establishing the supremacy of the Moldovan Constitution and of national legislation over Soviet rule, and declaring the 1940 annexation illegal. In September, the Moldovan Supreme Soviet named as President Mircea Snegur, who pursued the nationalist demands of the Popular Front. Moldova's formal independence, a new reality to the republic, was achieved on August 27, 1991 after the failed coup in Moscow. After years of authoritarian rule and centralised economy, the Republic of Moldova committed itself to developing democratic structures based on the rule of law and to affirming its sovereignty, as expressed, for example, in its admission to international organisms, demands for withdrawal of Soviet troops from Moldovan territory, the founding of a national army and the organisation of democratic electoral processes.

On December 8, 1991, Snegur was elected the first President of Moldova with Popular Front support. Nevertheless, the appeal for unification with Romania lost strength after July 1992 with the formation of a Government of national consensus. Opinion polls organised in the Republic of Moldova in 1992 and 1993 and a referendum in 1994 revealed the low proportion of advocates of unification among Moldovans and Romanians[952]. The Popular Front "represented only a political movement, not a national tendency"[953].

7.2.2. The armed conflict

The Moldovan post-independence political agenda generated anxiety among Russian speakers, particularly those settled on the left bank. Having a past of Slavic influence, Transdniestria had never been under Romanian control. As a result of Soviet policies, Romanian culture was abolished from Moldovan life and the Cyrillic script was imposed on the Romanian language. Now, a renewal of Romanian culture was being attempted, which generated fears among Transdniestrians, who would be deprived this time of Soviet principles and traditions. Highly sovietised, the left bank feared the introduction of political and economic reforms which would extinguish the socialist way of life in the region. Moreover, Transdniestria, the most industrialised part of Moldova, occupied a strategic position in communications and access to external markets.

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[952] According to an opinion poll of September 1992, 52% of the respondents were against unification; 20% considered it a possibility, while only 8% considered unification inevitable. Public opinion poll taken by the Moldovan National Social Research Institute, "Human rights and democratisation in the newly independent states of the former Soviet Union, Implementation of the Helsinki Accords", Commission on Security and Co-operation in Europe, Washington DC, Jan. 1993, p.85. By 1992 the percentage of those favouring unification had dropped from 22% to 17% and in 1993 only 8% favoured unification, while 67% opted for independence. In the non-binding referendum of March 6, 1994, 75% of Moldovans turned out and 95% of the votes were in favour of Moldovan independence from Romania. *RFE/RL Research Report*, vol.1, n.26, 1992, p.40; *RFE/RL Research Report*, vol.2, n.9, 1993, p.16; "Dramatic drop in support for Moldovan unification with Romania", BBC SWB, SU/2098 D/6, Sep. 12, 1994; Hamm, M., "Chronology", *Nationalities Papers*, vol.26, n.1, 1998, p.173.

[953] Informal conversation with Branimir Radev, former member of the OSCE Mission to Moldova, Vienna, Oct. 6, 1999.

According to CSCE sources, Transdniestria accounts for 12% of the territory of Moldova and 17% of its population, but produced 35% of its total national income[954]. As such, the majority of the Transdniestrian industrial elite, in particular businessmen established in the region in Soviet times, feared the loss of privileges and socio-political prestige. While Moldova committed itself to democratic principles and the reformation of the old system, Transdniestria remained faithful to Soviet rule. The emerging contradictory positions, of an irreconcilable nature, demanded a division of power in the country. Not having proper mechanisms to allow these transformations to occur by peaceful and democratic means, conflict in the Republic of Moldova was imminent.

In the face of disturbances and in order to protect the population from violence and restore the authority of the legitimate organs of power in the area, on March 28, 1992 Moldova declared a state of emergency in the country with direct Presidential rule[955]. Nevertheless, the tense climate escalated into armed confrontation from March to June 1992. By May, the Moldovan authorities had accused the Russian forces based in Transdniestria of launching open attacks against Moldova and its legal forces of order[956]. The Transdniestrian leadership, led by Igor Smirnov, set up paramilitary structures and gained control of the official institutions on the left bank. Chisinau tried to regain control of these organs using coercion, but Tiraspol replied by eliminating all law-enforcement organs still loyal to Chisinau. From the left bank point of view, Moldova had tried to resolve all differences by "rude force", leading to "numerous casualties among peaceful population". Tiraspol argued "the civil war launched by Moldova in 1992 became the culmination of nationalistic violence"[957].

After four months of intense fighting which caused hundreds of casualties, and in which the city of Bender witnessed the most violent confrontations[958], Moldovan forces had to admit to their inferiority and accept Russian conditions. Poorly equipped Moldovan police and ill-trained armed forces were easily routed by Transdniestrian troops supported by the Russian 14th Army[959] stationed in Transdniestria. The 14th Army supported the insurgents by equipping and instructing Transdniestrian forces, and actively intervening in the conflict on the side of the secessionists. The Republic of Moldova appealed to international instances, such as the UN and the CSCE, where it accused the Russian Federation of direct involvement in Moldova's internal affairs through

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[954] CSCE Communication 281, Feb. 2, 1993, p.14.

[955] CSCE Communication 120, Mar. 30, 1992.

[956] On May 20, 1992, Moldovan President Snegur sent a message to the UN Security Council, the CSCE and the CIS, in which he informed them that "Russian military forces, using the 14th Army's armour and artillery, have begun open military actions against the Republic of Moldova and the legal forces of order", "Snegur appeals to world", *RFE/RL*, May 21, 1992.

[957] "General information on Trans-Dniester Moldavian Republic", Transdniestrian official homepage, http://www.olvia.net.md.

[958] According to CSCE data, casualties on the side of Moldova totalled 231 dead and 845 wounded. The sources in Transdniestria point to around 600 to 700 persons killed and about 3500 wounded. There were about 100.000 refugees from the conflict zone. CSCE Communication 281, Feb. 2, 1993, p.7.

[959] The Moldovan Army was formed in March 1992, thus its inexperience and non-preparedness to face Transdniestrian troops supported by Russian forces. Transdniestria was an important area of deployment of Soviet military forces, as part of the Odessa Military District, the major base of operation towards the Balkans.

aggression against the country's territorial integrity, and demanded that Russian forces withdraw from Moldovan territory.

7.2.3. The end of the armed conflict

On July 21, 1992, the Republic of Moldova and the Russian Federation signed an agreement in Moscow on the "Principles of a Peaceful Solution of the Armed Conflict in Transdniestria"[960], establishing a cease-fire, defining a security zone along the Dniester river (ten kilometres left and right of the Dniester river and including the city of Bender), respect for human rights in general and also those of minorities, and providing for the deployment of tripartite (Russian, Moldovan and Transdniestrian) peacekeeping forces. The 14th Army was to be neutral and negotiations on its status and the timetable for withdrawal were to be pursued.

The principles set forth in the agreement included respect for the sovereignty and territorial integrity of the Republic of Moldova, the need for a special status for the left bank area, and the right of Transdniestrians to decide on their future in case of a merger of Moldova with Romania. The trilateral peacekeeping force[961] was established under the supervision of the Trilateral Joint Military Command, subordinated to the Joint Control Commission (JCC)[962], set up in July 1992 with headquarters in Bender. The JCC's functions include control of the security zone, the prevention of violent accidents, and ensuring implementation of decisions regarding withdrawal and demilitarisation. In the event of violation of agreements, the JCC is responsible for taking appropriate measures to restore peace and re-establish law and order[963]. Both parties describe their participation in the JCC as aiming at peace and the prevention of any violent military actions, as well as the creation of conditions for political negotiations, of which the main result has been peace since 1992[964]. However, difficulties are also recognised by both parties.

According to the JCC Representative from Moldova, Gheorghe Roman, the main problems within the JCC are disrespect for and violation of the 'rules of the game'[965] since the parties have and pursue different interests and all issues are very politicised. The same opinion is shared by the

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[960] CSCE Communication 224, Jul. 29, 1992; "Background paper on the Transdnestr conflict in Moldova", CSCE CPC, Vienna, Mar. 29, 1994, pp.4-5 and CSCE Communication 281, Sep. 16, 1992.
[961] The peacekeeping forces began operations on July 29, 1992.
[962] The trilateral peacekeeping force consisted of five Russian, three Moldovan and two Transdniestrian battalions. The JCC was established by the signing of a bilateral agreement between the Republic of Moldova and the Russian Federation. Formed at the beginning by Russians, Moldovans and Transdniestrians (a total of 30 military observers, ten from each party), from 1995 Ukraine and the OSCE joined the JCC monitoring activities. "Ukraine to join peace process in Transdniestria", RFE/RL, Aug. 30, 1995 and "Ukraine joins Transdniestrian peace process", RFE/RL, Sep. 11, 1995.
[963] Joint Control Commission founding principles, article 4.
[964] Interviews with Gheorghe Roman, Principal Consultant, Supreme Council of Security of the Republic of Moldova, JCC representative from the Republic of Moldova, Chisinau, June 16, 1999 and Vladimir Bodnar, JCC co-chairman from Transdniestria, Tiraspol, June 15, 1999.
[965] Interview with Gheorghe Roman, Principal Consultant, Supreme Council of Security of the Republic of Moldova, JCC representative from the Republic of Moldova, Chisinau, June 16, 1999.

Transdniestrian JCC co-chairman, Vladimir Bodnar[966] who describes misunderstandings about the others' positions as the main problem in the normal working of the Commission. The fact that two of the sides involved in the conflict (the Republic of Moldova and Transdniestria) are also peacemakers, influences the delegations' arguments, with disagreement coming most often from divergent means to attain the same goal, which is peace.

7.2.4. Explaining the conflict

The roots of the Moldovan conflict can be found more in political and economic aspects, than in ethnic terms. Authors such as Kaufman and Bowers argue the conflict is ethnic in essence, referring to the different "ethnic identities" in Moldova and in the left bank[967]. However, the facts demonstrate ethnicity is neither the main driving force behind the conflict escalation nor its main explanation.

As a consequence of a turbulent and Soviet imposed past, important geographic and ethno-political differences were institutionalised as the organising principles of the new multi-ethnic republic. Moldovans, Ukrainians and Russians constituted the bulk of nationalities inhabiting the country; however, when comparing data regarding the ethno-linguistic composition of the population in Moldova and in Transdniestria, there are no relevant differences. Moldovans prevail, followed by Ukrainians and Russians on both banks. Therefore, there is no evidence that ethnicity was the main cause for the left bank's secession from Moldova. Moreover, the June 1991 Law on Citizenship was as encompassing as to allow the granting of Moldovan citizenship to all those residing and working in the republic before the June 1990 declaration of sovereignty[968].

Ethnic linguistic composition of the population in the Republic of Moldova	Moldova	Transdniestria
Moldovans	64.5%	40%
Ukrainians	13.8%	28%
Russians	12.9%	25%
Turkik Gagauz	3.5%	-
Bulgarians	2%	-
Other	3.3%	7%

Table 6: Ethno-linguistic composition of the population in the Republic of Moldova, according to the 1989 census[969]

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[966] Interview with Vladimir Bodnar, JCC co-chairman from Transdniestria, Tiraspol, June 15, 1999.
[967] See Kaufman, S., "Spiralling to Ethnic War: Elites, Masses, and Moscow in Moldova's Civil War", *International Security*, vol.21, n.2, Fall 1996, p.119 as well as pp.108-138; Kaufman, S. and Bowers, S., "Transnational Dimensions of the Transnistrian Conflict", *Nationalities Papers*, vol.26, n.1, Mar. 1998, pp.129-146.
[968] Law concerning the citizenship of the Republic of Moldova, June 5, 1991 (n.596-XII), Annex 4, "Report of the CSCE Human Dimension Mission to the Republic of Moldova", ODIHR, Jan. 30-Feb. 4, 1993, article 2.

Moldova has a mixed ethnic and linguistic composition, as illustrated in Table 6. The language problem is more a question of 'identity' than 'ethnicity'[970] and there are no signs of widespread racial, ethnic or religious hatred between ordinary people who have coexisted in the region for centuries[971]. Moldovans, Ukrainians and Russians participated in the conflict on both sides[972]. In fact, many ethnic Moldovans living on the left bank are against direct rule from the authorities in Chisinau, prefer to speak Russian, and do not consider themselves 'Bessarabian'[973]. Describing the conflict as ethnic fails to understand this aspect as well as the political and economic motives of the parties. The OSCE's understanding follows this reasoning[974].

The conflict was essentially a struggle to retain political power and privileged socio-political positions through the control of the industrial apparatus of the country. Most who oppose Moldova's partition blame the conflict on the political ambitions of those living in the left bank area and of military and political leaders in Russia. On the other hand, those who support the separatist efforts, explain it by the fear of possible Moldovan unification with Romania and anxiety over inadequate protection of the rights of the local population[975]. Among possible interests in the establishment of the PMR we may find the Russian desire to maintain a powerful military presence in the area, the interests of the local communist elite as the holder of industrial power, and the wish of the Slav population to avoid Romanisation.

7.3. The OSCE's involvement

Moldova became a CSCE participating member on January 30, 1992, with the goal of broadening the scale of democratic values and promoting socio-political transformations in the country[976]. Its accession to the CSCE followed a letter dated January 3, 1992, sent by the Minister of Foreign Affairs of the Republic of Moldova to the CSCE CIO applying for participation in the CSCE.

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[969] Data from the 1989 Soviet census and "Report of the CSCE Human Dimension Mission to the Republic of Moldova", ODIHR, Jan. 30-Feb. 4, 1993, p.5.

[970] Mission Report 13, ref. n.229, Nov. 12, 1993 and Williams, A., "The Conflict in Transnistria: Its Dynamics and Possible Solutions", Briefing-paper, SWP-CPN, Nov. 9, 1998, p.10.

[971] Document 132.

[972] Kolsto, P. and Malgin, A., "The Transnistrian Republic: A Case of Politicised Regionalism", *Nationalities Papers*, vol.26, n.1, Mar. 1998, p.106; Melvin, N., *Russians beyond Russia*, p.64; Solomon, G., "Peacekeeping in the Transdniester Region: A Test Case for the CSCE", draft special report, North Atlantic Assembly International Secretariat, Nov. 1994, chapter I, point 9; Pacholski, P., "The Country without a Nation", *Uncaptive Minds*, vol.V, n.3, Fall 1992, p.60; Waters, T., "Problems, Progress and Prospects in a Post-Soviet Borderland: The Republic of Moldova", *IBRU Boundary and Security Bulletin*, Spring 1997, p.72.

[973] "Background paper on the Transdnestr conflict in Moldova", CSCE CPC, Mar. 29, 1994, pp.4-5. See also "Russian Deputy Foreign Minister: Moldova-Dniester conflict is not ethnic", BBC SWB, SU/2571 B/9, Mar. 27, 1996, "not an ethnic or national, but a socio-political conflict".

[974] Refer for example to the 1993 CSCE Human Dimension Report, "Report of the CSCE Human Dimension Mission to the Republic of Moldova", ODIHR, 1993.

[975] "Human Rights in Moldova: The Turbulent Dniester", *Helsinki Watch*, a Division of Human Rights Watch, Mar. 1993, p.2. Words engraved on a brass plaque on the wall of a house in Tiraspol "we are the generation which will experience the 100th anniversary of the Great October Revolution in 2017", "Moldova: German paper decries conditions in Transdniestria", *RFE/RL*, Oct. 30, 1996.

However, only after the July 1992 CSCE Helsinki Meeting, which conferred a more prominent role on the CIO[977], did the CSCE become more active in attempts to find a solution to the Transdniestrian problem.

When the conflict erupted in 1992, the CSCE was not prepared, equipped or mandated to respond. In the face of growing tensions, the Conference's new tools and mechanisms were still embryonic, denying substance and direction to the CSCE's involvement in the country. The early Rapporteur Mission, the exchange of notes and the visit of the CSCE Human Dimension Mission within the framework of the Moscow Mechanism proved insufficient to address the increasing tensions. The CSCE's activity in Moldova began almost one year after the cease-fire agreement was signed. By the time of the Mission's deployment a cease-fire had been brokered, the separatists had managed to acquire control over a piece of land in dispute, and the situation was controlled by the Russian Federation.

At the invitation of the Moldovan Government, a CSCE Rapporteur Mission visited the Republic of Moldova on March 13 and 14, 1992[978]. This was the first direct involvement of the CSCE in Moldova. The CSCE Rapporteur Mission was entrusted with assessing developments of democratic political structures, progress on the protection of human rights and matters related to security, economic reforms and the environment. The Mission was then to report to the CSCE's decision-making bodies on the full implementation of the CSCE commitments by Moldova, as well as provide assistance towards that objective. The main difficulty described by the Rapporteurs was the need to change attitudes and mentalities, aggravated by the lack of understanding of market economy principles and democratic inexperience. In this context, the Rapporteurs suggested the CSCE could play a supportive and advisory role, in particular as regards the appointment of an Ombudsman for monitoring human rights and advise on constitutional and legal matters.

Moreover, the Rapporteurs focused on the tense situation between the Republic of Moldova and Transdniestria. According to the report, the left bank had turned into a focal point for supporters of the former Soviet Union, who were compelled to secede from Moldova due to the growing Romanian nationalism in the country. As a result, armed groups of Cossacks and other irregular units harassed the population and large quantities of armaments were diverted from the former Soviet forces to the area. The Mission urged restraint and requested the parties to refrain from violent actions[979].

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[976] CSCE Communication 23, Jan. 20, 1992.

[977] According to the *Helsinki Document 1992*, Helsinki Decisions, chapter I, parag.22, the CIO when dealing with a crisis or conflict may designate a personal representative with a clear and precise mandate. The CIO will inform the CSO of the intention to appoint a Personal Representative and of the mandate. In reports to the Council/CSO, the CIO will include information on the activities of the Personal Representative as well as of any observations or advice submitted by the later.

[978] CSCE Rapporteur Mission to Ukraine, Moldova and Belarus, CSCE Communication 126, Apr. 7, 1992. The Mission visited Moldova from March 8 to 16, 1992. The invitation of the Moldovan Government was contained in the Republic of Moldova letter of accession to the CSCE, Apr. 7, 1992.

[979] CSCE Rapporteur Mission to Ukraine, Moldova and Belarus, CSCE Communication 126, Apr. 7, 1992.

After taking notice of the report, the CSCE CIO addressed a letter to the Moldovan President showing concern for the evolution of events and expressing the wish that Moldova would solve tensions by peaceful means only[980]. Moldova's reply explained that the increasing tensions and shootings were due to the support found by the rebels in the 14th Army stationed in the region and in those intending the restoration of the former Soviet Union[981]. In a letter from the President of Moldova to the Heads of the CSCE participating states dated April 11, 1992, Snegur informed them that the representatives of the opposition in Transdniestria had committed anti-governmental activities against the territorial integrity of Moldova and had formed the so-called Transdniestrian republic. As a precondition for a political settlement, the Moldovan President referred to the urgency in withdrawing the 14th Russian Army from the territory of Moldova[982].

In view of the intensification of combats in the spring of 1992 and the many casualties and destruction of property that resulted, on July 2, 1992, the CSO[983] adopted a text on the situation in the left bank Dniester areas of the Republic of Moldova, which noted with growing concern the aggravation of events in the field and made an urgent appeal for a complete cease-fire. Simultaneously, the CSO praised the efforts of Moldova, Romania, Russia and Ukraine and noted their appeal to the CSCE that it should contribute to the settlement of the conflict through mediation and constant review of the human rights situation. On July 10, 1992 President Snegur of Moldova asked the CSCE for the deployment of a peacekeeping Mission to the country. However, the conditions for the establishment of such a Mission, which included an effective and durable cease-fire, were considered unfulfilled[984].

In a note dated July 23, 1992, the Ministry of Foreign Affairs of Moldova sent to the CSCE's Secretariat the text of the agreement between Moldova and Russia on the "Principles of the Peaceful Solution of the Armed Conflict in the Transdniestrian Region of the Republic of Moldova" signed in Moscow on July 21, 1992. The Minister of Foreign Affairs of Moldova requested the CIO and his representatives to monitor the implementation of the agreement. As a reply, on August 6, 1992, the CIO addressed the Ministers of Foreign Affairs of Moldova, Romania, Russia and Ukraine, requesting ideas for a possible contribution by the CSCE to the settlement of the dispute[985].

In early September 1992, after the end of the armed confrontations, the Personal Representative of the CSCE CIO, Adam Rotfeld, visited Moldova and Transdniestria with the aim

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[980] CSCE Communication 129, Letter of the CIO of the CSCE to the President of the Republic of Moldova, Apr. 8, 1992.
[981] CSCE Communication 133, Letter of reply from the President of the Republic of Moldova to the CIO of the CSCE on the situation in Moldova, Apr. 13, 1992.
[982] CSCE Communication 281, Sep. 16, 1992, p.4.
[983] 13th CSO Meeting, Jun. 19-Jul. 8, 1992, Helsinki, 13CSO/J4, Annex 1.
[984] "Moldova calls for CSCE peacekeeping mechanism", *RFE/RL*, Jul. 13, 1992.
[985] "Interim Report of the Conflict in the Left Bank Dniester Areas of the Republic of Moldova" by the Personal Representative of the CIO of the CSCE Council, Adam Rotfeld, Director of SIPRI in Stockholm, Prague, Sep. 16, 1992, CSCE Communication 281, Feb. 2, 1993, p.5.

of evaluating the possibilities of deploying a CSCE Mission to the country[986]. Rotfeld recommended that a lasting political settlement should be based on the consolidation of Moldova's independence and reinforcement of the country's integrity, agreement on the withdrawal of the 14th Army, CSCE standards on human rights, and the monitoring of a durable political settlement by international observers[987].

On December 15, 1992, the CSCE Ministers welcomed the easing of tensions and expressed support for efforts to remove, in a peaceful manner and through negotiations, the existing problems, including the foreign forces stationed in Moldova. The parties were called to conclude an agreement on the status and the early, orderly and complete withdrawal of foreign troops[988]. At the same meeting, the Moldovan authorities asked for the sending of a long-term CSCE Mission to the country, offering the necessary support. In a Joint Communiqué on January 15, 1993, adopted at the meeting of the Russian and Ukrainian Presidents in Moscow, both Presidents appealed to accelerate the process of political solution to the conflict and expressed a desire for the CSCE's involvement[989].

In early 1993, a CSCE Human Dimension Mission visited Moldova at the request of the Moldovan authorities, with the aim of investigating legislation and the implementation of minority rights and inter-ethnic relations[990]. The Mission described Moldova as a multi-cultural and multi-lingual country. The secessionist demands were described not as ethnic, but as political and ideological. The report suggested the armed conflict was instigated by the left bank Communist power elite against threats to the national-political ideology, translated by the desire of the Slav speaking population to resist Romanisation, and the Russian wish to preserve a powerful presence in the region.

Moldova and Transdniestria presented the Rapporteurs with two draft documents. One included a Moldovan proposal on the basic principles for the resolution by peaceful means of the conflict and the other was submitted by the PMR as regards the division of powers between the subjects of the Moldovan confederation[991]. From the very beginning the parties' disagreement on fundamental issues became evident. While Moldova demanded exclusive competence over defence, state security and social order[992]; the Transdniestrians envisaged parallel competencies for

[986] 15th CSO Meeting, Aug. 14, 1992; "CSCE delegation in Moldova", *RFE/RL*, Sep. 15, 1992.

[987] "Interim Report of the Conflict in the Left Bank Dniester Areas of the Republic of Moldova" by the Personal Representative of the CIO of the CSCE Council, Adam Rotfeld, Director of SIPRI in Stockholm, Prague, Sep. 16, 1992, CSCE Communication 281, Feb. 2, 1993.

[988] 3rd Council of Ministers, Stockholm, Dec. 14-15, 1992, CSCE/C-3/Dec.2.

[989] Final Report of the Conflict in the Left Bank Dniester Areas of the Republic of Moldova by the Personal Representative of the CIO of the CSCE Council, Adam Rotfeld, Director of SIPRI, Jan. 31, 1993, p.14.

[990] "Report of the CSCE Human Dimension Mission to the Republic of Moldova", ODIHR, at the request of the Republic of Moldova under parag.4 of the Moscow Document, Jan. 30-Feb. 4, 1993.

[991] "Basic Principles for the Resolution by Peaceful Means of the Socio-Political Conflict in the Eastern Raions of the Republic of Moldova", annex 5 and "Agreement on the Division of Competencies between the Subjects of the Moldavian Confederation", annex 6 in "Report of the CSCE Human Dimension Mission to the Republic of Moldova", ODIHR, Jan. 30-Feb. 4, 1993.

[992] Including the preparation of the social and economic platform of the country, the formulation and implementation of the country's foreign policy, the appliance of a single tax and financial policy at republican

both governments[993]. Moldova stated the Transdniestrian self-administered territory was an integral part of the Republic of Moldova, where the Constitution and other laws should apply. Transdniestria considered Moldova as a confederation comprising two sovereign and independent states, the Dniester Moldavian Republic and the Republic of Moldova[994]. These fundamentally divergent assumptions have accompanied the negotiations from the very beginning. The status issue, along with the question of the division of competencies, have been issues of much discord since the early days of the negotiating process. Adam Rotfeld's recommendations in combination with the report of the Human Dimension Mission that visited Moldova in early 1993, led to the decision by the CSO on February 4, 1993 to dispatch a CSCE Mission to Moldova.

7.3.1. The Mission's mandate and the field-Vienna link

The establishment of a CSCE long-term Mission to Moldova was decided with the aim of "facilitat[ing] the achievement of a lasting political settlement, on the basis of CSCE principles and commitments, of the conflict in the left bank Dniester areas of the Republic of Moldova"[995]. The Mission's mandate includes two key assignments. Firstly, to assist the parties in pursuing negotiations on a lasting political settlement to the conflict, consolidating the independence and sovereignty of Moldova along with an understanding about a special status for the Transdniestrian region. Secondly, to encourage the parties to pursue negotiations on the status and the early, orderly and complete withdrawal of foreign troops. The gathering of information and the provision of advice and expertise regarding the military situation, human and minority rights and democratic transformation, complete the Mission's mandate.

These objectives should be pursued in accordance with the OSCE's fundamental principles, such as those stated in the Helsinki Final Act and following documents, and should be based on the submission of regular field reports to the CPC, constant field-Secretariat interaction through the Liaison Officer for Moldova, and HoM's communications to the PC. The Mission opened an office in Chisinau on April 25, 1993[996] and is composed of eight members, two of whom are always military diplomats. Its mandate has been renewed every six months since its deployment[997]. It works on a rotational basis, according to which Mission members are reallocated

level and assurance of a centralised administration of branches of industry, transport and energy supplies considered vital for the security of the state.

[993] These regard amendments to the Constitutions, the definition and implementation of domestic and external policies, the determination of the structure and priorities for the social-economic development of the signatories, independently establishing relations with other states and international organisations, and defining the structure and status of the security services.

[994] This issue will be revisited in the chapter, section 7.4.3.

[995] 19th CSO Meeting, Feb. 4, 1993, Journal n.3, Annex 3.

[996] According to a Memorandum of Understanding on the CSCE Peace-Building Mission in Moldova between the HoM and the Government of the Republic of Moldova.

[997] 313th PC Meeting, PC.DEC/387, PC.JOUR/313, Dec.7, 2000; 285th PC, PC.DEC/352, PC.JOUR/285, Jun.1, 2000; 261st PC, PC.DEC/329, PC.JOUR/261, Dec. 9, 1999; 235th PC, PC.DEC/300, PC.JOUR/235, Jun. 17, 1999; 198th PC, PC.DEC/268, PC.JOUR/198, Nov. 13, 1998; 173rd PC, PC.DEC/236,

every two years. The return to the country of previous Mission members has occurred, with the advantage of knowledge of the situation allied to a general perception of progress, which according to its members has been positive for the Mission's work[998].

Later, a branch-office was opened in Tiraspol in accordance with an "Understanding on the Act of the CSCE Mission in the *Pridnestrovskaia* Region of the Republic of Moldova"[999] which came into force on February 13, 1995. According to the agreed principles of co-operation with the leadership in the left bank, for the purpose of conducting its activities the Mission and its personnel would enjoy, together with its vehicles, aircraft and equipment, unrestricted freedom of movement. The local authorities in Transdniestria promised to ensure free, unconstrained contacts between the Mission and the local population and guaranteed that the individuals and/or groups seeking contact with the Mission could do so without restriction[1000].

The problems in Moldova have been addressed politically at various OSCE meetings, where member states get acquainted with developments and setbacks in the field, and make appropriate decisions[1001]. From discussions, several resolutions urging regular negotiations for the settlement of the conflict and the definition of the Transdniestrian status in the constituency of the Republic of Moldova have been adopted. The withdrawal of the Russian forces and ammunition still on Moldovan soil has also been advocated several times, though, without clear progress. How closely is Vienna following events in the field? Is there a discrepancy between what is happening in the field and how the CPC perceives it?

Drawing a parallel between the Mission's activity in the field and decisions made in Vienna, there are signs of a progressive evolution in the work of the Mission and its understanding in Vienna. Since the OSCE's decision-making power resides in Vienna, a clear understanding of the needs in the field must accompany the decision process, since the OSCE's activity is developed

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PC.JOUR/173, Jun. 17, 1998; 142nd PC, PC.DEC/200, PC.JOUR/142, Dec. 4, 1997; 117th PC, PC.DEC/167, PC.JOUR/117, May 29, 1997; 91st PC, PC.DEC/140, PC/J91, Nov. 7, 1996; 70th PC, PC.DEC/121, PC/J70, May 23, 1996; 44th PC, PC.DEC/85, PC1/J44, Nov. 9, 1995; 26th PC, PC.DEC/54, PC1/J27, Jun. 22, 1995; 41st PC, PC/J40, Nov. 14, 1994; 15th PC, PC/J15, Apr. 14, 1994; 28th CSO-VG, Sep. 9, 1993; 15th PC, PC/J15, Apr. 14, 1993.

[998] Interviews with Witold Karp, Member of the OSCE Mission to Moldova, Public Relations Officer, Acting Head of Mission, OSCE Mission office in Chisinau, June 14, 1999 and Lt. Col. Lodder, Military Member of the OSCE Mission to Moldova, OSCE Mission office in Chisinau, June 17, 1999. Refer also to chapter 5, section 5.2 for the operational details.

[999] Agreement between the CSCE Mission and the PMR was reached on August 25, 1993, Document 87.

[1000] Memorandum of Understanding on the CSCE Peace-Building Mission in Moldova between the HoM and the local authorities in the left bank Dniester areas of the Republic of Moldova, article VII, parags.2-3, CSCE Communication 281, Feb. 2, 1993, Annex IV, p.29.

[1001] Decisions on Moldova have been adopted at the 265th PC Meeting, PC.DEL/7/00, PC.JOUR/265, Jan. 13, 2000; 7th Ministerial Council Meeting, (MC(7).DEC/2), Oslo, Dec. 2-3, 1998; 90th PC Meeting, Chairman's Statement on Moldova, PC/J90, Annex, Oct. 31, 1996; 27th PC, PC.DEC/54, PC1/J27, Jun. 30, 1995; 14th PC, PC1/J14, Mar. 30, 1995; Permanent Committee Meeting, PC/J36, item 6, Oct. 6, 1994; 28th CSO Meeting, 28CSO/J3, Annex 3, Sep. 14-16, 1994; 27th CSO Meeting, 27CSO/J3, Annex 3, Jun. 13-15, 1994; 25th CSO Meeting, CSO/J3, Annex 2, Mar. 4, 1994; 4th Council Meeting, 4C/DEC.1, Rome, Nov. 30-Dec. 1, 1993, chapter I, parag.3; and CSCE/OSCE Summits.

mainly at the political level[1002]. A comparison of the field reports with headquarters decision-making reveals progressive awareness of events in the field. Statements by the delegates of Russia, Moldova and neighbouring countries have also contributed to the OSCE's participating states becoming acquainted with the problems. Despite the peculiarities and very detailed field work of the Mission, whose understanding of the parties and overall situation is more encompassing than knowledge in Vienna, the fact is that through the Mission's reports and accounts, the OSCE participating states have felt the urgency of pressuring the parties to promote a political solution to the conflict. Concern over restrictions imposed on the Mission in the fulfilment of its mandate, particularly over the Mission's relationship with the JCC and the troops' withdrawal, and support for the work of the Mission in promoting a political solution, are examples of Vienna's awareness of difficulties in the field.

Nevertheless, the OSCE's decisions fail to address the essential questions in detail. The vague and generalist character of the most important decisions made on Moldova have allowed ambiguity and misinterpretation in the field, revealing inadequacy. However, the organisation's limitations in adopting delicate decisions in view of the consensus principle are not new. Political interests often prevent the achievement of detailed resolutions. The Russian Federation's conditioning of resolutions on the withdrawal of foreign troops from Moldova is an example. The OSCE decisions urged withdrawal and even defined a target date, however they neither clarified procedures nor specified the means to implement decisions, which led to ambiguous interpretations and non-implementation[1003].

7.3.1.1. The human dimension within the Mission's mandate

The human dimension is a fundamental pillar of the OSCE's activity in Moldova. The Mission provides advice and expertise at the level of the populations and local representatives and also contributes to such parts of a political settlement as the effective observance of international obligations and commitments regarding human and minority rights[1004]. The Mission addresses issues ranging from direct aggression against human rights to the democratisation process. In this multi-layered process, the Mission believes it constitutes a catalyst for change in human rights and democratic transformation[1005].

According to OSCE sources, in general Moldovans do not find the local judicial system

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[1002] Informal conversation with Branimir Radev, former member of the OSCE Mission to Moldova, Vienna, Oct. 6, 1999.

[1003] This issue will be further analysed in this chapter. Refer also to chapter 4, section 4.4.

[1004] "An update on human dimension activities of the Mission", SEC/167/96, Mar. 29, 1996.

[1005] Mission Report 13, ref. n.229, Nov. 12, 1993. For example, the Human Dimension Officer of the Mission visits the Ombudsman institution regularly to monitor compliance of its activities with the goals previously assigned to the institution, including human rights legislation, informing the population about their rights and intervening in individual cases of human rights violations. However, since the Ombudsman institution is dependent on the Moldovan Parliament, the Mission questions its exemption. Interview with Gottfried Hanne, Member of the OSCE Mission to Moldova, Human Dimension Officer, OSCE Mission office in Chisinau, June 18, 1999 and Document 80.

reliable, so they address complaints to the Mission[1006]. However, half of the bulk of complaints fall within the sphere of social rights, relating to privatisation issues or court delays. Many cases represent complex bureaucratic problems and court proceedings, for which the Mission has neither the legal expertise nor the resources to conduct the necessary investigations[1007]. In these cases, the Mission contacts the office of the Mayor of Chisinau, who deals with administrative issues, passes on the complaints and has often managed to speed up the processes. According to the Mission, the situation is worse in Transdniestria, where the OSCE is nearly the only international organisation represented. "In a total of 200 complaints a year, 15 to 20% come from the left bank, which is a very high rate when compared to the region's small size. Nevertheless, in Transdniestria people are afraid of complaining to the OSCE's office, fearing retaliations from the Transdniestrian authorities", despite Transdniestria's non-interference guarantees[1008]. On the left bank, violations of human rights still take place in the form of media censorship or repression of demonstrations[1009].

Despite the Mission's initiatives, human rights violations still happen. The treatment of prisoners and the general conditions of the penitentiaries on both sides of the river are far from complying with international human rights standards. The Mission, whose members regularly visit these institutions, has reported cases of torture and maltreatment, insufficient hygiene, epidemics and malnutrition problems[1010]. The case of Ilascu, a political prisoner, and five other militants from the Moldovan Democratic Popular Front who were arrested in June 1992 by the Tiraspol authorities and convicted for terrorism, related crimes and assassination on December 9, 1993, has been much publicised in the republic. The group was accused of the murder of two Transdniestrian officials and Ilascu was sentenced to death by a Transdniestrian court. However, pressure from the CSCE and other international organisms prevented the sentence from being executed[1011]. Four members of the group remain in prison. According to Moldovan authorities and the OSCE's office, the group has been under arrest in degrading conditions and the object of an unclear and illegal

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[1006] In 1994 there were 68 complaints; in 1995 the number increased to 98 and in 1996 it further increased to 149. The Mission understands that this increase does not reflect a deteriorating human rights situation; on the contrary, it considers the observance of human rights seems to be improving on both sides of the river, "Human Dimension Activities of the OSCE Mission to Moldova 1996-97", OSCE Mission office in Chisinau, p.1. Interview with Gottfried Hanne, Member of the OSCE Mission to Moldova, Human Dimension Officer, OSCE Mission office in Chisinau, June 18, 1999.

[1007] The character of many complaints reveals an unclear understanding of the Mission's activity. To improve the situation, the Mission has been working on the promotion of its image and role in the country. According to the Mission's Public Relations Officer, the media response has been favourable and has displayed understanding of the goals and possibilities of the Mission, interview with Witold Karp, Member of the OSCE Mission to Moldova, Public Relations Officer, Acting Head of Mission, OSCE Mission office in Chisinau, June 14, 1999.

[1008] Interviews with Gottfried Hanne, Member of the OSCE Mission to Moldova, Human Dimension Officer, OSCE Mission office in Chisinau, June 18, 1999 and Vitaly Yankovsky, Adviser, Department of Foreign Relations of Transdniestria, Tiraspol, June 15, 1999.

[1009] "Report on human rights violations in Transdniestria submitted to European Court", Jun. 29, 2000; "Tiraspol leader decides to establish strict order in street manifestations field", *Moldova News*, Feb. 18, 2000.

[1010] Documents 128-129.

[1011] The CSCE's CIO declared its concern over the non-constitutional character of the enforcement of the sentence for the Tiraspol Six and of the irregularity of the court procedures, CSCE CIO statement of Jun. 22, 1992, Document 98.

process[1012].

The Mission has advocated the resolution of this incident through the transfer of the prisoners to a Moldovan prison and a new trial under international supervision[1013]. However, despite signs of compromise, real steps to achieving a political solution have not yet been taken. According to Hanne[1014], "the prisoners' situation is deteriorating in various aspects. They are disliked by the Transdniestrian policemen and have problems to be visited by relatives. Conditions aggravate when issues in the political arena come to a standstill". Although Transdniestria is aware that the court procedures were subjective and that there was no clear evidence for condemnation, the issue acquired a political dimension and Tiraspol does not want to "lose (its) face"[1015]. Thus, the Mission's relevance in the finding of a solution, under which some form of amnesty to release the prisoners might be found, exempting the left bank from criticisms of ceding to pressures.

7.3.1.1.1. The schools issue

The disagreements about which script should be used have also been an impediment to an improved relationship between Moldova and the left bank. The issue dates back to the time of the Moldovan declaration of independence. In Transdniestria, the local authorities refused to implement the 1989 Moldavian Language Law[1016], and on September 9, 1992, the PMR abolished the Law and reinstated Cyrillic script for Romanian to be taught in schools, prohibiting the use of Latin script. This move generated much criticism from the authorities in Chisinau and initiated a language problem unsolved to this day.

The prohibition of the use of Latin script led to the closure of several schools on the left bank due to infringement of the PMR regulations[1017]. The Moldovan authorities charged Transdniestria with committing "illegitimate actions"[1018] and the student community on the left bank protested, organising blockades and long-term strikes against the Transdniestrian ruling elite.

[1012] Interviews with Gottfried Hanne, Member of the OSCE Mission to Moldova, Human Dimension Officer, OSCE Mission office in Chisinau, June 18, 1999 and Ion Leshanu, Representative of the President of the Republic of Moldova to the Moldovan Expert Group dealing with the settlement, Chisinau, June 14, 1999.
[1013] Document 154 and CSCE Communication 329, Report from the Special Mission - Ilascu Group in Nov. 1993, Dec. 29, 1993. "OSCE allows one of its member-nation to examine Ilascu case in Court", May 23, 2000; "Ilascu agree to be sued in third country", *Moldova News*, Jul. 24, 2000.
[1014] Interview with Gottfried Hanne, Member of the OSCE Mission to Moldova, Human Dimension Officer, OSCE Mission office in Chisinau, June 18, 1999.
[1015] Interview with Witold Karp, Member of the OSCE Mission to Moldova, Public Relations Officer, Acting Head of Mission, OSCE Mission office in Chisinau, June 14, 1999.
[1016] Refer to section 7.2.1.
[1017] The script problematic has been extended till today. On July 10, 1998 school n.20 was closed by a local decree of the Transdniestrian authorities for infringing left bank law and teaching Moldovan in the Latin script. After talks mediated by the OSCE Mission, the parties agreed to privatise the school, and debts for renting the premises were paid by the Moldovan authorities. The school reopened on September 1, 1998. Document 99 and "Dniester region schools not allowed to teach in Latin script", BBC SWB, SU/2139 D/7, Oct. 29, 1994.
[1018] "Declaration of Ministry of Education [of the Republic of Moldova] in connection with the violation of Human Rights", CSCE DOC 761/94, Sep. 22, 1994 and Document 100. Moldovan authorities have also addressed the CSCE as regards the human rights situation in the left bank, Letter of the Minister for Foreign Affairs of the Republic of Moldova to the CIO of the CSCE, CSCE DOC 808/94, Sep. 29, 1994. Also Documents 101-102.

Compromise was found in late 1994 when Transdniestria allowed non-state schools on the left bank to come under Moldovan jurisdiction, and thus teach in Latin script. However, the Transdniestrian authorities have been applying administrative objections to the concession of licences, resulting in new incidents from time to time[1019]. The Transdniestrian authorities repudiate the existence of problems, arguing that the schools issue was resolved with the agreement found between Moldova and Transdniestria in 1994[1020].

The Mission has been critical about the Transdniestrian practice of prohibiting the teaching of Moldovan in Latin script, described as a violation of human rights. The demands of teachers, parents and students are, in the Mission's view, reasonable and means should be found to satisfy them[1021]. The Mission welcomed the 1994 agreement but regretted its inadequate implementation. Highly politicised, disagreement as regards the language issue has been extended to this day, rendering difficult the fostering of confidence, and inducing further separation between the Republic of Moldova and the left bank. Although the resolution of these issues is not sufficient for the finding of a final settlement, it will contribute to the building of trust between the parties. Therefore, the implementation of the Mission's mandate is oriented to the promotion and consolidation of confidence and stability as a fundamental pillar of the crisis management role of the Mission. The Mission's mandate in the human dimension is complemented by its interaction with other OSCE institutions, as well as international organisations[1022], in the field.

7.3.2. Other OSCE institutions in the field

The Mission is supported in its work by the institutions of the OSCE, including the Vienna-based organisms, the ODIHR, the Parliamentary Assembly, the HCNM and the Representative on Freedom of the Media[1023]. Several visits from high-level representatives, such as the Secretary General, the CIO, representatives from the various OSCE institutions or from delegations of the OSCE's participating countries, have also been made to the republic. These visits confer validity on the activities of the Mission in Moldova, demonstrating the support the Mission enjoys from the decision-making and operational bodies in Vienna. It also shows the growing concern of the

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[1019] Interview with Gottfried Hanne, Member of the OSCE Mission to Moldova, Human Dimension Officer, OSCE Mission office in Chisinau, June 18, 1999. "Moldova appeals to CSCE over 'Dniester' alphabet ban", *RFE/RL*, Sep. 27, 1994; "Dniester school conflict intensifies", *RFE/RL*, Oct. 27, 1994; "Parents accuse Dniester authorities of 'cultural genocide'", *RFE/RL*, May 28, 1996; "The single Romanian school from Tighina is activating in inhumane conditions", *Moldova News*, Dec. 14, 1999.
[1020] Interview with Vitaly Yankovsky, Adviser, Department of Foreign Relations of Transdniestria, Tiraspol, June 15, 1999.
[1021] "Human dimension activities of the OSCE Mission to Moldova 1996-97"; Permanent Committee draft decision, DOC 801/94, Sep. 27, 1994.
[1022] Refer to section 7.5 for further development.
[1023] The OSCE Representative on Freedom of the Media visited Moldova in July 1999 to assess media independence in the country, concluding that the extensive control of the media by political parties, the lack of funding and the lack of serious journalism, both in Moldova and the left bank, constituted the main problems, "Report on Freedom of the Media", *OSCE Newsletter*, vol.6, n.7, Jul. 1999, pp.18-19.

organisation and its participating members for events in Moldova, strengthening the resolutions adopted at the organisation's meetings[1024].

The OSCE's efforts in Vienna for the settlement of the dispute have been fundamental to the Mission's activities, and signal concern and interest from the international community[1025]. The OSCE's Parliamentary Assembly has been contributing to the settlement process since early 1999. A five-member team has been established and is concentrating on the fostering of adequate political will to reach a solution, in particular to the status question[1026], through the promotion of inter-parliamentary co-operation in Moldova[1027]. Regular visits of team members to the republic and the establishment of contacts with the Speaker of the Moldovan Parliament Diacov and the Chairman of the Transdniestrian Supreme Soviet Marakutsa, with the Mission's assistance, demonstrate how parliamentary co-operation between both banks might help to reduce the distance between Moldova and Transdniestria. The posture of the OSCE's Parliamentary Assembly corresponds fully to the OSCE's positioning on the issue both at headquarters and in the field, that the status of Transdniestria must be defined within the integrity of the Republic of Moldova[1028]. The Parliamentary Assembly reports to the PC in Vienna, also contributing to the raising of awareness of the problems in Moldova among the OSCE's participating states. These efforts complement and strengthen the Mission's role in Moldova.

The organisation of seminars, workshops and lectures envisaging the clarification of concepts such as 'human rights' or 'democracy' are also on the Mission's agenda, with the aim of inciting the consolidation of civic principles. The organisation of a seminar with the aim of producing texts agreed on by both sides on recent local history, including the conflict, for use in schools in Moldova and Transdniestria, is an example of how human dimension aspects contribute to the building of confidence, necessary to the political settlement[1029]. Moreover, the Mission has been supporting the NGO sector as a fundamental area for the affirmation of civil society in Moldova, with the ODIHR's support[1030]. Initiatives include the promotion of contacts between

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[1024] For example, "HCNM meets officials in Moldova and Romania", *OSCE Newsletter*, vol.VII, n.6, Jun. 2000, pp.14-15; "Parliamentary Assembly Team visits Moldova, 29 February and March 3, 2000", *OSCE Newsletter*, vol.VII, n.3, Mar. 2000, p.16; "OSCE Parliamentary Assembly team due to Chisinau today", *Moldova News*, Feb. 28, 2000; "Parliamentary Assembly President Degn visited between 24-26 February, 1999", *OSCE Newsletter*, vol.6, n.2/3, Feb./Mar. 1999; "OSCE Chairman visits Moldova", *RFE/RL*, Jan. 17, 1996; "Secretary General Hoynck visited Moldova between October 19 and 22, 1994", *CSCE Newsletter*, vol.1, n.10, Nov. 17, 1994, p.1.
[1025] The special session of the PC on July 17, 2000, is an example. Refer also to section 7.3.1.
[1026] "Parliamentary Team on Moldova visits Moscow", *OSCE Newsletter*, vol.VII, n.6, Jun. 2000, p.15.
[1027] "William Hill reaches agreement on OSCE Parliamentary Delegation's visit to Transdniestria", *Moldova News*, May 26, 2000; "OSCE Mission ends visit to Moldova", *RFE/RL*, Mar. 6, 2000; "Moldovan, Transdniestrian parliament sign accord", *RFE/RL*, Mar. 16, 2000.
[1028] "Talks focused on Transdniestrian problem" and "OSCE supports the settlement of the Transdniestrian conflict on the basis of Moldova's integrity, but with a special statute for Moldova", *Moldova News*, Feb. 24 and 25, 1999, respectively.
[1029] *Annual Report 2000 on OSCE Activities*, The Secretary General, SEC.DOC/5/00, November 24, 2000, p.49.
[1030] OSCE-ODIHR Training Workshop for Moldovan Non-Governmental Organisations, Oct. 20-24, 1996 with focus on interpersonal communication: management and team-building, strategies for organisational and

NGOs from both banks of the Dniester[1031], and assistance in legal and procedural matters related to the establishment and development of NGOs. Raising awareness of the potential contribution of NGOs has been arduous due to the closeness of some NGOs to the Government and the high politicisation of their goals. Lack of material and/or personal resources also constrain the functioning of the NGOs, although "in the last two or three years NGOs have developed more seriously"[1032].

The Mission's collaboration with the ODIHR also includes the implementation of joint programmes falling within the OSCE's human dimension. The implementation of a project related to "Activities to Combat Trafficking in Human Beings"; the organisation of a workshop on detention monitoring, and of a Conference on Free Circulation of Information; and the provision of assistance to the Commission on the Reform of the Criminal Procedural Code are examples of this. In the pursuit of some of these activities, the Mission and the ODIHR have benefited from the support of the Council of Europe and/or of UN institutions[1033].

In collaboration with the ODIHR and the OSCE's Parliamentary Assembly, the Mission monitors elections and referenda. In general, according to OSCE sources, electoral processes have been fair. Minor problems have emerged, such as the format of the ballot papers, inaccuracy of the voters' registers or over-crowded polling stations, but they have not been sufficiently serious to call into question the validity of the results. In Transdniestria, neither candidates nor voters have had adequate conditions to exercise their voting rights, which the ODIHR's reports attribute to lack of information and the local authorities' hindrance to free movement. Moreover, on the left bank none of the elections or referenda has been monitored by the OSCE or other international organisations[1034], and these acts have always been denounced by the Moldovan authorities[1035].

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financial stability and effective public dialogue, "Update form the ODIHR", *OSCE Newsletter*, vol.3, n.10, Oct. 1996, p.6.

[1031] For example, on April 18 and 19, 2000 there was a meeting between NGO representatives and the OSCE's Mission, organised in collaboration with the National Assistance and Information Centre for NGOs in Moldova. The meeting took place in the OSCE's office in Tiraspol and was attended by right and left bank representatives as well as Gagauz organisations, "NGO representatives meeting held in Moldova Mission", *OSCE Newsletter*, vol.VII, n.5, May 2000, p.11. See also *Annual Report 2000 on OSCE Activities*, The Secretary General, SEC.DOC/5/00, November 24, 2000, p.49.

[1032] Interview with Yuri Ataman, Chairperson of the Joint Committee for Democratisation and Conciliation (JCDC), an NGO in Moldova, Chisinau, June 19, 1999.

[1033] See *Annual Report 2000 on Interaction between Organisations and Institutions in the OSCE Area*, The Secretary General, SEC.DOC/4/00, November 24, 2000, p.72 and ODIHR Annual Report 2000, Warsaw, Nov. 2000, pp.21, 27 and 37.

[1034] See ODIHR and Parliamentary Assembly reports on elections and referenda, including "Republic of Moldova, Parliamentary Elections", ODIHR, Mar. 22, 1998; ODIHR File n.82, Presidential elections, Nov. 17 and Dec. 1, 1996; ODIHR File n.44, Jun. 6, 1995; ODIHR File n.42, Mar. 5, 1995 and ODIHR File n.24, Feb. 27, 1994. Also Documents 94-97; "Follow-up on the Transdniestrian election", SEC/20/96, Jan. 19, 1996. The Russian Duma, Belarus and Abkhazia have offered to send monitors to the elections in Transdniestria. Members from the Russian Duma integrated the commission, nevertheless the presence of the delegation "would not upgrade the purely local character of the ballot", according to Tarasov, spokesman from the Russian Foreign Ministry, "Russia, Belarus, Abkhazia send observers to Transdniestrian elections", *RFE/RL*, Dec. 19, 1996.

[1035] "Moldovan President rejects elections in Transdniestria", *RFE/RL*, Mar. 28, 2000.

The Mission also develops collaboration with the HCNM, who regularly visits Moldova. The High Commissioner's activities relate to language issues as a fundamental aspect for the building of confidence[1036]. Joint initiatives have included the organisation of a Seminar on the Education and Linguistic Rights of Persons belonging to National Minorities, and together with the Moldovan Government, the promotion of a project to improve the quality and availability of teaching of the Moldovan language, particularly among children from minority communities[1037]. These co-operation efforts strengthen the Mission's activities in Moldova, contributing to the process of confidence-building, exerting a positive influence on the final settlement of the conflict.

7.4. Efforts to find a political solution: the negotiation process from 1992 to mid-2000

After the signature of the cease-fire agreement, the way ahead for the parties to find a mutually acceptable political settlement did not prove simple. The difficult issues in question were aggravated by the Russian involvement. The exchange of accusations and a profound lack of trust between the parties became evident. The conditions at the time set the tone for the difficult negotiating period ahead. The CSCE's direct involvement in the republic in early 1993 contributed to the beginning of the political negotiation process. This section focuses on the most important moments of the negotiations from 1992 to mid-2000, including the OSCE and the other mediators' contribution. The aim is to clarify the parties' evolution on the most delicate issues and to find justifications for the protracted character of the negotiations.

There is a complexity of factors contributing to the intricate situation in Moldova, including different political, economic and social orientations of the parties. The existence of large quantities of armaments and the Russian 14th Army's presence in the left bank area, the definition of the status of Transdniestria and the division of competencies between the left bank and the authorities in Chisinau, remain sources of disagreement.

7.4.1. The mediators

The three official mediators in the conflict are Russia, Ukraine and the OSCE's Mission. They co-ordinate actions to elaborate a common strategy, including the granting of a special status to Transdniestria which respects Moldova's integrity. The mediators work together on documents and proposals, participate in meetings and sign agreements jointly. Their presence prevents proposals

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[1036] The role of Ambassador Stoel in Moldova has been much reduced when compared to the case of Estonia, although the OSCE HCNM has been attentive to developments in the republic. Ambassador Stoel has shown his support for the consolidation of Moldovan as the official language in the country, "OSCE backing Moldova's effort to consolidate official language's role", *Moldova News*, May 23, 2000.
[1037] *Annual Report 2000 on OSCE Activities*, The Secretary General, SEC.DOC/5/00, November 24, 2000, p.84.

which contradict international principles or which may create tensions with other countries. In this way, the mediators contribute to a more rational and less tense addressing of the issues.

Despite misunderstandings, the generally co-operative attitude advocated by the mediators has not proved sufficiently cohesive to influence the course of negotiations. The OSCE's Mission and Ukraine have been committed to the process, while the Russian Federation, the mediator enjoying most weight in the process, has not always shown this commitment clearly. Visits from high representatives from Ukraine, Russia and the OSCE to Moldova complement the mediators' efforts in the country, eventually contributing to the development of the negotiating process[1038].

7.4.1.1. The OSCE Mission's role as mediator

The official understanding of the conflict, as expressed by the Mission, is found in deep resentments between the parties, who pursue distinct conceptions of development. These cannot be solved without the consolidation of mutual trust between the disputants. The Mission's mandate states the finding of a political settlement "consolidating the independence and sovereignty of the Republic of Moldova along with an understanding about a special status for the Transdniestria region"[1039]. According to Mission sources, the solution to the conflict must encompass a broad autonomous status for the region and some form of power-sharing acceptable to both sides, a view shared by the other mediators[1040].

The Mission proposed a few draft documents as mediator and assisted in setting the framework for negotiations. It had the merit of fostering dialogue in a non-confrontational atmosphere and of initiating discussions on a status for Transdniestria based on a territorial autonomy formula[1041]. At times of stalemate the Mission worked to promote understanding and through diplomatic moves tried to persuade the parties to return to negotiations, focusing on the long-term benefits arising from a final settlement in harmony with international principles. However, long periods of stalemate in the political process could not be avoided. Despite criticisms of inefficiency as a mediator in the conflict, the role of the Mission was described in a special meeting in Vienna as positive and as an important contribution to stability in Moldova[1042]. According to the Mission, it can facilitate a framework for discussions, but it cannot impose ready-made solutions on the parties.

[1038] For example, visit of President Kuchma to Moldova on March 11, 1997, "Field activities: update from Moldova", *OSCE Newsletter*, vol.4, n.3, Mar. 1997, p.10; Foreign Minister Primakov visited Moldova in April 1997, "News from the OSCE Missions", *OSCE Newsletter*, vol.4, n.4, Apr. 1997, p.11. As concerns the OSCE role as a mediator, see section 7.4.1.1.
[1039] 19th CSO Meeting, Journal 3, Annex 3, Feb. 4, 1993.
[1040] Document 143.
[1041] Mission Report 13 was a fundamental step in this regard. Much care was always demanded as regards the 'treatment' of Transdniestrian representatives, usually called 'officials' or at the highest level 'leaders', but never using terms such as 'President' or 'Minister'. Joint Moldovan-Transdniestrian participation in public events, such as a conference or other ceremony, also demonstrated care with the labelling issue in avoiding incidents.
[1042] 294th Reinforced PC Meeting, PC.JOUR/294, Jul. 7, 2000.

Initially, the Mission largely condemned the Transdniestrian leadership as a "non-representative power and a renegade Soviet hangover that should be rapidly reintegrated into the homeland politically, economically and territorially"[1043]. However, the PMR appears to be a reality despite the OSCE provisions in the Prague Communiqué of January 1992[1044] on the inviolability of internal and external borders. Today, the Mission is aware that the PMR has become a quasi-state, though not recognised as such, and would like to see an arrangement whereby the left bank enjoys a great degree of autonomy within the Republic of Moldova. Transdniestria is not allowed to sit at PC meetings since it is a non-recognised entity. Therefore, the Transdniestrian leadership is not represented at the OSCE decision-making level. The participating states' knowledge of their positioning is indirect, through Mission's reports and statements by the Moldovan or other delegations, which might be biased[1045]. The OSCE has, nevertheless, found means to get round its state-centric nature and involve non-state players in its activities. In the field, the Mission gathers the parties and the other mediators at the same negotiating table, envisaging the convergence of views to arrive at a final document.

The Mission's mediator role has been a source of criticism. At first the Moldovan authorities were more receptive and enthusiastic about the role the Mission could play in the framing of a final settlement. As a vehicle for the internationalisation of the situation in Moldova, the CSCE both in Vienna and in the field was the ideal forum to discuss the conflict and exert pressure on the rebels to give up their claims. In the Moldovan view, the OSCE principles of the inviolability of frontiers, territorial integrity and non-interference should be departure points for the regulation of the conflict[1046]. According to Roman[1047], the OSCE's Mission offers objective accounts of events in Moldova, informing international public opinion. The Mission's activity has been praised by the Moldovan authorities, who recognise its effort to find a common language with Transdniestria, working as a bridge between the disputants[1048].

However, lack of progress in the field has hardened the Moldovan attitude towards the Mission. Charges of inadequate modalities to solve the problems, including unfruitful actions as regards the withdrawal process, have been examples[1049]. President Lucinschi has asked for a harder

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[1043] Williams, A., "Conflict Resolution after the Cold War: The Case of Moldova", *Review of International Studies*, n.25, 1999, pp.78-79.

[1044] 2nd Council of Ministers, Prague, Jan. 31, 1992.

[1045] The OSCE has invited the Transdniestrian leader Smirnov and State Secretary Litskai to participate in a special meeting of the PC, within the Delegation of Moldova. An opportunity, in the OSCE view, for the clarification of positions and possibly the formulation of suggestions to overcome difficulties. Due to the fact that their presence was absolutely linked to the Moldovan delegation, not allowing a separate representation, the Transdniestrians refused to participate in the discussions, 294th Reinforced PC Meeting, PC.DEL/398/00, Jul. 17, 2000.

[1046] Document 155.

[1047] Interview with Gheorghe Roman, Principal Consultant, Supreme Council of Security of the Republic of Moldova, JCC representative from the Republic of Moldova, Chisinau, June 16, 1999.

[1048] Interview with Ion Leshanu, Representative of the President of the Republic of Moldova to the Moldovan Expert Group dealing with the settlement, Chisinau, June 14, 1999 and "CSCE Secretary General visits Moldova Mission", *CSCE Newsletter*, vol.1, n.10, Nov. 17, 1994, p.1.

[1049] Documents 140 and 156.

line against separatism, a view shared by other Moldovan representatives[1050]. The hardening of the Moldovan position reflects a clear understanding of the Mission's limits in the field and of the OSCE in Vienna.

Transdniestria sees the Mission as a vehicle for the internationalisation of their cause and as creating the link between the parties, promoting dialogue and suggesting proposals[1051]. Particularly praised was the role of the Mission at the beginning of the process of negotiations, through Report 13 and other proposals, where the Mission recognised the need for a special status for the left bank, based on the sharing of competencies[1052]. However, the Transdniestrian representatives make clear that the OSCE's Mission was initially invited to the country by the Moldovan authorities and not the Transdniestrian leadership. Only three months after the Mission's arrival in Moldova did it sign a co-operation agreement with Tiraspol[1053]. According to Vladimir Bodnar, "the co-operation of Transdniestria with the Mission is productive, despite less positive moments. Transdniestria regards the OSCE as an international organisation, building its relation with the Mission on that assumption"[1054]. Nevertheless, Transdniestria has criticised what it describes as the pro-Moldovan attitudes of the Mission, while the latter has been increasingly critical about the Transdniestrian positioning in negotiations, defined as non-cooperative[1055]. The difficult relationship between the Mission and the left bank's leadership, translated in uncooperative moments and the exchange of accusations, may weaken the Mission's role as a mediator since Transdniestria understands the Mission's positioning as siding with Moldova[1056].

The Mission has, nevertheless, been playing a confidence-building role in the negotiating process, contributing to dialogue between the parties and to the internationalisation of the problem, much valued by both Moldova and Transdniestria. Hence, the Mission has found its place and relevance in the negotiating process.

7.4.1.2. Ukraine: lending independence to the negotiations

Ukraine became involved in the negotiations as a third-party through its geographic proximity and commitment to the finding of a rapid solution to the problems. Relations between Moldova and Ukraine are amicable and framed according to the Treaty on Good-Neighbourly Relations, Friendship and Co-operation signed between the two countries on October 23, 1992. Ukraine does

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[1050] Document 112 and "Moldovan speaker calls for a greater role of OSCE in Dniester settlement", *Moldova News*, Oct. 22, 1999.
[1051] "The situation in Moldova", *CSCE Newsletter*, vol.1, n.2, Mar. 1, 1994, p.2.
[1052] Interview with Vitaly Yankovsky, Adviser, Department of Foreign Relations of Transdniestria, Tiraspol, June 15, 1999.
[1053] Idem. Moreover, the opening of the Tiraspol's office became effective only in 1995.
[1054] Interview with Vladimir Bodnar, JCC Co-chairman from Transdniestria, Tiraspol, June 15, 1999.
[1055] For example, Ambassador's Hill statement on the Transdniestrian walk away from the PC room on July 17, 2000, "this is hardly a reliable evidence of the region's commitment to the provisions of the Moscow Memoranda, which says that Transdniestria will take part in Moldova's foreign policy", "Constitutional reform in Moldova has no dramatic bearing on negotiations over Transdniestria, says OSCE Head in Moldova", *Moldova News*, Jul. 21, 2000.
[1056] The Mission's difficulties in the military dimension are example of this, as analysed in section 7.4.5.1.

not recognise the Transdniestrian declaration of independence and argues that any agreement must be found without violating the territorial integrity of the Republic of Moldova[1057]. Ukraine is in favour of restoring a unified socio-economic space and all ties between the right and left banks as the only way to finally settle the conflict. This should be pursued according to a stage-by-stage settlement and timetable for implementation. The definition of the status of Transdniestria within the territorial integrity of Moldova should be the first step, followed by the clarification of the areas of competence of Chisinau and Tiraspol[1058]. The Ukrainian views on the conflict have followed a linear reasoning from the early involvement of the Ukrainian authorities in the mediation process.

Already on September 30, 1992, the Ukrainian First Deputy Minister of Foreign Affairs addressed a letter to the CSCE's CIO expressing the understanding that the CSCE should become a mediator in the conflict[1059]. Ukrainian mediator Levitsky[1060] describes relations with the OSCE Mission as satisfactory, arguing that Ukraine defined a "proper mechanism to work with the OSCE which includes consultations on all questions and elaboration of a common position on all issues. Ukraine is a member of the OSCE and the OSCE represents Ukraine, so this is the proper way". The OSCE welcomes the Ukrainian mediation in the conflict for bringing transparency to the process of negotiation[1061].

7.4.1.3. The Russian Federation: partiality or exemption?

Russia is a controversial player. Links to the PMR and public demonstrations of support for the left bank leadership have occurred several times, while continuous support for the territorial integrity of Moldova has been affirmed. In the face of contradictory arguments, calling into question the Russian position becomes pertinent: partiality or exemption?

Russia was accused of playing a partial role at the time of the armed confrontation. The Soviet 14th Army stationed on Moldovan soil under the command of General Lebed intervened in the conflict, openly supporting the secessionists. Lebed publicly declared that Russia supported the Transdniestrian independence movement and would continue to do so, by force if necessary. Kozyrev, the Russian Foreign Minister, condemned this behaviour stating that the military were straying into political decisions[1062]. Nevertheless, further comments on the issue by the Russian

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[1057] "Ukraine on Dniester conflict", *RFE/RL*, Jun. 2, 1993.

[1058] Interview with Eugene Levitsky, Plenipotentiary Representative of the Ukrainian President at negotiations in the Republic of Moldova, Chisinau, June 16, 1999.

[1059] CSCE Communication 300, Oct. 15, 1992.

[1060] Interview with Eugene Levitsky, Plenipotentiary Representative of the Ukrainian President at negotiations in the Republic of Moldova, Chisinau, June 16, 1999.

[1061] Interview with Witold Karp, Member of the OSCE Mission to Moldova, Public Relations Officer, Acting Head of Mission, OSCE Mission office in Chisinau, June 14, 1999.

[1062] Lebed and Kozyrev cited in "After Empire: Russia and Its Neighbours in the CIS and East-Central Europe", in Lukic, R. and Lynch, A. (eds.), *Europe from the Balkans to the Urals, The Disintegration of Yugoslavia and the Soviet Union*, SIPRI, OUP, 1996, p.360. Refer to chapter 4, section 4.2.4.1.

authorities confirm Russian involvement[1063]. For example, on October 8, 1992, President Yeltsin stated, "we provide help to *Pridniestrovie* as much as we can. Bread, glass, many things in general. We are helping them directly. In addition we insist that the President of Moldova advocate in the Parliament of Moldova granting of political status to *Pridniestrovie*, i.e. the status of a republic which will enjoy in the future the right to self-determination"[1064]. The Russian position reflected its more assertive policy in the 'near abroad', in line with changes in its domestic politics[1065]. However, the Russian Federation's statements did not have the desired outcome for the Transdniestrian leadership, official recognition of the left bank.

The Russian economic, military and political support for Transdniestria caused discomfort in Moldova. Chisinau replied, criticising the Russian attitude of contradicting international regulations and the official commitment to the observance of the territorial integrity of Moldova made previously by the Russian Federation[1066]. Moldovan references to the "occupying army" representing a "permanent source of conflict and a perpetual threat to [the] country's integrity and security"[1067], demonstrate the fragile relationship. Nevertheless, Russian sources describe relations with Moldova as "good", adding that if Moldova says the contrary, then reasons must be found within the domestic politics of the republic[1068].

Inside Russia policies are not homogenous and the Russian strategy is not linear. Russia plays a 'give and take-away' game where it balances concessions with demands, as exemplified by the withdrawal of armaments and equipment from the security zone[1069]. The bi-directional Russian positioning is based on the contradictory demands at home pursued by those who follow nationalist tendencies and the desire to maintain influence in neighbouring countries, and those who respect the principle of the territorial integrity of the Republic of Moldova, taking into account instability within the Russian Federation[1070]. In the face of the domestic problems Russia

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[1063] The issue was never officially confirmed or denied by the Russian authorities, however facts and statements by Russian officials have validated the argument. This view is shared by various authors, including Eyal, J. and Smith, J., "Moldova and the Moldovans" in Smith, G. (ed.), *The Nationalities Question in the Post-Soviet States*, p.241; Graeger, N., *Conflicts in the OSCE Area*, PRIO, Oslo, 1995, p.44; Hamm, M., "Introduction", *Nationalities Papers*, vol.26, n.1, Mar. 1998, p.10; Waters, T., "Problems, Progress and Prospects in a Post-Soviet Borderland: The Republic of Moldova", *IBRU Boundary and Security Bulletin*, Spring 1997, p.73. "Yeltsin praises role played by 14th Russian Army in Dniester region", BBC SWB, SU/2075 D/2, Aug. 16, 1994.

[1064] President Yeltsin interview to the Ostankino TV Channel, Moscow, CSCE Communication 281, Feb. 2, 1993, p.8. Since 1992, Russia's role has been ambiguous, with some very publicised links with the PMR leadership and the provision of material support to the left bank. Examples include the printing of the PMR's banknotes issued in 1994 and the use of the old-style Soviet passports by PMR citizens, Williams, A., "The Conflict in Transnistria: Its Dynamics and Possible Solutions", Briefing-paper, SWP-CPN, Nov. 9, 1998, p.7.

[1065] As analysed in chapter 4, section 4.2.

[1066] Letter to the Secretary General of the UN, Oct. 20, 1992, UN Doc A/47/561-5/24690/Annex II, CSCE Communication 281, Feb. 2, 1993, p.8.

[1067] UN Doc A/47/766/-S/24931-Annex, CSCE Communication 281, Feb. 2, 1993, p.8.

[1068] CSCE Communication 281, Feb. 2, 1993, p.16. The positive view on the Moldovan-Russian relationship is also shared by a Counsellor of the Russian Mission to the OSCE, interview with Vladimir Pryakhin, Senior Counsellor of the Permanent Mission of the Russian Federation to the OSCE, Vienna, Feb. 17, 1999.

[1069] Refer to section 7.4.5.

[1070] See chapter 4, section 4.2.

faces as regards separatist forces, the support given to Moldova's integrity is understandable[1071]. The position of Russia in the negotiations is difficult because it has to protect its own interests, particularly of a geo-strategic nature, while assisting in the settlement where many times its goals collide with those of Moldova, Transdniestria, Ukraine or the OSCE's Mission. In this sense, Leshanu suggests, "we should speak about *Russias*"[1072]. Although the Russian authorities advocate the establishment of order and stability as their goal in the mediation process, declarations by the President of Russia are often contradicted by the actions of the Russian Duma, which has even considered a motion to recognise the breakaway Republic of Transdniestria.

In several instances the Russian State Duma has expressed its support for the left bank's independence and stronger links with the Russian Federation. The Moldovan authorities criticise these acts as provocative, hindering negotiations and encouraging Tiraspol not to compromise. For instance, on September 9, 1995, the Russian State Duma offered the floor to the leader of the PMR in an extraordinary session and in November adopted a decision "On the appeal of the TMR" calling on the Russian President to regard Transdniestria as a region of "special strategic interest for Russia" and consider recognition of the left bank[1073]. The Russian Duma favours the halting of the withdrawal process from the left bank since the permanence of Russian troops in Transdniestria constitutes a strategic security advantage. The ideal solution to the problem, according to a speaker in the Duma, would be to negotiate with Moldova the status of a Russian permanent military base in Transdniestria[1074]. The authorities on the left bank salute this kind of comment and appreciate the support coming from the Duma's representatives, which contributes to the hardening of stances between the parties.

The Moldovan authorities have described these attitudes as "unfriendly"[1075] and a violation of the norms and principles of international law. Moreover, declarations of "Transdniestria as primordial Russian land" were interpreted in Moldova as interference in the Republic's internal affairs and infringement of its sovereignty and territorial integrity. Moldova, however, made clear that it did not identify the Russian Duma's posture with that of the President and Government of the Russian Federation[1076]. The OSCE has described the Duma's decisions as "unhelpful, as [they] may hinder progress towards a peaceful settlement of the conflict"[1077].

[1071] Refer to the case of Chechnya, chapter 5, section 5.3.2.3. "Russian Foreign Minister condemning separatism", Oct. 1, 1999; "Russia wishes to have strategic partnership relations with indivisible Moldova, Boris Yeltsin states", Sep. 2, 1999, *Moldova News*, Moldova Internet Resources, http://news.ournet.md.

[1072] Interview with Ion Leshanu, Representative of the President of the Republic of Moldova to the Moldovan Expert Group dealing with the settlement, Chisinau, June 14, 1999.

[1073] "OSCE criticises Russian Duma's resolution on Moldova", *RFE/RL*, Nov. 28, 1995. Similar statements were made later, "Duma declares Transdniestria 'strategic zone'", *RFE/RL*, Nov. 14, 1996; "Russian State Duma accusing Moldova of human rights violations and going to raise this problem in international organisations", *Moldova News*, Feb. 24, 1999.

[1074] "Duma deputies vehemently oppose Russian pull-out from Transdniestria", *Moldova News*, Jul. 21, 2000.

[1075] Document 133.

[1076] Document 134.

[1077] "PC Chairman issues statement on Moldova", *OSCE Newsletter*, vol.2, n.11, Nov. 1995, p.2; "OSCE criticises Russian Duma's resolution on Moldova", *RFE/RL*, Nov. 28, 1995.

The ambiguity in which Russian politics have been embedded has had a destabilising effect on the Moldovan-Transdniestrian issue and has called into question the validity of the Russian 'efforts' to solve the dispute. The more pragmatic positioning of Russian authorities in the face of the conflict in Moldova has been the result of changes at home[1078]. According to the Russian Federation, the need is now to solve concrete issues, overcome the lack of trust between the parties, and impose respect for the other's interests.

The current Russian efforts to solve the conflict should not be understood as the result of a profound shift in Russian reasoning, since elements of contradiction persist. The withdrawal of troops is an example. Despite the Russian arguments, Russia has not used real political and economic pressure to compel the Transdniestrian leadership to sign a final agreement, and the situation has been aggravated by the left bank's consolidation of internal power and finding of support in the Russian Duma, thus making it less vulnerable to the Russian mediators' demands. The Russian Federation has, therefore, not been exempt from criticism in the Moldovan dispute, its involvement relating to the armed hostilities and to the ensuing negotiations. Moreover, since it was actively involved in the confrontations and later became a mediator in the political settlement, questions about its legitimacy and political options are natural.

Relations between the OSCE's Mission and Russia were framed in the "Protocol by the Government of the Russian Federation to the CSCE Peace-Building Mission in Moldova between the HoM and the Ministers of Foreign Affairs and Defence of the Russian Federation"[1079]. At the time, Russia committed itself to providing the Mission with all information and extending full co-operation as necessary for the accomplishment of the Mission's goals, ensuring that the Russian military would be informed of the Mission's objectives, activities, composition and area of activity, providing access to facilities according to the Mission's mandate and facilitating unrestricted freedom of movement of the Mission's members. According to Russian sources, Russian co-operation with the Mission has proceeded in the spirit of openness and good will, based on close contacts and the sharing of information[1080]. There have been times of misunderstanding and exchanges of accusations between the Mission and the Russian Federation, but incidents have been overcome[1081]. These were related, on the one hand, to the Mission's participation in the JCC meetings, its movement in the security zone and the Mission's inspection of military units and, on the other hand, to the Russian insistence on the synchronisation principle and reluctance to withdraw its troops and equipment from Moldova. Nevertheless, the Mission recognises the importance of Russia in the mediation process and its influence for arriving at a

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[1078] See chapter 4, section 4.2.
[1079] CSCE Communication 281, Feb. 2, 1993, Annex V, p.32.
[1080] Interview with Vladimir Pryakhin, Senior Counsellor of the Permanent Mission of the Russian Federation to the OSCE, Vienna, Feb. 17, 1999.
[1081] Document 157.

final document[1082], making the proviso, however, that it would never approve any settlement defining Transdniestrian status outside of Moldova[1083].

In general, the relationship between the three mediators is satisfactory, although it has not always been co-operative. Lack of collaboration has occurred mostly between the OSCE's Mission and the Russian Federation, signalling Moscow's unstable policy-making, as analysed in chapter four. Whether the trilateral relationship of which the OSCE is a part reinforces or diminishes the Mission's activity in the republic, is an interesting aspect. In the sense that the Mission enjoys the Russian leverage as a mediator, which it lacks, and the Ukrainian high level of acceptance, the Mission is benefiting from this trilateral relationship in the mediation process. However, the fact that the Mission has not signed all agreements negotiated with the mediators' assistance, and that in instances it has not been provided with the negotiated documents, reveals its weaknesses as a mediator, at times overshadowed by Russia and Ukraine[1084].

7.4.2. Framing the negotiations process

From the early days, the political negotiations have proceeded very slowly and with many interruptions. Although a dynamic process marked by the usual forward-backward duality, the negotiations have been much affected by unilateral decisions from both parties, further contributing to their slowness or even halting. The persistent lack of trust has also not been positive. Highlighting the most significant moments in the political settlement envisages the clarification of the main areas of disagreement and the parties' positioning and concessions/demands in the course of the negotiations. It also demonstrates the many difficulties in maintaining the momentum at times of fundamental disagreement.

The first official meeting between Moldovans and Transdniestrians took place in Bender, on May 24, 1993[1085]. The parties agreed to discuss the issues of the territorial structure of the Republic of Moldova and of a special status for the Transdniestrian region. They also committed themselves to excluding the use of force or military means as a way of solving the dispute, and to pursuing dialogue to find a settlement. The framework for negotiations was set, but it lacked substance. In July 1993, Moldova redoubled efforts to internationalise the problem and asked for the active involvement of the UN and the CSCE[1086].

[1082] Document 110.
[1083] Ambassador Richard Samuel, former HoM cited in "Moldova's strategic significance", *RFE/RL*, May 30, 1994.
[1084] Most of the agreements at Odessa, March 19-20, 1998 were achieved at the bilateral or trilateral level, thus the Mission did not participate, as was desirable. Moreover, a protocol on the question of Russian military property was not made available to the Mission. Document 118.
[1085] Document 76.
[1086] "Moldova appeals to international organisations", *RFE/RL*, Jul. 9, 1993.

In November 1993, the CSCE Mission presented a comprehensive proposal[1087] for a constitutional settlement of the dispute over Transdniestria, through the establishment of a special region within Moldova based on the sharing of competencies. According to Mission Report 13, the arrangement contained substantial self-rule for the left bank in political and cultural spheres, including the creation of a special region with its own regional executive organisms, elective assembly and court. The establishment of a single economic, social and legal space, favouring the subsidiarity rule[1088], was also suggested. A proportional representation of Transdniestria in Moldova's Parliament and some other central key bodies had to be assured. The CSCE would become international guarantor of the agreement.

The CSCE's Mission Report was seen in Moldova as a breakthrough since it allowed the possibility of finding a special status for Transdniestria within the integrity of the Republic of Moldova. For Transdniestria, the Report represented an important step towards launching the process of negotiations, although the document proposed did not envisage full-fledged statehood for the left bank[1089]. Both parties refer today to the Mission's Report 13 as a significant tool for overcoming the initial difficulties, constituting the basis for further negotiations[1090]. Although practical results have been minimal in the sense of finding agreement, the report paved the way for the intensification of contacts, positive for injecting dynamism into the negotiations.

A "Joint Declaration on the Principles for the Settlement of the Transdniestrian Dispute"[1091] was signed on April 28, 1994, between Snegur and Smirnov. The Declaration urged the commencement of negotiations envisaging a comprehensive solution to the problems, the definition of Transdniestria's status, and the stipulation of international guarantees. Specialised topics were to be dealt with by expert groups, who should report to the President and address economic, administrative, educational and constitutional issues in the interest of the whole population. The document foresaw a transitional period for a staged completion of mutual agreements in different areas. However, despite the good intentions, there was no follow-up to the agreed measures.

[1087] Mission Report 13, ref. n.229, Nov. 12, 1993.

[1088] Local jurisdiction for any subject not requiring central decisions.

[1089] "Moldovan speaker says Dniester leaders not interested in regulating conflict", RFE/RL, Dec. 28, 1993; "Moldova accepts CSCE's conflict settlement plan", RFE/RL, Feb. 2, 1994, and "Snegur reaffirms acceptance of Transdniester autonomy", RFE/RL, Mar. 2, 1994. Kolsto, P. and Malgin, A., "The Transniestrian Republic: A Case of Politicised Regionalism", Nationalities Papers, vol.26, n.1, Mar. 1998, p.119.

[1090] Interviews with Ion Leshanu, Representative of the President of the Republic of Moldova to the Moldovan Expert Group dealing with the settlement, Chisinau, June 14, 1999 and Vitaly Yankovsky, Adviser, Department of Foreign Relations of Transdniestria, Tiraspol, June 15, 1999.

[1091] Signature of Joint Declaration on the Principles for the Settlement of the Transdniestrian Dispute, Document 107. "Moldovan leaders discuss Dniester Republic", RFE/RL, May 3, 1994; "A breakthrough in Moldova? Declaration on principles for settlement of the Transdneistrian dispute", CSCE Newsletter, vol.1, n.5, May 19, 1994, p.1; "Moldovan-Dniester talks on settling conflict lead to signing of joint Communiqué" and "Dniester Parliament Leader calls for Confederation with Moldova", BBC SWB, SU/1985 D/1, Apr. 30, 1994.

After a period of stalemate, in April 1995 the CSCE's HoM Hahn urged the intensification of contacts with the Transdniestrian authorities to promote better understanding and opportunities for the implementation of the agreed commitments[1092]. Deadlock was broken three months later with the signing in Tiraspol on July 5, 1995 of an "Agreement on the Maintenance of Peace and Security Guarantees between the Republic of Moldova and Transdniestria". On the same day, a protocol on the "Relations between the Monetary Systems of the Republic of Moldova and Transdniestria at the First Stage" was also signed. However, after rejecting Chisinau's offer of 'autonomous republican status'[1093], Tiraspol held its own referendum on December 24, 1995, overwhelmingly approving a new Constitution proclaiming the region's sovereignty and independence[1094]. Since the document did not mention the Republic of Moldova, the existence of a common border or the negotiation process, both the Moldovan authorities and the OSCE Mission criticised it. What had been politically unacceptable so far would become legally impossible because of contradicting the PMR Constitution[1095]. However, Yeltsin, Kuchma and Snegur jointly guaranteed Moldova's territorial integrity, reaffirming the need to find a special status for Transdniestria within the Republic of Moldova[1096], thus underlining the unfeasibility of the Transdniestrian desire for recognition.

In successive leadership meetings between February and May 1996, the parties agreed to a phased approach to the resolution of problems. Discussions focused on the framework for a final document, without improvements on status or power-sharing. Other more practical measures related to the repairing of bridges and of the Moldovan thermo-power and Dubossary hydro-power stations, and the definition of monetary and postal co-operation, were adopted[1097].

[1092] Document 135.

[1093] Draft law "On the special status of the populated area of the left bank of the Dniester (Transdniestria)". The left bank refused the Moldovan proposal arguing it contradicted international acts on the equality and self-determination of peoples, the UN Charter, and declarations on the principles of international law regarding friendly relations and co-operation in Europe. In these documents, the right of a people for self-determination is based on the right of all peoples to determine their internal and external status in conditions of complete freedom without outside interference. Moldova was only taking into account the principle of inviolability of frontiers and territorial integrity, *Kishinevskie Novosti*, "Steps forward... with an interval of four years", V. I. Karamanutsu, Chairman of the Chamber of Legislators of the Supreme Council of the TMR, Jan. 30, 1998, newspaper on the Russian language - unofficial translation by the OSCE Mission to Moldova.

[1094] "Russian separatists in Moldova vote for independence", *RFE/RL*, Dec. 25, 1995. According to the left bank Constitution, the "Transdniestrian Moldavian Republic is an independent, sovereign, democratic, lawful state", "General information on Trans-Dniester Moldavian Republic", Transdniestrian official homepage, http://www.olvia.net.md. See also "Dniester Republic set up Constitution drafting Commission", BBC SWB, SU/2377 D/4, Aug. 9, 1995.

[1095] Document 113.

[1096] Joint declaration made at the CIS Summit in Moscow on Jan. 19, 1996. "Moldova, Russia, Ukraine sign statement on Dniester", *RFE/RL*, Jan. 23, 1996; "OSCE supports Moldova's territorial integrity", *RFE/RL*, Feb. 2, 1996.

[1097] Documents 77-78 and 114. "Moldovan-Dniester President meet", *RFE/RL*, Apr. 25, 1996; "Moldovan-Dniester Summit fails again", *RFE/RL*, May 15, 1996; "Moldovan and Dniester region leaders meet in Tiraspol", BBC SWB, SU/2581 D/3, Apr. 9, 1996; "Government and Dniester region officials reach partial agreement", BBC SWB, SU/2560 D/5, Mar. 14, 1996; "Moldovan and Dniester region leaders achieve little progress at meeting", BBC SWB, SU/2599 D/3, Apr. 30, 1996; "Moldova and Dniester region fail to agree political settlement", BBC SWB, SU/2617 D/6, May 21, 1996; "Moldovan, Dniester leaders discuss economic ties (28 May)", BBC SWB, SU/2629 D/5, Jun. 4, 1996.

President Snegur of Moldova and the Transdniestrian leader Smirnov met on June 17, 1996[1098], showing readiness to pursue the phased approach to the building of mutual relations respecting the integrity of the Republic of Moldova. The expert groups were entrusted with working on the status of Transdniestria, the division of competencies and the mechanism of guarantees as a preparatory stage for the final document. The drafting of the Memorandum to be signed by the parties was therefore in progress. However, at a special leadership meeting in July[1099], Moldova added corrections and requested the exclusion of some paragraphs related to the status issue, considering they interfered with its sovereignty. Almost one year later, on April 10, 1997, the parties met with Russian Foreign Minister Primakov to discuss the contents of the Memorandum[1100] and agreed to sign the document in May 1997.

7.4.2.1. The 1997 Memorandum

On May 8, 1997, Lucinschi[1101] and Smirnov, mediated by the OSCE, Russia and Ukraine, finally signed the "Memorandum on the Bases for Normalisation of Relations between the Republic of Moldova and Transdniestria". A Joint Statement by the Presidents of the Russian Federation, Ukraine and the OSCE's CIO ascertained the independence and territorial integrity of Moldova[1102]. The Memorandum recognised the integrity of Moldova's Soviet era borders, i.e. those of 1990, and called for a phased approach to solve the issues. Commitment to the building of state-legal relations between the parties was expressed as well as the immediate elaboration of a document including the division and delegation of competencies, the status of Transdniestria and mutually-assured guarantees.

The wording of the Memorandum did not commit the sides to more than pursuing dialogue on building their relationship within a single country. Moreover, the divergent interpretations of its contents did not allow the desired implementation. The exact meaning of a 'single state' as stated in the Memorandum continued to be interpreted differently by the parties[1103]. The PMR understood it as a synonym for a confederate arrangement, i.e. a confederation of two internationally recognised entities, while Moldova understood it as part of a single, unified territory.

[1098] Document 115.

[1099] Document 116.

[1100] "Protocol on additional measures for the final normalisation of the relations between the Republic of Moldova and Transdniestria", *RFE/RL*, Apr. 10, 1997; "Russian Foreign Minister in Moldova", *RFE/RL*, Apr. 11, 1997.

[1101] In the November 1996 Presidential elections, Petru Lucinschi was elected President of the Republic of Moldova, replacing Snegur in the post. As regards the policy on the settlement of the Transdniestrian dispute, it suffered no alteration.

[1102] "Memorandum on the Bases for Normalisation of Relations between the Republic of Moldova and Transdniestria", SEC/290/97, May 14, 1997; Joint statement of the Presidents of the Russian Federation and Ukraine in connection with the signing of the Memorandum on the Bases for Normalisation of Relations between the Republic of Moldova and Transdniestria", May 8, 1997, "Chisinau, Tiraspol sign Memorandum in Moscow", "Reactions to Signing a Memorandum", and "Analysis from Washington: A breakthrough on Moldova?", *RFE/RL*, May 9, 1997.

[1103] "Chisinau, Transdniestria disagree on interpretation of Memorandum", *RFE/RL*, May 13, 1997.

Following the signature of the Memorandum, the mediators presented on June 26 a "Draft Framework Agreement" on the special status for consideration by the parties[1104]. The parties met two months later under the auspices of the three mediators to discuss the proposal on the division of competencies, but not much progress was verified[1105]. The draft agreement proposed by the mediators represented the highest level of political compromise Moldova could accept as regards the division of competencies, but the Transdniestrian leadership blocked the signature of the document[1106], due to its insistence on a parallel state. The process suffered one more setback when in February 1998 Transdniestria declared its statehood[1107], violating the May 1997 Memorandum and other documents. This unilateral move was complemented by the issuance of two unilateral decrees by the left bank leadership: one on becoming a separate customs territory and the other on forming a Commission to "define the borders" with the Republic of Moldova and Ukraine, which angered the Moldovan authorities[1108] and called into question the validity of signing any agreements.

Meanwhile, talks between the expert groups proceeded, but at a very slow pace. A new impulse came in October 1997 under Russian sponsored talks in Mescherino. However, these failed to bring about the expected reconciliation before the CIS summit in Chisinau on October 23, 1997. A document was negotiated, based on the draft framework agreement presented by the mediators, in which the parties agreed to work on a single economic, social and legal space within Moldova, and to continue work on the definition of the status and shared competencies. Although not signed, the parties considered the document for reference and committed themselves to taking concrete measures to lessen disagreements[1109].

On February 17, 1998, Lucinschi and Smirnov met in Tiraspol and despite there being no major breakthrough, tensions were relieved. The parties signed a series of protocols dealing with transport, energy, customs and crime-fighting in the presence of the three mediators[1110]. The agreement showed that apart from delicate issues, the parties continued to co-operate. However, little progress had been made towards an overall political settlement since the Memorandum was signed.

[1104] "Mediators in Transdniestrian conflict submit draft agreement", *RFE/RL*, Jun. 27, 1997.
[1105] Document 108.
[1106] Document 136 and "Chisinau accuses Tiraspol of procrastination", *RFE/RL*, Jul. 21, 1997.
[1107] Documents 79 and 137-138.
[1108] Documents 109, 139-140.
[1109] Documents 108 and 141.
[1110] Document 117 and Protocol of the Working Meeting of the Leadership of the Republic of Moldova and Transdniestria, Tiraspol, Feb. 17, 1998 and the additional protocols. Protocol on the meeting of the delegations of the Republic of Moldova and Transdniestria; Formal resolution of the question of the restoration of the bridges across the river Dniester; Formal resolution on the question of the mutual relation in the area of postal connections; Formal resolution on the question of the carrying out of international transports, and schedule of the payment of debts of the state enterprise Moldtranselektro to the Moldovan GRES for consumed electric energy in "Collection of agreements and other documents concerning the Transdniestrian conflict", OSCE Mission to Moldova, Jan. 28, 1999.

7.4.2.2. The Odessa meeting

On March 19 and 20, 1998, the parties met at Odessa to negotiate an agreement on "Measures of Confidence and Development of Contacts between the Republic of Moldova and Transdniestria" and a "Protocol on Several Priority Steps to Activate the Political Settlement of the Transdniestria Problem". Aspects such as the delimitation of competencies and the mutual delegation of power, concrete measures for an economic, social and legal space, mechanisms for internal and external guarantees, securing effective work of the JCC, ameliorating the activity of the peacekeeping forces and the assignment of Ukrainian military observers to the security zone were discussed. A third agreement on the Russian military property in Eastern Moldova was also signed, but not made available to the OSCE's Mission[1111]. Various CBMs were agreed at Odessa, such as the reconstruction of the bridge at Dubossary, the reduction of military forces in the security zone, and the removal of excess Russian military equipment from Moldova[1112].

Implementation of the Odessa agreements has been slow. Problems have arisen on political and military levels. According to the agreement the military contingents from Moldova and Transdniestria should be reduced to 500, approximately the level of the Russian contingent. However, Transdniestrians interpreted it not as demanding a reduction of the contingent *to* 500, but *by* 500, generating controversy and once more delaying implementation[1113]. In November, the parties agreed to reduce the forces to 500 in order to comply with the agreed provision.

As regards the withdrawal of excess Russian military equipment, the difficulties have been enormous. Transdniestria maintains its claims of ownership over the equipment, while arguing against destruction of the military material, which poses serious threats to the environment. Russia refers to technical and financial difficulties. The OSCE's Mission adopted a critical posture on the issue, arguing the term *excess* was not considered adequate, since at the OSCE Lisbon Summit, the *complete* withdrawal of troops was requested by all OSCE participating states[1114]. The lack of full implementation of the Odessa agreements is understood by the Mission as resulting from both sides' unwillingness to comply with the agreed provisions, aggravated by lack of trust[1115].

By the end of November 1998[1116], the mediators presented the two leaderships with a new draft agreement on the settlement and a protocol on the guarantees for a future settlement. It envisaged a phased approach in which a period of transition would allow the harmonisation of legislation to create a single economic, legal and social space within Moldova and included a broad autonomy formula for Transdniestria within the Republic of Moldova. The proposal

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[1111] Given that many elements of the agreement were negotiated at the bilateral or trilateral levels, the Mission was unable to participate in the negotiations as fully as it thought desirable. Document 118 and "News from the Field", *OSCE Newsletter*, vol.5, n.3, Mar. 1998, pp.6-7.

[1112] *RFE/RL*, Mar. 27, 1998; "Europe: Stalemate across the Dniester", *The Economist*, Jun. 26, 1999, p.61, and Document 118.

[1113] Document 80.

[1114] "We expect an early, orderly and complete withdrawal of the Russian troops", *Lisbon Document 1996*, Lisbon Declaration, parag.21.

[1115] Document 119.

[1116] "Mediators present draft document on Dniester conflict settlement", *Moldova News*, Nov. 25, 1998.

suggested the so-called 'postponed status', defining the phased shaping of Transdniestrian status in the framework of the Republic of Moldova, during the transition period. In this period, a Conciliation Committee would be set up to resolve disputable matters[1117]. The document safeguarded the Transdniestrian right to territorial self-determination in case Moldova decided to change its independent status.

The draft of the "Agreement on All-Embracing Phased Settlement of Relations between the Republic of Moldova and Transdniestria" did not lead to a final document, but was considered by the parties as a working tool. During 1998, co-operation between the parties as regards transport and general security proceeded[1118]. Moreover, in September 1998, for the first time, a joint Moldovan-Transdniestrian delegation attended an OSCE sponsored Seminar on "Environmental problems" in Tashkent[1119]. Although the Mission praised the event as signalling improved confidence, so necessary for the final settlement of the disagreements[1120], it was not a new start in the parties' relationship but almost an isolated case.

On January 25, 1999[1121], at a leadership summit in Tiraspol, the status issue was discussed on the basis of the draft proposed by the mediators, but again no improvements were made. The meeting focused primarily on economic issues, including interaction in the energy sector, repayment of Moldova's arrears to Transdniestria, opening of traffic along the Dubossary Bridge and the Poltava highway and details of the setting up of the enterprise 'Transdniestrian section of the Moldovan Railways'. A protocol dealing with bilateral co-operation against crime was concluded[1122]. After a period of six months' stalemate, the expert groups' meetings were resumed in June 1999 after an unofficial meeting at the Presidential level[1123] where the spectrum of relations between the parties and the remaining problems were discussed, though without fundamental improvements as regards the political settlement of the conflict.

[1117] "Russian, Ukrainian and OSCE representatives welcoming leaders' meeting", Jan. 22, 1999; "Mediators offering 'postponed status' variant for Transdniestria", *Moldova News*, Jan. 28, 1999.

[1118] Formal resolution on the matter of the exploitation of the railroad on the territory of Transdniestria, June 21, 1998, and Agreement on guarantees for security concerning the use of restored bridges across the river Dniester, Jul. 21, 1998, "Collection of agreements and other documents concerning the Transdniestrian conflict", OSCE Mission to Moldova, Jan. 28, 1999.

[1119] OSCE Seminar on "Regional Environmental Problems and Co-operative Approaches to Solving Them", Tashkent, Sep. 22-24, 1998.

[1120] Document 88.

[1121] "Mediators welcome upcoming meeting between Moldova's President and Transdniestrian leader", Jan. 22, 1999; "Russian, Ukrainian and OSCE Representatives welcoming leaders' meeting", *Moldova News*, Jan. 22, 1999.

[1122] Document 120. Protocol of the official meeting of the delegations of the Republic of Moldova and Transdniestria and additional protocol on the basis of co-operation of the Ministry of Internal Affairs of the Republic of Moldova and the leadership of the organs of internal affairs of Transdniestria, Jan. 25, 1999. "At last", *Moldova News*, Jan. 26, 1999.

[1123] "Moldovan President and Transdniestrian leader meet 'without ties'", *Moldova News*, Jun. 10, 1999.

7.4.2.3. The Kiev Summit

On July 16, 1999 a leadership meeting with the participation of the three mediators took place in Kiev[1124]. The sides agreed to work towards a single state, building their relationship on the principles of a common border and of a common economic, legal, defence and social space. However, expectations ended in frustration. Transdniestria argued its statehood was the most important guarantee of its security and rights, while Moldova claimed it was ready to grant wide autonomy to Transdniestria, but not recognise it as a parallel state. The "Joint Statement on Issues Relating to Normalisation of Relations between the Republic of Moldova and Transdniestria" resulting from negotiations was named very much like its predecessor, the 1997 Memorandum. Reactions to the signature of the statement pointed to the same disappointing fate that the Memorandum had experienced, except for the signing of several documents in different areas of activity which prevented the complete failure of the meeting[1125]. The expert groups were entrusted with continuing their work for the resolution of the most difficult matters. Talks were resumed in November 1999 on the eve of the OSCE's Istanbul Summit, without real improvement.

In October 1999, the Mission organised a three-day conference with the participation of Moldovans, Transdniestrians and the other mediators, to address the settlement process[1126]. The aim of the meeting was to discuss the opposing attitudes of Chisinau and Tiraspol on the fundamental questions pertaining to the settlement of the dispute. The talks focused on legislative, social, economic, defence and border aspects, although fundamental disagreements persisted.

From March 20 to 24, 2000, the OSCE Mission to Moldova and the Ukrainian Ministry of Foreign Affairs organised a "Working Table on a Transdniestrian Settlement" in Kiev, with the aim of strengthening the negotiating process[1127]. The meeting was attended by the Heads of the expert groups from the two sides and the three mediators, as well as experts in international law, constitutional systems and conflict resolution. Recommendations were made as regards structure, state organs, division of competencies, stages and possible guarantees for the implementation of a settlement. Representatives from both sides agreed to work on a schedule, including the resumption of the weekly meetings of the expert groups. Commenting on the status of talks, Ambassador Hill, the OSCE's HoM, argued it was fundamental to fulfil the existing agreements,

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[1124] "Transdniestrian leader on Kyiv Summit", *RFE/RL*, Jul. 20, 1999; "Kyiv Summit fails to resolve Transdniestrian conflict", *RFE/RL*, Jul. 19, 1999; "Kiev Summit", Jul. 16, 1999, "Step towards settlement of Transdniestrian conflict?", Jul. 19, 1999 and "Common state being outlined", *Moldova News*, Jul. 20, 1999.

[1125] The parties signed documents relating to culture, co-ordination of actions in the struggle against crime and drug trafficking, co-operation in standardisation and exchange of statistics, geopolitical prospecting, environmental protection, population immunisation and anti-AIDS measures. "Power problems-centrepiece at Kiev meeting", Jul. 5, 1999; "Summit between Chisinau and Tiraspol", Jul. 13, 1999; "Chisinau-Tiraspol sign eight documents but fail to reach consensus on status for Transdniestria", Jul. 14, 1999, and "Kiev Summit", *Moldova News*, Jul. 16, 1999.

[1126] "International experts in Tiraspol to discuss Dniester issue", Oct. 18, 1999; "The OSCE Conference in Tiraspol", *Moldova News*, Oct. 20, 1999.

[1127] "Meeting looks at Transdniestrian settlement", *OSCE Newsletter*, vol.VII, n.4, Apr. 2000, p.12; "Ray of hope", *Moldova News*, Mar. 20, 2000.

including "the restoration of the common economic space, the demilitarisation of the security zone and the free movement of citizens"[1128].

7.4.2.4. Leadership meeting after almost one year of stalemate

On May 16, 2000 there was a meeting between the President of Moldova and the leadership in Transdniestria[1129], almost one year after the last official meeting at the highest level. In spite of much optimism, the meeting did not constitute a major step towards the settlement of the dispute. Fundamental differences persisted, preventing the signature of the final document. The Chisinau delegation presented a draft document "On the Main Provisions of a Status for the Transdniestrian Region", while Transdniestria put forward its own draft treaty on the subject. The main differences related to the Moldovan proposal to grant autonomous status to the left bank within the Republic of Moldova, while Tiraspol suggested the building of contract-like relations between two equal subjects, through reciprocal delegation of plenary powers.

The Transdniestrians argued the Moldovan draft was a step back from the 1997 Memorandum signed in Moscow. According to PMR State Secretary Valeri Litskai[1130], the draft made reference to the establishment of common areas in economic, legal, social, and other terms, but not a single article mentioned the creation of a common state. The Transdniestrian leader, Smirnov, reinforced this idea, adding "it [was] necessary to forget forever that one [was] giving something to the other, and to conduct the dialogue in equal terms"[1131]. Apart from the difficult status question, other issues found agreement, including the joint repair of bridges, co-operation on the issuing of certificates of quality for exporting products, and interaction of customs organs. Since many aspects remained unsettled, the sides committed themselves to preparing proposals to overcome differences.

In face of the protracted character of the negotiations and the minimal advances verified, on July 3, 2000, Russian President Putin officially assigned former premier Primakov to head the new Governmental Commission to deal with the Transdniestrian issue[1132]. A new Ukrainian representative to the State Committee for Transdniestrian talks, Vladimir Gorbulin, was appointed on July 14, 2000 to replace Levitsky. After Russia and Ukraine, President Lucinschi also established a Committee for Transdniestrian talks, entrusted with "formulating, co-ordinating and

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[1128] "Conference on Transdniestrian problem", Mar. 24, 2000; "Transdniestrian settlement looming up", *Moldova News*, Mar. 27, 2000.

[1129] 283rd PC Meeting, SEC.DEL/132/00, PC.JOUR/283, May 18, 2000; "Moldovan President and Transdniestrian leader to meet in Tiraspol next Tuesday", *Moldova News*, May 12, 2000; "Petru Lucinschi and Igor Smirnov to meet on May 16", *Moldova News*, May 15, 2000.

[1130] "Transdniestrian authorities dislike status document drafted by Chisinau experts", *Moldova News*, May 11, 2000.

[1131] "Chisinau and Tiraspol fail to overcome political differences", *Moldova News*, May 16, 2000.

[1132] The OSCE CIO welcomed the formation of the Commission to deal with the Transdniestrian issue as a sign of Russian willingness to settle the problem, "Moldova focus of OSCE CIO meeting with Yevgeni Primakov", Jul. 26, 2000, http://www.osce.presidency.gv.at. The Republic of Moldova also welcomed the appointment of Primakov as Chairman of the Commission as a positive step which could push negotiations farther, "Gheorge Roman: Putin's visit allows cherishing hopes", *Moldovan News*, Jun. 19, 2000.

implementing national policy on the left bank of the Dniester, as well as promoting the re-integration of this region into a common economic sector of the country"[1133]. The Committee works in close collaboration with the OSCE's Mission and the Ukrainian and Russian Committees. This remodelling is expected to confer new impetus to the negotiating process. Nevertheless, the new faces and possibly new ideas will be confronted with old disagreements and frozen positions.

On July 17, 2000, the OSCE's PC gathered in a reinforced session to discuss the conflict in the Republic of Moldova[1134]. The meeting was preceded by the visit of the OSCE's CIO Ferrero-Waldner to the republic on July 7, 2000, when the CIO met Moldovan and Transdniestrian representatives and discussed possibilities for progress in the negotiations[1135]. Two officials from Transdniestria, 'Vice-President' Aleksandr Karaman and State Secretary Litskai, were included in the Moldovan delegation to the meeting. The Transdniestrians identified themselves as representatives of the 'Moldovan Dniester Republic' and when the plenary refused to listen to them in such a position, they "walked out of the room"[1136]. According to the OSCE's HoM Ambassador Hill, the Transdniestrian representatives lost an opportunity to present their views on the dispute. Hill interpreted the left bank's insistence on talking as an independent state, and not as part of the Moldovan delegation, as evidence that Transdniestria is not truly committed to the provisions of the Moscow Memorandum[1137].

7.4.3. The status of the political negotiations: one step forward, another back

The evolution of the negotiations demonstrates how the parties' commitment to the settlement of disagreements is fundamental to achieve a final agreement. Lack of trust, mutual accusations and unilateral initiatives have hampered the reconciliation efforts and accompanied the process of negotiations since the very beginning. The process has followed a general line of agreement on the form, but never on the content. The parties have constantly committed themselves to dialogue and further contacts and agreed that a solution to the dispute must be found by peaceful means only. However, when it comes to defining the major issues, difficulties emerge. Intense negotiations in co-operative periods have intercalated with others of stalemate and no dialogue, with leadership meetings being successively postponed.

Added to the problems encountered in the political process, the existence of forces on both sides interested in maintaining the status quo hampers the process. There are groups in Moldova and on the left bank taking economic and political advantage of the non-resolution of the dispute,

[1133] "President Lucinschi set up Committee for Transdniestrian talks", *Moldova News*, Jul. 28, 2000.
[1134] 294th Reinforced PC Meeting, PC.JOUR/294, Jul. 17, 2000.
[1135] "Visit by chairman of OSCE PC", Jul. 6, 2000; "OSCE Chairperson-in-Office pays visit to Transdniestria", *Moldova News*, Jul. 7, 2000.
[1136] "Moldovan envoy to the OSCE says Russia tried to trade military pullout from Transdniestria", *Moldova News*, Jul. 19, 2000.

particularly through illegal practices. Since these groups enjoy substantial economic power, their influence on the settlement process is considerable, contributing negatively to the finding of a final agreement[1138]. The political settlement has therefore proceeded irregularly. Advances in the political negotiations have not matched progress in technical and socio-economic areas. In many instances, different interpretations of agreements and understanding of concepts have contributed to breaking the dynamic of the negotiations. Disagreements over the most delicate areas of negotiation remain the fundamental obstacles to a final settlement.

Chisinau agrees to grant Transdniestria autonomous status with wide competence powers in the integrity of the Republic of Moldova. The Moldovan authorities are adverse to the idea of establishing a confederation owing to the size of the territory, and that it would be made on territorial grounds, since there are no ethnic or cultural claims. Moreover, that would not guarantee future Transdniestrian demands for independence. According to Ion Leshanu[1139], Transdniestria's legal status must be found in the integrity of Moldova. The text of the Moldovan Constitution foresees the possibility of granting some form of autonomy to the left bank[1140].

Transdniestria believes autonomy should be granted by an 'inter-governmental' agreement between Moldova and Transdniestria. According to a confederate solution, the left bank would become a sovereign state, with parallel powers to those of Moldova. According to the Transdniestrian leader Smirnov, the left bank "will strengthen the independence achieved through such difficulties and defended with blood... Transdniestria exists in fact, it is a reality. If Chisinau realises that we will manage to settle all differences. But only through talks between equals"[1141]. For now, the Moldovan-Transdniestrian positions remain very different as concerns the status of Transdniestria. However, the definition of a 'special status' for this region is a generally accepted basis for negotiation. Disagreement is rooted in contradictory self-definitions of the parties from

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[1137] "Constitutional reform in Moldova has no dramatic bearing on negotiations over Transdniestria, says OSCE Head in Moldova", *Moldova News*, Jul. 21, 2000. According to the wording of the Moscow Memorandum, "Transdniestria will take part in Moldova's foreign policy".

[1138] Informal conversation with Yuri Ataman, Chisinau, June 19, 1999. This opinion is shared by many in Moldova, as explained by Irina Colin, informal conversation, Chisinau, June 14, 1999. According to a Russian language newspaper in Moldova, "elite forces have strengthened on both banks of the Dniester river and earn hard money from a long-lasting conflict. These forces are worth being taken into consideration. They are strong and influential in the territory of the former Moldovan Soviet Republic and have employees outside", *Delovaya Gazeta* article cited in "Lack of progress in negotiations with Tiraspol is programmed by occult forces outside Moldova, Press Reports", *Moldova News*, May 19, 2000. According to a Romanian language newspaper, "the power in Chisinau is not free in action; those who hold the bread and knife in Moldova (...) can be blackmailed". The article continued "the separatist regime in Tiraspol stays on a double foundation: one bears a political nature and is Russia's geopolitical interests in the Balkans, and the second bears an economic nature: Transdniestria is an *eldorado* for mafia groups", *Tsara* newspaper, idem.

[1139] Interview with Ion Leshanu, Representative of the President of the Republic of Moldova to the Moldovan Expert Group dealing with the settlement, Chisinau, June 14, 1999.

[1140] "[S]pecial conditions and forms of autonomy, defined according to special statutes by organic laws, can be granted to the localities on the Left Bank of the Dniester River", Art. 111 of the Moldovan Constitution.

[1141] Igor Smirnov in early 1997 cited in Waters, T., "Problems, Progress and Prospects in a Post-Soviet Borderland: The Republic of Moldova", *IBRU Boundary and Security Bulletin*, Spring 1997, p.78. According to Karaman, 'Vice-President' of Transdniestria, as long as it is impossible to erect a common state, "we shall remain each in his own state", "Tiraspol Vice-President sceptical over common state with Chisinau", *Moldova News*, Jul. 3, 2000.

which derives discord as regards the division of power.

Power-sharing is a delicate issue involving contradictory concentration versus delegation demands. Core issues such as security, defence, finance and foreign relations are the most disputed. On the one hand, Transdniestria does not intend to give up powers achieved so far, which equal those of a state. It demands the right to have its own armed forces, currency and state symbols, as well as develop international relations in scientific, cultural and other fields, and maintain separate economic ties with other countries. On the other hand, Moldova rejects the granting of fundamental powers to the left bank, including security and defence since it does not admit the recognition of Transdniestria as a legal state. The problem is also one of accommodation of different interests and of finding the right words. Discussions on the sharing of power often leads to deadlock due to the parties' distanced assumptions and demands.

The evolution of Moldova and Transdniestria as two parallel states has made the situation extremely complex as regards finding an agreement on the future status, including shared powers and guarantees. There have been parallel elections on both banks, there are two 'Presidents' and the judicial, administrative and executive organs necessary to the functioning of a state are duplicated. The consolidation of these parallel processes does not facilitate the political settlement, contributing to the formulation of broader demands by Transdniestrians in view of the rights achieved so far[1142]. After agreement is found, the parties demand international guarantees. The OSCE's Mission proposed to be international guarantor of the final document along with Russia and Ukraine as state guarantors. According to an OSCE non-paper[1143], the organisation is ready to sign a final agreement between the parties, become its repository and follow its implementation according to international procedures and the OSCE principles.

7.4.3.1. The unofficial debate: why not grant Transdniestria independent status?

The prolongation of the dispute does not allow many opportunities in economic or social terms, which has generated contradictory views on the future of the left bank. Those who agree with the mediators' approach to finding a solution to the conflict respecting the territorial integrity of

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[1142] Vladimir Bodnar claims the most evident contradiction in the Moldovan approach is that the PMR has existed for almost ten years as an "independent sovereign state" but Moldova does not recognise it. Seven years after the armed conflict, Tiraspol managed to build a 'state' of its own, with police and military apparatus, administrative and executive bodies, such as courts, Parliament, and its own Constitution and flag. "The world strives for the promotion of human rights and democracy, so why not ask us what we want? As regards democratic principles, we have held referendums and elections, but no one takes into consideration their results. We have asked for international community observance, but no one wanted to observe them. This is a world of double-standards! What is profitable to the powerful is correct, what is not in their interest is illegal. This is not democracy!", interview with Vladimir Bodnar, JCC Co-chairman from Transdniestria, Tiraspol, June 15, 1999. Moreover, constructive dialogue is necessary, however this "will become possible only if Transdniestria is stopped to be treated as an unrecognised state, and only if all questions cease to be solved exclusively through Moldova". According to the left bank leader, "we imagine the common state as consisting of two equal right subjects - Moldova and Transdniestria working together in all spheres of activity, including the political one - on a contract basis", "Moldova and Transdniestria must be in equal conditions, Igor Smirnov", *Moldova News*, Mar. 3, 2000.

[1143] Documents 77 and 149. See also "OSCE as guarantor for no repeat of 1992 crisis in Moldova", *RFE/RL*, Apr. 10, 1995.

Moldova argue that recognising Transdniestria would be an enormous mistake, implying "an unexpected gift to Moscow from us"[1144]. The independence of the left bank would consolidate the Russian positions in the area. Moreover, the argument that Moldova could not live without Transdniestria seems to be losing strength due to the poor socio-political and economic development on the left bank.

Those who believe that granting independent status to Transdniestria would be profitable to Moldova, argue against the cautious and pessimistic views of their opponents. They strongly criticise President Lucinschi for his inefficient action as regards the Transdniestrian problem, suggesting different terms to address the matter. "This train left the station and together with it went 'our' Transdniestria. Yes, territories should not be ceded without a fight. But who wants to fight? And even if we wanted to, will we win in this fight? After being slaughtered and humiliated at the Dniester in 1992 we did not raise monuments to those killed. (...) Why run after chimera or after the train that left our little station a long time ago?"[1145]. According to the supporters of the independence option, the recognition of Transdniestria does not mean stimulation of separatism, but a return to the initial historical positions[1146].

It is hard to evaluate the consequences of granting independence to Transdniestria due to the small size of the left bank and the dire state of its economy and social mechanisms. It could eventually result in an impracticable project. Moreover, the existence of other independentist movements within the Republic of Moldova is also relevant. The recognition of the left bank could incite the Gagauz to deepen their demands, as well as the Taraclia region, to increase pressure on the Moldovan authorities, with fundamental consequences for the territorial integrity of the country.

Gagauzia, in the south of the republic, declared independence from Moldova on August 19, 1990 following Moldova's declaration of sovereignty and fears of possible unification with Romania. Also unrecognised by the central power, the Gagauz dispute had several differences from the one between Chisinau and Tiraspol. Nevertheless, its resolution was seen in Chisinau as a possible model for the resolution of the Transdniestrian issue. In December 1994, an extensive autonomy agreement was reached between the Gagauz and Moldovan authorities, with the aim of ending disagreements and sporadic shootings[1147].

According to the OSCE's Mission, Gagauzia is an autonomous region on paper with a broad range of rights, but in reality Chisinau does not offer the region the necessary funding or

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[1144] Petru Bogatu, "Why we must not recognise the independence of Transdniestria", *Tsara*, Jul. 31, 1998, Romanian language newspaper, unofficial translation by the OSCE Mission to Moldova.

[1145] Constantin Tanase, editor of *The Flux* newspaper, "The train left the station. What is the point in running after it?", *The Flux*, Jul. 24, 1998, unofficial translation by the OSCE Mission to Moldova.

[1146] "Transdniestria never was 'ours', and if it wants to separate from us let's wish it 'bon voyage!'. We cannot claim a land that did not belong to us", Grossu, "Transdniestria is not and never was ours", *The Flux*, "Letters from the readers", Jul. 31, 1998, unofficial translation by the OSCE Mission to Moldova.

[1147] For more detail see for example Chinn, J. and Roper, S., "Territorial Autonomy in Gagauzia", *Nationalities Papers*, vol.26, n.1, Mar. 1998, pp.87-101; King, C., *The Moldovans, Romania, Russia, and the Politics of Culture*, pp.209-223.

power of initiative[1148]. The Moldovan authorities have in several instances overruled Gagauz autonomy, violating its Constitutional status by imposing new procedures[1149]. The Transdniestrians have followed closely the process in Gagauzia and are not satisfied with the current level of autonomy, particularly as regards the delegation of powers[1150]. Thus, contrary to Moldovan aspirations, the autonomy status found for Gagauzia has not been an example to the left bank.

The status of Gagauzia has not been convincing for Transdniestria, but it has inspired Taraclia, a southern region of Moldova mainly inhabited by Bulgarians. The new Moldovan regional policy led to the aggregation of Taraclia in a wider county. Where previously Bulgarians made up 60% of the population, in the new Cahul County they come to just 16% of the total population. They fear this integration may endanger their participation in the social, political and economic life of the region. Moreover, Taraclia claims its own budget and economic powers, which the region previously enjoyed. A referendum on the maintenance of Taraclia "as an independent administrative-territorial entity and as a centre for the development of Bulgarian culture"[1151] took place on January 24, 1999, with results overwhelmingly in favour of the preservation of the Bulgarian rayon. Despite increasing tensions, the players involved are committed to solving the issue by peaceful means only. The OSCE's Mission has been monitoring the situation and asked for flexibility and a spirit of compromise in order to avoid increasing tensions in the region[1152].

The three official mediators to the conflict, Russia, Ukraine and the OSCE Mission share the view that no independence should be granted to the left bank. This approach is supported by the OSCE's documents and fundamental principles, and gains strength by the existence in Russia and Ukraine of independentist movements.

7.4.4. The Republic of Moldova and Transdniestria: following separate ways

Since the end of the armed conflict in 1992, Moldova and Transdniestria have evolved distinctly, with separate economic, social, ideological, political and educational systems. The left bank sticks to remnants of the Socialist Soviet system, limited market economy mechanisms, prevailing state ownership, and orientation to Russia and the CIS, which consolidate an attitude of separatism from Moldova. In Transdniestria, the fighting destroyed part of the infrastructure and since then there

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[1148] Interview with Gottfried Hanne, Member of the OSCE Mission to Moldova, Human Dimension Officer, OSCE Mission office in Chisinau, June 18, 1999.

[1149] For example the decision of the Moldovan Constitutional Court that judges in Gagauzia would not be appointed by the Gagauz President upon the recommendation of the Gagauz National Assembly, but by the Supreme Council of Magistracy on the basis that Gagauzia had not amended its laws to conform with those of Chisinau. Interview with Witold Karp, Member of the OSCE Mission to Moldova, Public Relations Officer, Acting Head of Mission, OSCE Mission office in Chisinau, June 14, 1999.

[1150] *Kishinevskie Novosti*, "Steps forward... with an interval of four years", V. I. Karamanutsu, Chairman of the Chamber of Legislators of the Supreme Council of the TMR, Jan. 30, 1998, newspaper on the Russian language, unofficial translation by the OSCE Mission to Moldova.

[1151] Document 123.

[1152] Document 150.

has hardly been any economic reconstruction. Transdniestria has felt strongly the disruption of economic ties among the former Soviet republics, since it is dependent on Russia for raw materials and as a market for its products. The search for new markets has not been successful since Transdniestrian products cannot compete in Western markets, and the left bank does not benefit from any international assistance, due to its current status[1153]. "In contrast to Moldova's capital, Chisinau, there are few billboards to be seen in Tiraspol: no hint of Pepsi or Playboy capitalism, instead there are ration cards for subsidised bread"[1154].

The right bank adhered to free market economy mechanisms, privatisation, and a democratic and Western orientation, despite its CIS membership. Nevertheless, Moldova is mainly an agricultural country and very dependent on Russia for energy and raw materials and on the CIS as agricultural markets. Russia is Moldova's major trading partner and receives 60% of Moldovan exports, thus the current financial crisis in Moscow is felt strongly in the country. Since the war in 1992, Moldova has been suffering a recession period which showed signs of inversion only in 1996, despite which economic recovery has been extremely slow and difficult[1155]. There is no market for Moldovan products, many companies have gone bankrupt, inflation is high and the state has no resources to pay salaries and pensions in arrears[1156]. A few individuals, dedicated to parallel activities and shady business or linked to corruption, are well off and the distance between rich and poor is increasingly evident.

The distinct courses followed by the right and left banks were anchored in opposing conceptualisations of life and politics. Throughout the 1990s, the different interpretations of agreements and documents were also anchored in the distinct views underlying the conceptualisation of history and development of the two parties. Time has been running out against a political settlement. The protracted character of the negotiations has allowed the development and consolidation of these two distinct dimensions within the same country. Therefore, the agreement on special status must include some form of convergence of the very different views from Moldova and Transdniestria. This has proved a hard task for the expert groups and the mediators.

[1153] "The only foreign investment we have comes from Russia. We do not receive foreign credits, so we work on our own resources", interview with Vitaly Yankovsky, Adviser, Department of Foreign Relations of Transdniestria, Tiraspol, June 15, 1999.

[1154] "Moldova: German paper decries conditions in Transdniestria", RFE/RL, Oct. 30, 1996.

[1155] "Moldovan Government says people 'must not panic'", RFE/RL, Apr. 28, 2000. "Moldova is undergoing one of its most difficult periods in modern history and faced the danger of relapsing into the second or third layer of states in the world". The suspension of World Bank and IMF loans to the republic due to its failure to meet the conditions demanded, in particular the privatisation of the tobacco and wine industries, has aggravated even more the problems, "World Bank follows IMF on Moldova", RFE/RL, Apr. 21, 2000; "IMF suspends lending to Moldova", RFE/RL, Apr. 20, 2000; "Europe: Can Moldova get worse?", The Economist, Jul. 15, 2000; "Europe: Nowhere land", The Economist, Jun. 26, 1999, p.61.

[1156] In 1999 the rate of inflation equalled 43.7%, the gross domestic product shrank and external arrears reached $1.85 billion, "1999 was a very bad year for Moldova, President Petru Lucinschi says", Moldova News, Jan. 17, 2000.

7.4.5. The stationing of Russian troops on Moldovan soil

The issue of withdrawing the Russian troops and equipment deployed in Moldova has been a source of disagreement between Chisinau and Tiraspol, and between Moldova and the Russian Federation. Moldova interprets the stationing of Russian troops and equipment in its territory as illegal occupation by a foreign force; a direct aggression against its unity, given the Army's support for the separatists; and as interference in the country's internal affairs, representing a continuing threat to its independence[1157]. President Snegur called for "the unconditional withdrawal of the troops, arguing that stability is best served by NATO's PfP programme and minority rights by CSCE mechanisms"[1158]. Moldova has accused Russia of non-collaboration[1159], mentioning the OSCE's decisions and the Code of Conduct, which in article 14 defined the ratification and implementation of the Moldo-Russian accord as imperative. Moreover, despite difficulties in implementing the CFE provisions, Moldova welcomes the Treaty as a relevant instrument to the unsolved question of the foreign troops and associated arms and ammunition in Transdniestria[1160]. Later, President Lucinschi argued the synchronisation principle could signify the situation in Transdniestria remaining unchanged. Moreover, it contradicted the Russian commitments made at Istanbul[1161].

On the left bank, the Russian forces are perceived as offering military and political-moral support, besides providing a guarantee of the separate status of Transdniestria, or at least as offering a protective umbrella to the Transdniestrian leadership[1162]. Therefore, Tiraspol has little incentive to reach any agreement[1163]. The involvement of Russian forces in the conflict put an end to the hostilities, facilitated the cease-fire agreement, and became a guarantee against the resumption of violence. An example of the Transdniestrian positioning was the referendum held on March 26, 1995, over whether Transdniestrian voters 'considered the presence of the Russian 14th Army useful as a guarantor of peace and stability', to which voters overwhelmingly answered

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[1157] Interview with Ion Leshanu, Representative of the President of the Republic of Moldova to the Moldovan Expert Group dealing with the settlement, Chisinau, June 14, 1999. See also "Investigation to be launched into arms thefts in Dniester region", BBC SWB, SU/2137 D/4, Oct. 27, 1994.

[1158] "Moldovan President in Brussels", RFE/RL, Mar. 16, 1994; "Officials insist in pullout of 14th Army", BBC SWB, SU/2102 D/3, Sep. 16, 1994.

[1159] Document 142.

[1160] The left bank does not consider itself bound to the Treaty's provisions and has prevented CFE inspectors from entering Transdniestria and inspecting Russian troops. Document 111.

[1161] "To speed up withdrawal", Jan. 18, 2000; "1999 was a bad year for Moldova, President Lucinschi says", Moldova News, Jan. 17, 2000. According to the Istanbul Document, the complete removal of Russian troops from Transdniestria should be accomplished by the end of 2002, Istanbul Declaration, 1999, parag.19.

[1162] CSCE Communication 281, Feb. 2, 1993, p.15. "Dniester Officials fear effects of the 14th Army withdrawal agreement", BBC SWB, SU/2139 D/6, Oct. 29, 1994; "Russian presence must be preserved", Moldova News, Mar.21, 2000.

[1163] This view is shared by authors such as Crowther, W., "The Politics of Democratisation in Post-Communist Moldova" in Dawisha, K. and Parrott, B. (eds.), Democratic Changes and Authoritarian Reactions in Russia, Ukraine, Belarus and Moldova, Cambridge University Press, 1997, p.297; Graeger, N., Conflicts in the OSCE Area, p.43; Hamm, M., "Introduction", Nationalities Papers, vol.26, n.1, Mar. 1998, p.10; Olcott, M., "Sovereignty and the 'Near Abroad'", Orbis, vol.39, n.3, Summer 1995, p.363; Waters, T., "Problems, Progress and Prospects in a Post-Soviet Borderland: The Republic of Moldova", IBRU Boundary and Security Bulletin, Spring 1997, p.79.

'yes'[1164]. Transdniestria claims ownership of the equipment and ammunition and has been trying to prevent its withdrawal, through the conditioning of any agreement to achieving a status akin to that of a separate state[1165]. Moreover, Transdniestrians understand the demilitarisation process as consisting solely of the reduction of the peacekeeping forces from the area, thus not including armament and equipment[1166]. Transdniestria demands that Russia either keeps its present 2500 man force in the region or leaves part of the weapons to the local forces[1167].

The Transdniestrian side has been pressing Russia to transform its Army group on the left bank into a peacekeeping force to oversee the peace agreements and the settlement process[1168]. The Moldovan authorities have reacted negatively to the idea, since any peacekeeping force in the security zone must be internationally guaranteed, and act under the UN or the OSCE's auspices[1169]. The receptivity of the left bank to the OSCE's peacekeeping offer has been limited[1170]. According to OSCE sources, it would be the first such operation in the organisation's history and its contribution to the settlement of the dispute could be of major importance[1171].

The Russian Federation has linked the withdrawal of the 14th Army from Transdniestria with finding a political settlement to the dispute, which meant that while no visible resolution to the conflict was in sight, there would be no withdrawal[1172]. The aim of the synchronisation procedure was, according to Russia, to remove the left bank fears of a return to violence and as such restore confidence as a necessary element in the search for alternatives to deadlock in

[1164] "Report from the OSCE Missions", *OSCE Newsletter*, vol.2, n.4, Apr. 1995, p.6. On March 29, the Chairman of the PC issued a statement deeply regretting the local referendum in Transdniestria, despite repeated calls by the Mission, OSCE participating states and the Government of the Republic of Moldova that it should not be held, 13th PC Meeting, Mar. 29, 1995.
[1165] According to the Transdniestrian State Secretary Litskai, after the demise of the Soviet Union, the Republic of Moldova received part of the Soviet Army property as 'heritage'. The left bank believes it is also entitled to part of this property, in kind or in proceeds from its sale. Tiraspol has offered Russia the possibility of reducing the gas debt in exchange for the left bank share of military property. "Tiraspol will permit the evacuation of Russian military property only after gas debt settlement question is fully settled with Moscow - State Secretary", Apr. 14, 2000, and "Tiraspol making terms for withdrawal of Russian arms", *Moldova News*, Apr. 17, 2000. See also "Dniester bans destruction of munitions on environmental grounds", BBC SWB, SU/2375 D/4, Aug. 7, 1995; "Tiraspol does not want any foreign estimating mission to come to region", *Moldova News*, Jan.14, 2000.
[1166] "Tiraspol shrinks solution of security zone demilitarisation problem", *Moldova News*, Jun. 2, 1999.
[1167] The Transdniestrian objections to the withdrawal were described by the Head of the Moldovan delegation as not sufficiently strong to halt the process. The trains departed so far as well as the pieces of armament already destroyed were referred as example, Document 147.
[1168] "Moldovan official says Russia would present a troops withdrawal timetable in 'maximum one month'", *Moldova News*, Apr. 4, 2000.
[1169] "Chisinau JCC Co-chairman calls for reorganisation of peacekeeping forces in Transdniestria", *Moldova News*, Jul. 26, 2000; "OSCE for deploying its peacekeepers in Transdniestria", *Moldova News*, Jun. 9, 2000; Document 147.
[1170] In Transdniestrian State Secretary Litskai words, "so far, this is a innovation that has no concrete content". He added that the procedure of selecting countries whose peacekeepers may be deployed in the conflict zone was a "sensitive question", "OSCE Chairperson-in-Office pays visit to Transdniestria", *Moldova News*, Jul. 7, 2000. See also "Dniester official opposed to deployment of CSCE peacekeeping forces", BBC SWB, SU/2191 D/13, Jan. 3, 1995.
[1171] Head of the Parliamentary Assembly Mission to Moldova, Kiljunen, "OSCE for deploying its peacekeepers in Transdniestria", *Moldova News*, Jun. 9, 2000.
[1172] "A potential catch", *RFE/RL*, Oct. 13, 1994.

negotiations[1173]. Russia justifies its difficulties in withdrawing on political, technical and social problems, in particular the transport of equipment through Ukraine and the building of housing for returning military personnel[1174].

The OSCE in Vienna and the Mission in the field have shown apprehension towards the Transdniestrian and Russian linking of the withdrawal process with the political settlement. According to OSCE data, the existing arsenal far exceeds the current Russian contingent's needs in the region. There are about twenty tons of military equipment for every Russian soldier in Transdniestria, a ratio described by General Hermoza as "unmatched in any other military contingent in the world"[1175]. Neither can Russia condition the withdrawal to financial aspects, given the fund established for the purpose, or attach it to the Transdniestrian demands, given its previous agreement to withdraw unconditionally, such as at Odessa[1176]. The OSCE has been increasing pressure on Russia to withdraw its troops and equipment from the Republic of Moldova. At several meetings, the organisation's participating states have called for an early, complete, orderly and unconditional withdrawal[1177].

On August 9 and 10, 1994, an intergovernmental document "On the Legal Status, Procedure and Timetable of the Withdrawal of Russian Military Units Temporarily Located on the Territory of Moldova"[1178] was negotiated between Moldova and Russia. A three-year timetable for withdrawal was defined. According to the document, once the final settlement document entered into force, a joint commission would be established to implement the complex withdrawal process. Transdniestria participated in the meeting as an observer and manifested its discontent with the emerging agreement[1179], which was signed on October 21, 1994[1180].

[1173] Document 143; "Moscow repeats that Russian military from Eastern Moldova will be synchronised with resolution of Dniester conflict", Jan. 4, 2000; "Moldovan Foreign Ministry blasts Kremlin over 'biased' statements on Russian troops pullout from Transdniestria", Jan. 11, 2000; "To speed up withdrawal", *Moldova News*, Jan. 18, 2000; "The Russian officials declare that 'the decisions of the Summit from Istanbul will be hard to fulfil if there won't be a progress in the dialogue between Chisinau and Tiraspol'", Feb. 3, 2000.

[1174] Document 83.

[1175] "OSCE 'worried' by Russia's position over Transdniestrian military evacuation", *RFE/RL*, Jan. 6, 2000, and interview with Lt. Col. Lodder, Military Member of the OSCE Mission to Moldova, OSCE Mission office in Chisinau, June 17, 1999.

[1176] Document 144.

[1177] 4th Ministerial Council Meeting, Rome, Nov. 30-Dec. 1, 1993; 3rd Annual Session of the CSCE Parliamentary Assembly, Vienna, Jul. 4-8, 1994; *Istanbul Document 1999*, Istanbul Declaration, parag.19.

[1178] Document 82; *RFE/RL Daily Report* n.204, Oct. 26, 1994; "Moldova and Russia agree on timetable for withdrawal of 14th Army", BBC SWB, SU/2072 D/1, Aug. 12, 1994.

[1179] Document 81; "Russian official regrets Dniester walkout from Kishinev talks", BBC SWB, SU/2075 D/3, Aug. 16, 1994.

[1180] At the Budapest Summit, the CSCE's Heads of State welcomed the parties' commitment on October 21, 1994 to conducting the 14th Army withdrawal as a parallel process to the political settlement of the problems. *Budapest Document 1994*, Budapest Decisions, chapter II, "Regional Issues: Moldova" and Moldovan Delegation statement on the 10th Round of Moldo-Russian negotiations, CSCE DOC 800/94, Sep. 27, 1994. It should be noted, however, that the CSCE did not participate directly in the negotiations leading to the signing of the October agreement.

General Lebed, the 14th Army Commander[1181], resigned on June 14, 1995 giving way to General Yevnevitch. A restructuring of the Army was announced, including the Military Council and certain other command structures to be dissolved, demobilisation of personnel and the renaming of the Army to "Operational Group of Russian Forces in Moldova"[1182]. According to the new Commander, the Operational Group is distinct from the 14th Army since it is strictly neutral and fully committed to its military duty[1183]. The Moldovan authorities understood the reduction in Russian forces more as the result of the restructuring under way, than as part of a clear strategy to withdraw troops and munitions from the country[1184].

Russia promised to elaborate within a period of six months after the Oslo Ministerial[1185], a schedule for the withdrawal and completion of the remaining protocols of the Moldo-Russian Agreement of October 21, 1994 on the withdrawal of Russian troops. However, loaded trains have been departing irregularly, without a defined schedule or organised plan. At Istanbul in 1999, the OSCE welcomed the Russian commitment to withdraw by the end of 2002 and reiterated that an international assessment Mission was ready to be dispatched to Moldova to ensure transparency in the process of demilitarisation of the security zone[1186]. With regard to the troops' withdrawal, Russia submitted a timetable to the July 17, 2000 special session of the OSCE PC[1187]. Nevertheless, no substantial progress on the withdrawal question has been verified.

In the face of the Russian reluctance to withdraw, participating states have expressed disappointment and argued against the obstacles to the Mission's monitoring of operations in the security zone[1188]. The OSCE encouraged dialogue and the pursuit of the withdrawal and the

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[1181] General Lebed was very popular among the Slavic population in Transdniestria and described as the 'Transdniestrian protector' after the armed conflict in 1992. In several instances Lebed declared Transdniestria a region of vital strategic importance for the Russian Federation and argued against the Army's withdrawal from the left bank, where it had been stationed for 200 years. He claimed the status quo should be maintained by granting the 14th Army basing rights in the area or assigning a peacekeeping role to part of that army, RFE/RL Daily Report n.217, Nov. 15, 1994; RFE/RL Daily Report n.36, Feb. 22, 1994. However, on several occasions Lebed publicly criticised the PMR leadership for corruption, King, C., The Moldovans, Romania, Russia, and the Politics of Culture, p.200.

[1182] RFE/RL Daily Report n.148, Aug. 5, 1994.

[1183] Document 84.

[1184] Document 145. "Moldovan suspicion of motives behind 14th Army transformation", BBC SWB, SU/2072 D/2, Aug. 12, 1994.

[1185] 7th Ministerial Council Meeting, "Decision on Moldova" (MC(7).DEC/2), Oslo, Dec. 2-3, 1998.

[1186] Istanbul Document 1999, Istanbul Declaration, parag.19; "Russia: troops to be pulled from Moldova, reduced in Georgia", RFE/RL, Nov. 18, 1999; "Transdniestrian conflict settlement and Russian troop withdrawal are possible to accomplish within three years, OSCE said", Moldova News, Jan. 13, 2000.

[1187] "Moldovan envoy to the OSCE says Russia tried to trade military pullout from Transdniestria", Moldova News, Jul. 19, 2000. In the opinion of the Head of the OSCE Moldovan delegation, Vasile Sturza, the document "says not one word about the date when the withdrawal must begin" and "contains inaccuracy regarding the military techniques, much of which is indicated in tons but not in units, as it would be normal", Document 147.

[1188] 27th CSO Meeting, Jun. 13-15, 1994. "Russia criticised at CSCE for not withdrawing from Moldova", RFE/RL, Jun. 16, 1994; "CSCE forum calls for Russian withdrawal from Moldova", RFE/RL, Jul. 7, 1994; "Russia ready to withdraw troops, arsenal from Moldova", RFE/RL, Jul. 26, 1999, again after the meeting from words to action the distance was insurmountable. On December 22, 1998 Ukraine ratified the "Agreement between the Government of Ukraine and the Government of the Russian Federation on the transit through the territory of Ukraine of the Military Units of the Russian Federation temporarily deployed on the territory of the Republic of Moldova", Document 86.

political settlement as processes that should not hamper each other[1189]. According to the OSCE's Mission, the presence of the 14th Army contributes to the maintenance and solidification of attitudes and political structures incompatible with the principle of the territorial integrity of Moldova. The presence of illegal units in the security zone not under the JCC control, added to other incidents, has made it difficult to find common ground for compromise.

Moldovan authorities have repeatedly accused Transdniestria of uncooperative behaviour, translated in refusals to accept military inspections[1190], violation of the JCC commitments and illegal practices[1191]; and in devising numerous obstacles to prevent the demilitarisation of the security zone[1192]. Moreover, Moldova has asked for more commitment from the Russian Federation to the withdrawal issue, describing its passive attitude as hindering real progress. The use of "general formulas" such as "to postpone", "to take notice of" or "to continue studying" does not reveal the commitment from Russia that Moldova would like to see[1193]. For example, from May 30, 1996, units from the Operational Group moved into the security zone, replacing two peacekeeping battalions scheduled to leave for Russia, without prior consent of the JCC[1194]. Violating the armistice convention of 1992, Russia unilaterally removed troops from the security zone, allowing Transdniestrian units to fill the vacuum[1195]. With this move Russia sought a substantial cut in the tripartite peacekeeping force, alleging financial difficulties and justifying it with the stable situation in the Dniester.

Moldova understood the Russian move as pressure to confer a peacekeeping mandate on part of the 14th Army, in order to mitigate the consequences of its departure. However, Moldova vehemently objects to the possibility of granting legitimacy to the Russian Army's presence in

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[1189] 50th PC Meeting, Journal 50, PC.DEC/94 and 95, Dec. 7, 1995. Previously, the CIO had considered necessary "to explore in a more structured way the assistance that the OSCE can offer in the implementation of the bilateral agreement", *OSCE Newsletter*, vol.2, n.9, Sep. 1995, p.5; 28th CSO Meeting, Prague, Sep. 14-16, 1994, 28CSO/J3, Annex 3; *Lisbon Document 1996*, Lisbon Declaration, parag.21; "Dniester mediators welcome Lisbon Document", *RFE/RL*, Dec. 9, 1996; "... and Moldova", *RFE/RL*, Sep. 20, 1994.

[1190] Ukraine has criticised the prevention of an international assessment Mission from inspecting armaments in Transdniestria as envisaged by the Istanbul decisions. Ukraine has asked for the enforcement of OSCE decisions, particularly the demilitarisation of Transdniestria in order to facilitate the political settlement. Boris Tarasyuk, Foreign Minister of Ukraine, address to the PC in Vienna, "In brief", *OSCE Newsletter*, vol.VII, n.4, Apr. 2000, p.13. "Spanish military inspectors denied entry in Transdniestria", Jan. 26, 2000; "Spanish military commission returns to Madrid after two failures to visit Tiraspol", *Moldova News*, Jan. 27, 2000; "No visiting foreign experts, says Tiraspol", *Moldova News*, May 22, 2000. It should be noted that the group was not made up of OSCE representatives.

[1191] Translated in the presence of military formations in the security zone not under the JCC control and the production of military armaments in the area, discrediting the international mediation and verification efforts, Document 147.

[1192] "Tiraspol will not recognise agreements on evacuation of Russian weapons from Transdniestria", *Moldova News*, Apr. 23, 1999; "Transdniestria dragging the beginning of the security zone demilitarisation", Sep. 15, 1999; "Igor Smirnov's message to Vladimir Putin", *Moldova News*, Dec. 1, 1999; "Transdniestrian leader vetoes OSCE decisions", *RFE/RL*, Dec. 2, 1999; "Gheorge Roman: 'Tiraspol continues violating agreements'", *Moldova News*, May 24, 2000.

[1193] "Russian JCC delegation showing passive attitude to Transdniestria conflict settlement work", *Moldova News*, Oct. 6, 1999.

[1194] Document 146. This kind of move had already occurred in June 1995 when military units from the Russian Federation were converted into peacekeeping forces. Moldova expressed its disagreement, claiming 80% of the soldiers making up the forces were Transdniestrians, Document 85.

Moldovan territory. In November 1998[1196], Moldova withdrew part of its contingent from the security zone, an action hailed by Russia, Ukraine and the OSCE. With this reduction of 150 soldiers and officers, Moldova demonstrated its willingness to begin the demilitarisation process.

The Transdniestrian authorities' agreement in principle to grant access to observers to their military bases in the security zone has been a major improvement, breaking the stalemate. According to Roman, the Moldovan JCC co-chairman, the process of demilitarisation of the security zone "can finally begin", since previously Moldova had no means to verify whether the agreement on Transdniestria's evacuation of armoured vehicles was really being implemented[1197]. Till then, Transdniestria did not guarantee full transparency of its moves in the security zone, while Moldova argued it would only withdraw equipment from the security zone when it had concrete information as regards the moves of Transdniestrian forces.

With the help of international donors[1198], the withdrawal of arms, ammunitions and personnel seems closer. Moreover, as a CBM, on August 3, 1997, the Commander of the Operational Group of Russian Forces invited the Moldovan authorities and the Mission's members to an 'open door day', including a visit to the troop facilities as a measure of confidence and transparency[1199]. Later, a Military Transparency Meeting took place to address the question of the withdrawal of Russian forces and equipment, with the aim of raising the level of trust between the parties[1200], and from November 1998 ten Ukrainian military observers were sent to the security zone to pursue control functions[1201].

The issue of withdrawing the 14th Army is rather complex. Despite some confidence-building signs, arrangements to remove troops from Transdniestria have been slow. Russia lacks adequate military housing for any relocation of the Army's officers, and more than half of the Army is formed by men from the region that for personal reasons do not want to be relocated[1202]. Many officers settled their families in the region and enlisted personnel have been locally conscripted. Hence, withdrawing the force in many ways amounted to an agreement to dismantle the command structure, demobilise forces, and withdraw weapons and stockpiles rather than to withdraw troops. According to Moldovan sources, the absence of weapons and of military

[1195] Document 122.
[1196] "Mediators in Dniester problem hail Chisinau action to cut down troops", *Moldova News*, Nov. 21, 1998.
[1197] "Tiraspol agrees to observers in the security zone", *RFE/RL*, Jan. 20, 2000.
[1198] Donor countries include Germany, Poland, Hungary, the United States, France, the Netherlands, Romania and Sweden, which have offered expertise and technical assistance as regards destruction of material, Document 153. See also "US to finance Russian arsenal withdrawal from Transdniestria?", *RFE/RL*, Jan. 17, 2000; "US to support financially pullout of Russian troops from Moldova", *Moldova News*, Sep. 24, 1999. Moreover, the OSCE has set up a fund to assist the parties remove, destroy or adapt for industrial use the ammunition and equipment. "Moldova: OSCE hopes Putin will act on arms withdrawal", *RFE/RL*, Jun. 7, 2000; "OSCE considers funding Russian withdrawal from Moldova, said William Hill", *RFE/RL*, Nov. 19, 1999, and *Istanbul Document 1999*, Istanbul Declaration, parag.19.
[1199] Document 148.
[1200] "OSCE discusses withdrawal of Russian troops from Transdniestria" and "Moldova: US and OSCE press Russia to withdraw troops", *RFE/RL*, Jul. 10, 1998.
[1201] "Ukraine to send peacekeepers to Transdniestria", *RFE/RL*, Jun. 25, 1998.
[1202] *RFE/RL Daily Report* n.139, Jul. 25, 1994.

personnel would facilitate the negotiation process[1203], a view shared by the Mission[1204] and the Ukrainian mediation[1205].

Despite many obstacles in the military field, some progress has been made. By June 1999, there were eleven control posts instead of forty in the central and southern parts of the security zone and none in the north, where previously there were two[1206]. Moreover, shipments of equipment back to Russia have been resumed. The prospects for launching the process of demilitarisation of the security zone are slightly brighter. However, they will only materialise with the parties' commitment and good will. The Mission can contribute to the promotion of the necessary confidence and offer guarantees for the demilitarisation process, which although forming part of a final settlement, do not represent the final settlement of the conflict.

7.4.5.1. The Mission's military mandate

In the military dimension, the Mission promotes confidence between the parties through the monitoring of the situation in the security zone[1207], the observance of the withdrawal of foreign equipment and the fostering of transparency, and participation in the JCC meetings. Inner problems in the JCC have, from time to time, prevented the Commission's regular functioning. Disagreements as regards the political implementation of decisions in the field, and others of a more administrative character, such as unacceptable proposals of new members to join the Commission, have been obstacles[1208]. The Mission has been attentive to the emerging difficulties and when possible has suggested means to overcome dissension.

The OSCE Mission's contribution to finding consensus within the JCC has proved positive, but not without difficulty. For a long time, the Mission was prevented from participating in JCC meetings and restricted from moving freely in the security zone, which considerably limited its role. These restrictions were in contradiction with the Memorandum of Understanding signed between the Mission and both the Moldovan authorities and the Transdniestrian leadership.

The CSCE plans to sign an agreement with the JCC on principles of co-operation in November 1993, were not put into practice due to the very narrow dispositions as regards the Mission's freedom of movement in the security zone. The Mission, supported by the Moldovan

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[1203] Moldovan sources at the OSCE Seminar on "Inter-relationship between Central and Regional Governments", Chisinau, Jul. 1-2, 1998, p.11.

[1204] Interview with Lt. Col. Lodder, Military Member of the OSCE Mission to Moldova, OSCE Mission office in Chisinau, June 17, 1999. "Withdrawal of Russian troops will ease settlement of Dniester conflict, OSCE expert says", *Moldova News*, May 30, 2000.

[1205] Interview with Eugene Levitsky, Plenipotentiary Representative of the Ukrainian President at negotiations in the Republic of Moldova, Chisinau, June 16, 1999.

[1206] Document 82.

[1207] In this regard, the Mission members hold regular meetings with the Commander of the Operational Group of Armed Forces in Moldova to monitor the situation in the security zone. Example has been the September 23-24, 1996 meeting between the OSCE and the Commander of the Operational Group, "News brief from OSCE Missions", *OSCE Newsletter*, vol.3, n.9, Sep. 1996, p.5.

[1208] For example, stalemate was reached over whether new members of delegations required confirmation before they could take their seats. In order to solve the incident, the OSCE convened a meeting with all

delegation to the Commission, did not sign the agreement, suggesting a concrete and more encompassing proposal for co-operation[1209]. Due to the limits imposed, reports of incidents in the security zone, relating to illegal training of left bank forces by the Russian Army and Cossacks acting as border guards, could not be confirmed by the Mission[1210]. Only on July 20, 1994 did the CSCE formalise its relationship with the JCC through the agreement on the "Principles of Co-operation between the CSCE's Mission and the JCC"[1211]. The document conferred freedom of movement on the CSCE's Mission within the security zone, while still restraining its access to the JCC meetings, which the Mission deplored. In May 1995 the Mission was finally authorised to participate in all JCC meetings[1212].

After the signing of the agreement with the JCC, the conditions for the Mission's participation in meetings and for its free movement in the security zone were improved. However, there were occasions when lack of co-operation prevailed. Impediments on the Mission's visiting peacekeeping forces or attending JCC meetings, through the interposition of minor technicalities, were regretted as undermining confidence and transparency[1213]. According to the Moldovan and the Transdniestrian JCC co-chairmen, these were due to the Mission's attempts to act beyond its mandate, and not renewing the agreement of co-operation with the JCC on time[1214]. Nevertheless, in the Mission's view all requests it made as regards military matters fell within the scope of its competencies, as foreseen in its mandate[1215].

Most difficulties occurred in a specific time period due to major disagreements between the then HoM Ambassador Johnson and the Transdniestrian leadership. After a controversial speech to the OSCE's PC in Vienna on February 20, 1997, in which Ambassador Johnson criticised the Transdniestrian authorities for non-compliance with the electoral process in Moldova and accused Transdniestria of introducing a new weapons system in the security zone[1216], the left bank declared the HoM 'undesirable'. As a consequence, the work of the OSCE's office in

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parties, "Disagreement in JCC threatens peace process in Moldova", *OSCE Newsletter*, vol.5, n.1, Jan. 1998, p.9.

[1209] Document 87.

[1210] 27th CSO Meeting, CSO/J3, Annex 3, "Moldova", Jun. 15, 1994; Documents 124 and 151.

[1211] *CSCE Newsletter*, vol.1, n.8, Sep. 7, 1994, p.3.

[1212] Documents 89-90.

[1213] Documents 84, 91-92. "OSCE representatives not allowed to check arms in Dniester region", *RFE/RL*, Oct. 16, 1996.

[1214] Documents 93 and 126. "OSCE Mission still faces problems" and "OSCE Mission in Moldova to continue participation in JCC", *RFE/RL*, Apr. 10, 1997. According to Vladimir Bodnar, Transdniestrian JCC co-chairman, for an enlargement of practices the OSCE Mission has to negotiate a new document with the JCC. The official stressed the OSCE participates in JCC meetings and can formulate proposals, however, it is not a JCC member, interview with Vladimir Bodnar, Tiraspol, June 15, 1999. "Tiraspol attacks OSCE Mission in Moldova", *RFE/RL*, Mar. 5, 1997 and "OSCE representatives not allowed to check arms in Dniester region", *RFE/RL*, Oct. 16, 1996.

[1215] The Mission was entrusted to "gather and provide information on the situation, including the military situation in the region, investigate specific incidents and assess their political implications", Document 127.

[1216] Document 131. Although Ambassador Johnson did not make direct reference to Transdniestria in his speech, criticism can be read between the lines. See also Letter sent by the Transdniestrian leader Smirnov to Ambassador Johnson, HoM to Moldova, N.2076/11, Mar. 5, 1997.

Tiraspol was suspended[1217]. Transdniestria accused the Mission of falsehood and of taking on a biased and provocative posture. According to Tiraspol, these attitudes undermined the authority of the OSCE's Mission as a mediator in the negotiation process[1218]. These incidents have been overcome, but not without highlighting the importance of the Mission members' personal qualities, as referred to in chapter two.

The Mission's role in the military dimension has thus encountered several obstacles. Besides the above-mentioned aspects, and particularly with regard to the troop withdrawal, the Russian positioning on the issue has also been relevant. The Russian Federation has restrained the OSCE activities in Moldova according to its national interests, by its direct involvement in the field and by rendering difficult the decision-making process in Vienna (with consequences in the field), as analysed previously[1219].

7.5. The OSCE Mission and other international organisations in the field: building collaborative approaches?

This section addresses the Mission's relationship with other international organisations in Moldova, either in the form of a Mission deployment or through the development of co-operation programmes with the local authorities. The aim is to assess whether the co-operative procedures envisaged by the Platform for Co-operative Security and the general principles defined in the Security Model are being applied in the field.

Moldova became a UN member on March 2, 1992. After consultations with the Moldovan authorities, the UNDP office in Moldova began implementation of various projects in the areas of governance and democracy. Some are developed in collaboration with the OSCE's Mission, including reforming the judiciary and legislative systems and local power mechanisms[1220]. The organisation of joint UN-OSCE seminars[1221] and collaboration as regards the Ombudsman institution, for which the UN is providing the necessary financial assistance, are also examples. Moreover, within the context of its civic education project, the UNDP has been promoting working contacts between NGOs on both banks of the Dniester river, in co-operation with the OSCE's Mission. The Mission's office in Tiraspol has been used as an operations centre for the implementation of the project[1222]. The Mission has also established close links with the UNHCR's office in Moldova, benefiting from funding for human dimension activities: for example, the UNHCR-sponsored cultural events, such as large public benefit concerts to raise public awareness

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[1217] Letter from V. Litskai to the Head of the OSCE Mission in the Republic of Moldova, Donald Johnson, unofficial translation by the OSCE Mission to Moldova, N.2076/11, Mar. 4, 1997.
[1218] Document 152.
[1219] Refer to sections 7.4.1.3 and 7.4.5. Refer also to chapter 4.
[1220] Document 103.
[1221] For example, the "Conference on the Protection and Promotion of Human Rights", Jul. 1998.
[1222] *Annual Report 2000 on Interaction between Organisations and Institutions in the OSCE Area*, The Secretary General, SEC.DOC/4/00, Nov. 24, 2000, p.71.

of refugee and human rights issues. The Office and the Mission have also co-operated on the expansion of the linguistic and educational rights of the Moldovan speakers in Transdniestria[1223]. The pursuit of joint projects based on a more efficient resource-sharing and on the comparative advantages of each organisation in Moldova has contributed to a positive implementation of the Platform's provisions.

Moldova joined the Council of Europe on July 13, 1995. Its membership meant international recognition of the country's efforts towards democratisation and the building of civil society. The first goals were to make Moldovan legislation conform with the requirements of international legislation, such as the European Convention on Human Rights, the Framework Convention for the Protection of National Minorities, and the European Convention on the Prevention of Torture[1224]. The programmes for co-operation and assistance envisaged reinforcing, consolidating and expediting the democratic reform process and facilitating the gradual and harmonious integration of Moldova into the processes and structures of European co-operation[1225]. The programmes developed by the Council of Europe in Moldova include the provision of expertise on the drafting of the press law and of legislation relating to the Gagauz minority, and the organisation of a workshop on citizenship problems. The Council of Europe has also been involved in the fight against corruption and organised crime[1226].

As regards the settlement process, the Mission asked for the Council of Europe's expertise on questions relating to the legal status and basic laws. The Venice Commission of the Council has been engaged in Constitutional reform and provides the Mission with support as regards the legal definition of the Transdniestrian status[1227]. The Mission has offered a corner in its Chisinau office to the Council of Europe's representative in the country, and assists visiting representatives from the Council[1228], signalling positive co-operation. In the field, relations between the Council and the OSCE's Mission are co-operative, but at the Secretariat level they should be improved, particularly through the intensification of contacts[1229]. In the Council's sessions, the issue of Moldova has been

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[1223] Idem, pp.70-71.

[1224] "Co-operation and assistance programmes with countries of central and Eastern Europe", Council of Europe, Annual Report 1996, SG/Inf(97)1, p.43; "Assistance to the development and consolidation of democratic security, Political aims and purposes of the programmes of co-operation and assistance with the countries of central and Eastern Europe", Council of Europe, Strasbourg, May 30, 1994, SG/Inf(94)14, p.2.

[1225] "Assistance to the development and consolidation of democratic security, Political aims and purposes of the programmes of co-operation and assistance with the countries of Central and Eastern Europe", Council of Europe, Strasbourg, May 30, 1994, SG/Inf(94)14, p.2.

[1226] "From assistance to democracy to democratic society", Co-operation and assistance programmes for central and Eastern Europe, Council of Europe, p.19 and Appendix VIII, Joint project between the Commission of the European Communities and the Council of Europe on fight against corruption and organised crime in states in transition, Octopus project, SG/Inf(97)1, p.131. See also "EU, Council of Europe launch Octopus II Anti-Crime Programme", Feb. 15, 1999.

[1227] *Annual Report 2000 on Interaction between Organisations and Institutions in the OSCE Area*, The Secretary General, SEC.DOC/4/00, Nov. 24, 2000, p.70.

[1228] *Annual Report 2000 on OSCE Activities*, The Secretary General, SEC.DOC/5/00, November 24, 2000, p.49.

[1229] Interview with Mihaly Toth, OSCE Liaison Officer for Moldova, Conflict Prevention Centre, OSCE Vienna Secretariat, Feb. 17, 1999. Refer to chapter 3, sections 3.2.3 and 3.2.4 for further development.

discussed, though the Council's involvement in the negotiations has been minor[1230]. A new posture is needed, since directives come from the headquarters and a better relationship at this level could be translated into more efficiency in the field.

As regards NATO, Moldova joined the PfP programme on March 16, 1994, but does not envisage membership of the Alliance[1231]. Moldova considers that an enlarged NATO including Ukraine or Romania does not constitute a menace. However, the Moldovan authorities stress that NATO's enlargement should avoid tensions or the creation of new dividing lines, and as such, "Russia's interests have to be taken into account"[1232]. NATO supports the introduction of an international peacekeeping force in Moldova under the OSCE's auspices[1233], considering "the primary role of settling the Transdniestrian conflict is of the competence of the OSCE"[1234]. The OSCE enjoys, therefore, the Atlantic Alliance's support for its activities in Moldova.

On November 28, 1994 Moldova and the EU signed an Agreement for Partnership and Co-operation (APC) which came into force on July 1, 1998[1235]. The fundamental aims expressed in the agreement included the development of political, economic and cultural links between the EU and Moldova; the fostering of economic development by promoting trade and investment links; the support of the reform process in Moldova and the strengthening of political and economic freedoms; and the creation of the necessary conditions for the future establishment of a free trade area between the EU and Moldova[1236]. Despite Moldova's desire to become a member of the EU, President Lucinschi has made clear he does not "consider integration at the expense of the sound collaboration with our neighbouring countries or at the expense of our friendly relationships with Russia and the CIS states. Europe is not only about France and Germany, but about Ukraine and

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[1230] Issues such as the withdrawal of forces and the need to speed up the negotiations have been discussed, "Council of Europe to examine report on Moldova", Feb. 3, 1999; "Moldova asks Council of Europe's help to withdraw Russian troops", Sep. 23, 1999.

[1231] "Moldovan troops to participate in PfP manoeuvres", BBC SWB, SU/2627 S1/8, Jun. 1, 1996.

[1232] Buscher, K., "Republic of Moldova: Foreign and Security Policy", Fact-sheet, SWP-CPN, Nov. 9, 1998, p.8 and interview with Ion Leshanu, Representative of the President of the Republic of Moldova to the Moldovan Expert Group dealing with the settlement, Chisinau, June 14, 1999.

[1233] "CSCE peacekeeping force for Moldova urged", RFE/RL, Nov. 18, 1994.

[1234] "NATO Secretary General in Moldova", RFE/RL, Feb. 14, 2000; "NATO will not get involved in Transdniestrian settlement", RFE/RL, Feb. 10, 2000; "NATO will not keep peace in Moldova", RFE/RL, Jan. 22, 1996.

[1235] 1st EU/Moldova Parliamentary Co-operation Committee, Strasbourg, Oct. 7-8, European Parliament, 1998; "The EU's Relation with Moldova - An Overview, Partnership and Co-operation Agreement", The European Commission, http://www.europa.eu.int/comm/external_relations/moldova/intro/index.html.

[1235] "What is the Partnership and Co-operation Agreement?", A brief guide to the agreement signed between the EU and the Republic of Moldova, European Commission's Phare and Tacis Information Centre, European Commission, 1998, p.3. "In March 2000 will take place a new assistance programme for the implementation of the Partnership Agreement between the EU and Moldova", Moldova News, Dec. 1, 1999.

[1236] "What is the Partnership and Co-operation Agreement?", A brief guide to the agreement signed between the EU and the Republic of Moldova, European Commission's Phare and Tacis Information Centre, European Commission, 1998, pp.3 and 9.

Russia as well"[1237]. The EU has urged the parties to negotiate and find appropriate solutions to the problems under discussion through its representative to the OSCE's PC[1238].

There is impressive co-operation between the OSCE's Mission and the EU. The Mission is entrusted with preparing projects and programmes for the EU to finance, such as the reconstruction of the Gura-Bicului Bridge[1239], or the joint training of cadres from both sides of the Dniester. These projects must be aimed at reintegration, benefiting both parties, the so-called 'welfare reintegration'[1240]. These measures are intended to contribute to the final settlement through the raising of awareness and trust between the parties. Given the large amounts of money involved in the projects, the EU now has a permanent representative in Moldova[1241], who regularly consults with the Mission. The fact that means do not overlap and that the organisations need mutual collaboration in the implementation of common projects renders their relationship positive.

In general the Mission's relationship with the UN, the Council of Europe, NATO, and the EU has been co-operative and has generated positive responses. The framework defining the various links between the Mission and these organisations allows this collaborative attitude, since the issue of competing means does not become relevant. In the end, the OSCE's Mission is strengthened in its activities in Moldova by the co-operative attitudes it has been developing with other international organisations. The Mission benefits particularly from expertise and economic resources, which allow the implementation of a wider number of projects, conferring on the Mission's activities more legitimacy and relevance. Moreover, apart from the benefits arising from the complementary nature of the different efforts, the OSCE enjoys a comparative advantage by its very nature. The non-binding character of its decisions and the fact of not having enforcement means have constituted a strength, allowing its involvement in particularly delicate areas where the Russian interests are clear, with Russian acquiescence. The limits faced by other international organisations, such as NATO, became evident in this regard.

[1237] "President Lucinschi off to Brussels on a three-day working visit", *Moldova News*, Jul. 12, 2000.

[1238] Interventions on behalf of the EU on the situation in Moldova at the PC level urging the return to negotiations, the withdrawal of foreign troops and the finding of a final settlement have been common. For example 18th PC Meeting, Apr. 27, 1995, PC/83/95, EU/France; 30th PC, Jul. 20, 1995, PC/387/95, EU/Spain; 37th PC, Sep. 28, 1995, PC/559/95, EU/Spain; 44th PC, Nov. 9, 1995, PC/665/95, EU/Spain; 90th PC, Oct. 31, 1996, PC/715/96, EU/Ireland; 117th PC, May 29, 1997, PC/453/97, EU/Netherlands; 123rd PC, Jul. 10, 1997, PC/632/97, EU/Luxembourg; 135th PC, Oct. 23, 1997, PC.DEL/80/97, EU/Luxembourg; 142nd PC, Dec. 4, 1997, PC.DEL/117/97, EU/Luxembourg; 163rd PC, Apr. 2, 1998, PC.DEL/121/98, EU/UK.

[1239] Documents 104-105; "Bridge donated by Europeans", *Moldova News*, Dec. 15, 1999; "The EU's Relation with Moldova, An Overview: Transdniestria", The European Commission, http://www.europa.eu.int.

[1240] See Declaration of the Parliamentary Co-operation Committee between the Republic of Moldova and the EU, Strasbourg, Oct. 7-8, 1998 and "National List of Possible Projects for Consideration by International Bodies", OSCE Mission to Moldova, July 28, 1998.

[1241] Interview with Witold Karp, Member of the OSCE Mission to Moldova, Public Relations Officer, Acting Head of Mission, OSCE Mission office in Chisinau, June 14, 1999.

7.6. Other conflict resolution efforts: OSCE collaboration?

The official mediation of the conflict in Moldova is the responsibility of a trilateral group including Russia, Ukraine and the OSCE's Mission. Nevertheless, there are parallel unofficial efforts for the political resolution of the dispute. This section does a brief survey of these efforts with the aim of understanding whether they are complementary or instead compete with the official mediation. The Mission's positioning in the face of the existence of second track mediation in Moldova is also analysed.

In early 1992, Moldovan representatives requested the Inter Community Development Services (ICDS), an adjunct of the Northern Ireland Community Group "Farset", to introduce a community development strategy in Moldova. The aim was to assist a self-help approach to the identification, analysis and addressing of the problems and related needs surrounding the collapse of the Soviet Union and a shared search for resolutions able to satisfy such needs[1242]. By October 1992, Joseph Camplisson, director of ICDS, had received appeals for the assistance of international experts in the resolution of the conflict in Moldova. As a result, the Centre for Conflict Analysis and Resolution, George Mason University, together with the Centre for Conflict Analysis of the University of Kent, Canterbury and Joseph Camplisson formed the team for the conflict resolution process.

Within Moldova, the international effort was joined by the Moldovan Initiative Committee of Management (MICOM) in association with the Joint Committee for Democratisation and Conciliation (JCDC). The international experts have been hosting problem-solving workshops as a parallel process to the negotiations mainly in Canterbury, United Kingdom. More informal in character, these workshops allow a freer expression and exchange of opinions, since they are not restrained by the limits that the OSCE's Mission and the other mediators have. They envisage a deep analysis of the problems, the needs and fears related to them, and the development of skills and proposals[1243].

This effort has been parallel though distinct in essence from the Mission's activity in the country. The Seminars contribute to the analysis of the underlying complexities and reasons for the conflict and the parties' role within it, while the Mission is looking at the Constitutional arrangements for the settlement. Thus, the processes run in parallel and are complementary since they are developed at different levels, by different means, but with the same purpose. The Mission deals with a short-term perspective in the search for a rapid settlement of the dispute, while the Canterbury Seminars envisage the longer-term resolution of the conflict, going further beyond its

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[1242] "Conflict at the Edges of Europe", A shared exploration of deep-seated violent conflicts in the UK (Northern Ireland) and the Republic of Moldova, Springfield Inter-Community Development Project (SICDP) initiative in association with Moldovan Initiative Committee of Management (MICOM), 1995, pp.3-5.
[1243] See Williams, A., "Regionalism and Problem-Solving: The Case of Moldova" for the Workshop "Regional Dynamics: Actors and Strategies", 2nd Pan-European Conference in International Relations, Paris, 13-16 Sep. 1995, p.12.

containment[1244]. Others share the same perception of the complementary character of the two tracks[1245].

The three mediators, Russia, Ukraine and the OSCE Mission, officially support this problem-solving approach. The OSCE Mission has made reference to a feeling of frustration in the face of limited achievements[1246]. Nevertheless, the Mission considers that these efforts have been very helpful since involvement in the negotiations takes place outside the formal intergovernmental institutions. As such, meetings occur in a different atmosphere, allowing unrestricted discussion of alternatives and possibilities[1247]. The fact is that many of the proposals discussed, including ones coming from the Mission, have been later integrated in the expert groups' discussions, constituting a positive outcome from these gatherings.

7.7. The OSCE in Moldova: an assessment

Since the OSCE's Mission was deployed in Moldova, its activity has undergone many improvements and setbacks, which form part of a progressive learning process. This apprenticeship has allowed, in the Mission's view, a clearer understanding of the fundamental issues in Moldova and the clarification of the working relationship between the Mission, the parties and the other mediators[1248]. Nevertheless, in many instances this understanding has not resulted in a more efficient approach to the problems. In the pursuit of its daily activities, the Mission has had to adapt to the changing circumstances and answer them in an efficient manner. Due to the complexity of the events in the field and the Mission's scarce resources, it has been facing difficulties. It has, however, evolved and widened the scope of its activity to build confidence and possibly contribute to the final settlement of the dispute.

Any assessment of the Mission's activity in Moldova must address its all-encompassing mandate and the many projects and initiatives in which the Mission is involved with the final aim of achieving a political settlement. The fact that in the political arena deadlock may prevail does not mean improvements on the human dimension may not occur. As such, an understanding of the Mission's work in Moldova must be framed in its broad context of activity. The Mission is involved in the troop withdrawal process, engaged in raising funds for the restoration of shared

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[1244] "It is important to clarify the nature of the issues, who is involved, who has to search for solutions, how the parties perceive their own and the other positions and what sort of mechanisms are necessary to implement any resolution", Camplisson, J. and Hall, M., *Hidden Frontiers, Addressing Deep-Rooted Violent Conflict in Northern Ireland and the Republic of Moldova*, Island Pamphlets 16, Island Publications, Jul. 1996, p.21.

[1245] Williams, A., "Conflict Resolution after the Cold War: The Case of Moldova", *Review of International Studies*, n.25, 1999, p.74; Camplisson, J. and Hall, M., *Hidden Frontiers, Addressing Deep-Rooted Violent Conflict*, pp.23 and 40.

[1246] Document 130.

[1247] Interview with Witold Karp, Member of the OSCE Mission to Moldova, Public Relations Officer, Acting Head of Mission, OSCE Mission office in Chisinau, June 14, 1999. See also Documents 83, 106 and 130.

[1248] Interview with Witold Karp, Member of the OSCE Mission to Moldova, Public Relations Officer, Acting Head of Mission, OSCE Mission office in Chisinau, June 14, 1999.

infrastructures, dealing with complaints as regards human rights violations, and assisting the sides to find an acceptable political agreement to the conflict. The Mission's input for overcoming differences in Moldova has, therefore, assumed different angles, ranging from confidence-building to advising on legislative matters, human rights and fostering dialogue, which reinforce community-building.

The Mission's relationship with other OSCE institutions in the field as well as international organisations in supporting reforms and improved governance in Moldova proved positive, highlighting the comparative advantages of the different organisations and how the combination of efforts might bring positive results, as analysed before[1249]. The ODIHR, the HCNM, the Representative on Freedom of the Media and the Parliamentary Assembly have strengthened the Mission's activities in Moldova by the complementary nature of the efforts developed. As regards the OSCE Mechanisms, as in Estonia, no other Mechanism has been made operational apart from the Moscow Mechanism, which was applied before the deployment of the Field Mission to evaluate the conformity of the Moldovan national laws with those internationally recognised on human rights. On the contrary, the Code of Conduct and the CFE provisions have become a source of pressure with regard to the troop withdrawal process[1250].

As regards the political negotiations on the settlement of the conflict, the Mission has been facing numerous obstacles. It lacks the power of persuasion and enforcement mechanisms and is dependent on the political will of the organisation's participating states, which include one of the parties in the conflict and the other two mediators, to adopt any decision on Moldova. In this context, decisions have not been far reaching, with no rigorous schedules or detailed measures for the political settlement. The Russian reluctance to withdraw its troops from Moldova has been an example. Despite the Russian reluctance to allow detailed decisions to be approved at the OSCE's meetings, the fact is that the OSCE deployed a Mission in Moldova and became involved in the political negotiations. Moreover, the organisation's participating states adopted various decisions on Moldova, in particular as regards the withdrawal of Russian troops and equipment with Russian consent. This has demonstrated the value of OSCE norms, as discussed previously.

In the field the Mission has been carrying out its crisis management activities, according to its mandate and within the limits imposed by the environment where it acts. Its activities, directly or indirectly related to the political settlement, have come across the implementation problem. This has revealed how dependent the Mission is on the parties' political will to solve the dispute. The success of its efforts can only be achieved with the commitment of the parties to implement negotiated agreements in good faith.

According to the Mission, the final settlement must be based on the mutual consent of all the major players, must be democratic and characterised by civilised and meaningful power-

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[1249] Refer to sections 7.3.2 and 7.5.
[1250] Refer to section 7.4.5 for further development.

sharing arrangements[1251]. However, the OSCE has no sanctioning mechanisms to enforce implementation in the face of non-compliance, has a restricted budget and no military apparatus of its own, qualities which also explain its limited power of persuasion as regards the implementation of agreed commitments. The OSCE has few 'carrots or sticks' to reward or punish the parties for their conduct. The Mission is, therefore, faced with a paradox. On the one hand, the Mission is aware of the problems, acknowledges the parties' different perspectives and has even formulated suggestions for the settlement. On the other hand, the Mission is also aware of its limitations as a mediator to influence and persuade the parties to compromise. Despite knowing the problem and even suggesting remedies, the OSCE's Mission understands the cure is not in its hands.

Despite the lack of progress in negotiations, signs of flexibility from both sides are perceivable. Both parties acknowledge the existence of fundamental problems, still without agreement. However, they also emphasise accomplishments as regards openness to dialogue, military improvements translated in the reduction of the number of peacekeeping forces and control posts in the security zone, amelioration of the situation in the left bank schools, re-construction of shared-infrastructures, the signature of economic and social agreements and above all, the halting of armed conflict and the maintenance of peace. Despite the slowness of negotiations and many setbacks, there have been noticeable improvements which mean the parties are coming closer. The step-by-step approach introduced in the negotiating process has proved positive and contributed to confidence-building.

The Mission has been a vehicle for the internationalisation of the conflict, conferring international significance on negotiated documents between the parties. The OSCE is also a forum for permanent pressure, both in Vienna and in the field, through information exchange, recommendations and resolutions on various issues related to the conflict. The conflict settlement role of the OSCE in Moldova includes the Mission's activities and the joint efforts developed with other OSCE institutions in the field in a co-ordinated way. The combination of these efforts has revealed its strength in allowing a more encompassing approach of the Mission to the problems in the field, not only as regards the political negotiations, but also as concerns the human dimension, military and economic aspects, contributing to a positive assessment of the OSCE in Moldova as a vehicle for the promotion of dialogue and stability-building. In this regard, the complementary approach developed between the OSCE's Mission and institutions in the field with other international organisations has demonstrated the mutually-reinforcing benefits arising from co-operation, particularly at the level of resource-sharing, funding and expertise.

[1251] Interview with John Evans, Head of the OSCE Mission to Moldova (on the occasion of the 5th anniversary of the Mission, 50th of Evans), May 1998.

7.8. The future

Events in the Republic of Moldova have proved too intricate to be easily solved. A complex network of aspects of different natures and on various levels has prevented the parties involved from reaching an agreement. Lack of democratic experience, the search for political influence and economic power, and the presence of foreign troops and armaments play their part in the process. Despite signs of optimism and flexibility, the parties and the mediators agree it could still take a long time to solve disagreements.

The prospects are not bright. There remain substantial obstacles as regards the definition of a special status for the left bank and the division of competencies, reflected in the disrespect of signed agreements. The demand for guarantees to the final agreement and discord over its form and content show clearly the lack of confidence and self-esteem between the parties. Mutual accusations of uncooperative behaviour are frequently exchanged and the parties have resorted to artificial obstacles to impede progress in negotiations, preventing the implementation of negotiated agreements[1252]. Lack of experience and professionalism, and the understanding of the other as the enemy, with a consequent drop in trust, also block implementation.

Non-implementation calls into question the parties' willingness to compromise and their good-will when putting a signature to a document. No progress will proceed from the signing of documents at the highest level just to show the international community and the mediators how committed the parties are to finding a solution, but without follow-up. Documents negotiated and signed by the parties attempt to define their relationship, building on that to develop a commonly-accepted framework. However, disagreements emerge from the very basic notion on which the parties should build their relationship: between two equal partners or from centre to region? Chisinau regards the left bank as subordinated, while Tiraspol sees Moldova and Transdniestria as equal partners. As long as this fundamental contradiction is not overcome, the finding of substantial agreement will not be possible. Moreover, the current peaceful situation draws attention to the risk of institutionalisation of practices and attitudes, which may possibly lead to frustration and extremism on both sides.

One of the main challenges is, therefore, to build trust between the parties. It demands a dynamic and constructive dialogue, and more transparency in attitudes and concepts. To overcome mistrust, a step-by-step approach is required but not sufficient. The mediators must be able to formulate creative proposals, while the parties must show flexibility and political will to compromise. A new attitude of co-operation allied to appropriate preparatory work from both sides to work out the final agreement, is required. Chisinau and Tiraspol's willingness to solve the dispute, despite the powerful pressure groups, must be clear and include mutual concessions. So

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[1252] OSCE Secretary General Ambassador Giancarlo Aragona, Document 111.

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far, their determination to reach a final settlement has been questionable. As an OSCE representative suggested "we do not lack words or proposals or commitments. We lack action"[1253].

The mediators, Russia, Ukraine and the OSCE's Mission, have been pursuing the fundamental tasks of encouraging dialogue and offering proposals for discussion. However, due to the very nature of their mediation role, it is up to the parties, Moldova and Transdniestria, to reach a final settlement to the conflict. Nevertheless, the limitations of the mediators have been clear. The Mission's efforts have not been crowned with the success desired, but neither have Ukraine or Russia managed to find a viable and acceptable solution, which in fact ultimately resides with the parties. It is only their willingness to implement signed accords and solve the conflict that will put an end to years of political, social and economic dispute in Moldova.

Reaching a political settlement is not sufficient, but it is a necessary condition for economic recovery, including the harmonisation of economic and financial systems possibly through the establishment of a central budget and unified currency. This would allow eligibility for international funds and investment, and the restructuring of the social sector through the creation of employment opportunities, the payment of salaries and pensions in arrears and the institutionalisation of an equitable health and social care system. Grass roots progress is also fundamental, based on a constructive understanding of the other to allow future generations to live in peace. After a final document is signed, the Mission envisages assisting both parties to attract foreign investment and to rebuild and recover from years of political disputes and economic recession. Overcoming the major disagreements related to the status and division of competencies through the formulation of a document acceptable to both parties would constitute the real breakthrough in the settlement of the Moldovan conflict. It would also mean a new beginning in the Moldovan-Transdniestrian relationship.

[1253] Statement by Ambassador David T. Johnson from the US Mission to the OSCE, Document 158.

Chapter 8 Prospects and conclusions

This thesis analysed the role and significance of the OSCE in the former Soviet space, with the aim of clarifying the organisation's contribution to stability and peace in the area. Despite the OSCE's evolution and the establishment of permanent institutions, the organisation retains much of its Conference past, as shown by its decision-making procedures and the importance of dialogue at the diplomatic level. Moreover, the equal status of participating states within the organisation has remained unchanged since the signature of the Helsinki Final Act in 1975. However, despite this commitment to the past, the organisation has shown itself capable of evolving and rendering operational a series of new tools and procedures to respond to the post-Cold War challenges.

The OSCE has developed a complex decision-making and operational structure to support its activities in the main areas of preventive diplomacy, crisis management and post-conflict rehabilitation. The new institutions of the HCNM, the Representative on Freedom of the Media and the ODIHR are examples of the innovative ways found by the OSCE to address the challenges in its area. The deployment of long-term Field Missions has proved to be a fundamental tool of the OSCE through their flexible nature, monitoring role and non-forceful broad mandates, which have allowed a new type of involvement. The international presence embodied by these Missions, along with the multi-faceted goals and approaches they pursue, have made the OSCE's Missions an asset and a relevant contribution to stability in Europe. The combination of the Field Missions' activities with those of other more specialised OSCE institutions have been of most relevance for the overall performance of the organisation, demonstrating the putting into practice of its encompassing understanding of conflict and security, as analysed in the introductory chapter.

An understanding of the OSCE's role in the former Soviet space requires, therefore, an encompassing analysis of the OSCE in its possibilities and limitations, including the environment in which it acts, and the players with which it interacts. It should therefore correspond to the complex network of relations framing the OSCE's activities in the former Soviet Union.

The dissolution of the Soviet Union and the emergence of the new independent republics in the former Soviet space deeply changed European affairs. The OSCE responded to the new problems with an encompassing mandate based on the organisation's fundamental principles and goals, by addressing needs and fears, by seeking to overcome tensions and difficulties through the peaceful settlement of divergence and through the fostering and implementation of confidence-building measures. OSCE involvement in many of the new republics of the former Soviet Union assumes different contours according to the local problems and needs. As analysed before, the OSCE's role in Estonia, Latvia, Belarus and Ukraine is of a preventive nature, while the organisation's activities in Georgia, Moldova or Nagorno-Karabakh fall within conflict settlement. Currently, the OSCE's role in Tajikistan is one of post-conflict rehabilitation. The diversity of the

problems demands diversity in responses. Therefore, the OSCE mandates are comprehensive and flexible. OSCE activity in the field might be seen as a test case of the organisation's ability to render agreed commitments operational. The case-studies clarify the organisation's different roles.

The OSCE's Mission to Estonia was deployed in a context of inter-ethnic tension between Estonians and non-Estonians and at a higher level between the Estonian and the Russian Governments. The nature of the Mission's involvement at the time was mainly preventive, with the aim of reducing tensions between the different communities in the country. The OSCE has concentrated its efforts on legislative adaptation with the High Commissioner's support, and on measures to alleviate inter-ethnic tensions and establish an environment conducive to peaceful co-existence. In the Republic of Moldova, the OSCE's Mission was deployed at a time when armed confrontation had occurred and a cease-fire had been brokered under the auspices of the Russian Federation. The Mission was therefore entrusted with the task of facilitating the political settlement of the conflict, including a series of military, human and other initiatives with the aim of raising confidence between the parties in order that the necessary conditions for the final settlement might be met. The crisis management role of the OSCE's Mission to Moldova, with the added ingredient of post-conflict rehabilitation activities, despite the not-yet-settled dispute, is distinct from the preventive diplomacy role of the Mission to Estonia.

OSCE activities in the field, through the organisation's norms and procedures, the Missions deployed, and their interaction with other OSCE institutions, have revealed not only its possibilities, but also its limitations. The all-encompassing nature of the OSCE in both membership and mandate constitutes an asset in the organisation's approach to the issues, permitting an enlarged reach of its principles and decisions. For example, the role of the OSCE Offices in Central Asia, with the aim of promoting inter-regional co-operation, reflects the OSCE's efforts in expanding its commitments to the vast and heterogeneous area it represents[1254]. The inter-relation between the OSCE's different but complementary dimensions, linking progress in the human dimension to improvements in economic policies or military options, is an example of the OSCE's comprehensiveness. It becomes clear in the Field Missions' mandates, reflecting the all-encompassing understanding of security promoted by the OSCE, as referred to in the introductory chapter. Moreover, the intrusive character, added to the human and military dimensions, complements the OSCE's approaches, by monitoring compliance and contributing to the building of stability in its area.

The new tools developed by the OSCE to address post-Cold War challenges, particularly the Field Missions, the HCNM, the ODIHR, the Representative on Freedom of the Media and the Parliamentary Assembly, have become fundamental assets of the organisation. The complementary approaches developed between these institutions and with the Missions deployed in the field have proved their usefulness for the more encompassing and far-reaching possibilities this relationship

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[1254] Refer to chapter 5, section 5.3.

implies. The specificities of these institutions strengthen the Missions' activities, by allowing a deeper addressing of the problems. The High Commissioner's advisory role in Estonia, monitoring compliance of Estonian legislation with the international standards, is an example. The OSCE can therefore draw on these institutions as well as on its principles and norms to implement its mandates. However, in the addressing of tensions and conflict, the OSCE has in many instances been confronted with a gap between capabilities and needs.

The OSCE efforts towards institutionalisation have revealed limits. The Valletta and the Berlin Mechanisms, the Court on Conciliation and Arbitration and the possibility of deploying peacekeeping forces under the OSCE's auspices, have never been rendered operational. The vague and inadequate formulation of the Valletta and Berlin Mechanisms explain their non-appliance, and the legally-binding character of the Court on Conciliation and Arbitration's decisions and its state-centric approach may be found as justifications for its non-activation[1255]. These examples demonstrate how the OSCE's politically-binding nature and not only the inter-state but also intra-state nature of its commitments is fundamental. Moreover, the political will of participating states to implement OSCE commitments is also relevant. The obstacles to the deployment of a peacekeeping force under the OSCE's auspices in Nagorno-Karabakh are an example of this[1256]. These difficulties have direct parallels in the field, where the OSCE's Missions have also faced problems.

OSCE field activities are constrained by the level of receptivity and collaboration of the receiving country, and by the context in which they operate. In this regard, whether the Mission is addressing tensions or a conflict situation, fostering dialogue or searching for agreement between disputants, acting in a friendly or hostile context, are all relevant issues. Moreover, the Missions' activities are developed in an integrated environment, where the Russian Federation and the interplay with other international organisations are important elements.

The organisation's broad membership and its consensus decision-making have proved to be an asset in addressing a vast range of issues and in finding a strong support basis for the OSCE's decisions. Nevertheless, they have had the negative effect of not allowing the adoption of clearly-formulated and goal-oriented resolutions. The vagueness, and in some instances ambiguous decisions, have raised the issue of non-implementation or distorted implementation. At times signalling a lack of understanding in Vienna of events in the field, and at others demonstrating the reluctance of the participating states to allow closer scrutiny of their actions, consensus decision-making has been a controversial aspect within the organisation[1257] with repercussions at the field level. The withdrawal of Russian troops from Estonia and the current difficulties in withdrawing troops and armaments from Moldova illustrate this. Despite repeated calls for the withdrawal of

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[1255] For more detail refer to chapter 2, section 2.4.3.
[1256] Refer to chapter 5, section 5.3.2.2.
[1257] Discussions over the possible modification of the decision-making procedures have occurred, though the continuity option has prevailed. The reasoning includes the equality of participating states and the political and moral value that a decision made by 54 states carries, as analysed in chapter 2.

the troops and equipment, Russia has been acting according to its national interests, balancing its own policies with the international community's concern. Despite the OSCE's limits on the issue, the organisation's pressure and monitoring have been sources of discomfort for Russia. This issue reveals the fundamental aspect of the political commitment of participating states to implement agreed commitments, without which the OSCE's decisions will have a limited value.

The OSCE's tight budget and the lack of specialised personnel have also limited the organisation's reach. Subsidiary staff seconded from national Governments to integrate long-term Missions in the field are often unaware of the root problems in the receptor country. Inexperience makes it hard to implement the organisation's commitments professionally. Problems arise not only as a consequence of the lack of specialised staff, but also from the high turnover of staff and need for rotation at the administrative level. Moreover, the lack of a closer relationship between the field and the Secretariat, aggravated in certain instances by the non-existence of a clear understanding in the Secretariat of the problems in the field, may also call into question the efficiency of efforts to address difficulties. Relying on knowledge as it does, the OSCE's field-Secretariat-participating states' interplay is fundamental for an integrated approach with positive results.

A co-ordinated and timely addressing of the issues at the different levels is fundamental. The Field Missions' contacts with the CPC and the submission of reports should be regular and detailed, and the Liaison Officers at the Secretariat should maintain links with the field and with the organisation's participating members in a dynamic way. The field-Secretariat-participating states link must be bi-directional, including not only a field-Vienna liaison, but also a Vienna-field response. The decision-making process should therefore embrace not only input from the field and communications from the HoM, but also feedback from the decision-making level. Visits from OSCE high representatives to the field, and particularly from the Liaison Officers, are fundamental in this regard, allowing a closer relationship between the field and Vienna. The examples of the Liaison Officer who had never been to the field or of the Vienna difficulties in clearly understanding the problems in the field, reflect a deficient relationship restraining the reach of the OSCE both in the field and at headquarters.

The Russian Federation's involvement in the former Soviet area conflicts, as well as other international organisations, also conditions the OSCE's efforts, at times limiting and at others strengthening them. Working for the same goal of building stability and a peaceful Europe, the methods and emphasis of the UN, the EU, NATO, the Council of Europe and the OSCE vary. It is in this variety that their strength can be found. The "Document Charter on European Security", consolidating the OSCE's self-defining effort in post-Cold War Europe, has dealt in detail with the organisations' relationship and the problem of competition. It has suggested measures for co-operation to allow the establishment of a system of interlocking institutions under the Platform for Co-operative Security. Improvements have been made, noticeably at the level of information exchange and resource-sharing, and the tendency has been to replace competition by co-operative

approaches. However, distrust and favouritism are still perceptible in their relationships, both at headquarters and in the field.

In the former Soviet area, despite some problems particularly in Georgia, where the OSCE's role in Abkhazia has been downgraded by the UN's involvement, or in Estonia, where other international organisations are preferred to the OSCE by the national authorities, in general the OSCE's activities benefit from the other organisations' involvement. The case of Moldova is such an example, where the Mission is strengthened by co-operation with the EU, the UN and the Council of Europe, particularly as regards funding and legal expertise. As such, the OSCE's activities in the former Soviet space have been a complement to the European security architecture, with the added value of becoming involved where the others are not willing or not allowed to do so, as analysed previously[1258].

The Estonian drive to join the EU and NATO has implied the fulfilment of specific criteria, including legislative adaptation, an aspect where collaboration between the EU and the OSCE gains relevance. The Estonian efforts include compliance with the HCNM's recommendations and the OSCE's principles in general, reflected in the consolidation of democratic principles and procedures. In this regard, the OSCE's Mission to Estonia is strengthened by the co-operative approaches it develops not only with the EU, but also with other organisations, for example as regards the promotion of language training.

The ambiguous positioning of Russia in the face of the OSCE's involvement in the former Soviet Union has called into question the official attitude of the Russian Federation within the OSCE and towards the organisation in the field, varying from co-operation to competition according to the flow of Russian interests. This ambivalent policy affects the OSCE's role in the former Soviet space, where Russia enjoys considerable preponderance. The hindrance of more objective decisions due to consensus decision-making is an example of this. The Russian positioning *vis-à-vis* the OSCE in Vienna is also reflected in its relationship with the Missions in the field, having the double effect of constraining or strengthening the OSCE's performance both at headquarters and in the field.

In the field, Russia either relates to the OSCE's Missions at the mediation level, such as in the Republic of Moldova, or enjoys the OSCE's mediation in finding solutions to matters of dissension, such as in Estonia. Moreover, the perception of OSCE involvement in the new republics' problems differs according to their nature, sometimes welcomed by Russia and at other times a source of its criticism. On the one hand, Russia has been pressuring for the OSCE Mission's permanence in Estonia, understanding it as a guarantee against discriminatory practices towards Russian-speakers in the country. On the other hand, the Russian authorities have limited the OSCE's involvement in Chechnya and Moldova. The issue of Russian troop withdrawal from

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[1258] Refer to chapter 3, section 3.3 and chapter 4, particularly section 4.2.4.2.

Moldova and Russian involvement in the armed conflict back in 1992 set the context for the difficult OSCE-Russia relationship, as analysed in chapter seven.

As regards the republics' relationships with Russia, these also vary. While Belarus promotes close relations, neither Estonia nor Moldova are particularly satisfied with Russian involvement in their national affairs. The Estonian authorities accuse Russia of attempting to extend its influence over the country, based on continuous charges of discrimination against Russian-speakers. The Moldovan authorities regard the permanence of Russian troops on their soil as a sign of Russian intentions to maintain their influence in the country's developments, as happened at the time of the Russian intervention in the armed conflict on the side of the secessionists. The support provided to the left bank's leadership was not welcomed by Chisinau and was understood as a clear sign of Moscow's hegemonic ambitions. The stationing of Russian troops in the newly independent republics of Estonia and Moldova after the end of the Soviet Union was a common problem. Despite much controversy, the issue in Estonia has already been solved, while in Moldova the Operational Group of Russian Forces is still in place. The OSCE's involvement in the withdrawal of troops from Moldova, both in the field and in Vienna, has been clear, though the results have not reflected the organisation's efforts.

The OSCE remains a fundamental forum for discussion and information-sharing, strengthened by its membership, the politically-binding nature of its decisions and its non-enforcing character. As a common rather than as a collective security forum, the OSCE lacks a tight supervision system. It is an organisation based on negotiation rather than on confrontation. The OSCE does not have enforcement powers such as the possibility of imposing sanctions over a transgressor or non-implementing state, being much dependent on the participating states' political will to implement agreed commitments. In this regard, the question of which 'carrots-and-sticks' the OSCE can employ becomes relevant.

Not fearing any type of retaliation due to non-compliance, participating states may show a propensity not to comply when in some way their interests collide with those of the organisation. Despite the consensus procedure, several decisions are made on account of the moral and political weight pending on a vetoing state. Therefore, the OSCE carries the weight of fundamental agreements signed between its participating members, which, because of their consensual character and ample reach, are of the utmost relevance to security in Europe. Despite non-implementation, the fact is that norms have been adopted, are legitimate and participating states have no veto right over them. Moreover, the OSCE enjoys implementation verification means such as review meetings, discussions at the PC, the FSC, Ministerial and Senior Council Meetings, and the intrusive character added to its human and military dimensions. These verification means allow moral pressure to be exerted on non-compliant participating states.

If not having enforcement powers on the one hand prevents the organisation from exerting more direct and stronger pressure over those who do not comply with the agreed commitments, then on the other hand the organisation would probably not have been able to formalise

agreements and become actively engaged in the former Soviet area if this were an OSCE prerogative. The reluctance of some republics, and in particular of the Russian Federation, as regards the deployment of an OSCE Mission in their territories would be much greater, calling into question the OSCE's ability to influence developments in the area. The Russian Federation's acquiescence to the deployment of the OSCE Assistance Group in Chechnya is an example. In this sense, what could be defined as the OSCE's greatest weaknesses reveal its possibilities for addressing problems in the former Soviet space, becoming a source of its success. Again the uniqueness of the OSCE becomes relevant, as analysed before.

What, then, are the main lessons to be drawn from the OSCE's activities in the former Soviet space? Have OSCE efforts and the appliance of its new tools been positive in addressing the problems? This analysis has demonstrated the OSCE's possibilities as regards preventive diplomacy, with varying degrees of success[1259], and its limitations concerning crisis management. The nature of the OSCE, the organisation's tools, its decision-making by consensus, the politically-binding character of its decisions, and its non-enforcement means are fundamental factors in explaining this discrepancy.

The OSCE's role in Estonia is of a preventive nature. The tools the OSCE enjoys in this regard, particularly the Field Mission deployed to Estonia in combination with the role of the HCNM, the ODIHR and the Parliamentary Assembly's support and reliance on the organisation's norms and procedures, including the intrusive character of its human dimension commitments, have been fundamental. The Mission, with the High Commissioner's support and relying on OSCE norms and principles, managed to foster improvements in the Estonian-Russian relationship and inside Estonia between the Estonian and the non-Estonian communities. It was from the integrated approach the OSCE developed to address the problems in Estonia that the positive outcomes associated with its activities emerged. The OSCE's tools for the prevention of conflicts have been tested with success, despite many adverse conditions, particularly in the case of the Estonian-Russian relationship. Early warning mechanisms are fundamental for the prevention of escalating tensions, and in this regard the OSCE should be proactive, avoiding "being woken up to potential crisis by the CNN!"[1260]. It should, nevertheless, be noted that the OSCE is very much dependent on the participating states' will to act in an efficient manner. Despite the organisation's power of initiative, in the hands of the CIO or the HCNM, for example, the organisation is ultimately responsible to its participating states, who decide by consensus in which activities the OSCE should become involved.

In the Republic of Moldova, the OSCE's role in crisis management has been questionable. Apart from the irrelevance of the OSCE mechanisms for the peaceful settlement of disputes in this regard, the OSCE as a mediator is very dependent on the external environment where it acts,

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[1259] Refer to chapter 5, section 5.3.1.2 for an example in this regard.

including the Russian Federation and the other mediator, Ukraine, as well as the parties' views on the conflict. In this regard, the Moldovan and the Transdniestrian disagreements have been an obstacle. The OSCE's Mission has suggested proposals for negotiation and encouraged dialogue when difficulties have arisen, but as it does not enjoy enforcement powers or legally-binding decisions, its pressure effect has been limited. Despite the Mission's limitations in regard to the settlement of the conflict, its presence in Moldova has had positive effects. The all-encompassing approach pursued by the Mission, including activities on the human dimension or its involvement in rebuilding projects may contribute to improved confidence, required for a final settlement. Therefore, although in pure crisis management terms the OSCE Mission's role has been limited, given the numerous activities developed by the Mission in the country with the aim of fostering confidence and establishing an environment prone to successful negotiations, the Mission's contribution should not be understated.

Despite criticism and praise, the OSCE remains a privileged forum for addressing problems in the new independent republics, rendering operational its mandates in conflict prevention, crisis settlement and post-conflict rehabilitation. It cannot be perceived as a threat by its own nature, nor can it be regarded as irrelevant for its contributions to stability-building in the area. The OSCE's role in the transition efforts of the new independent republics of the former Soviet Union is relevant, but it does not exhaust the organisation's possibilities in the area. OSCE activity includes a broad range of issues, from the human dimension to military, political and economic aspects. It also carries the weight of fundamental agreements between its participating members, which because of their consensus character and ample reach are of the utmost relevance for security in Europe. The Missions currently deployed may be closed, others opened and the dynamics of international politics will dictate the different needs of the OSCE's participating states. Nevertheless, the OSCE's presence may be translated in a different functioning of the long-term Missions, as exemplified for instance by the current OSCE deployment in Ukraine or the suggestion made by the President of Estonia to convert the Mission to the country into a research project addressing human dimension issues[1261].

The development of the CSCE into the OSCE and the process the organisation has been following, characterised by the adoption of a series of new mechanisms and procedures, is not complete. The OSCE has shown flexibility and a capacity to adapt to new challenges, within limits and with restraints. Given the course run so far it is not to be expected that the OSCE will reach a point where no other alternatives or tools may be suggested. It will be international conditions and the participating states' will that will determine the evolution of the organisation at all levels, including membership, administrative and executive functioning, and the geographical and operational reach of the organisation's activities. The OSCE has demonstrated its relevance in the

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[1260] Address by Professor Geremek, OSCE CIO, to the PC on the need to strengthen OSCE performance in conflict prevention and developing comprehensive security, Vienna, 173rd PC Meeting, PC.JOUR/173, Jun. 17, 1998.

midst of various international organisations dealing with security in Europe, has affirmed its usefulness in addressing the problems in the former Soviet Union, and has shown its flexibility and capacity to adapt. Now, only time will tell what the OSCE may become in the future.

8.1. Future work

This analysis opens the door to numerous questions, particularly as regards the future direction of the OSCE. One must keep an eye on developments in the former Soviet space as regards events inside the former Soviet republics, their relationships with neighbouring countries and the world, as well as the Russian Federation's evolution and policy-making towards these republics and the OSCE. As analysed in this study, Russian policy-making shifts according to different pressures and the way it will evolve is fundamental for defining Russia's positioning in the former Soviet area. The clarification of tasks among international organisations through growing inter-connection and joint activities, along with the impact and reach of the Platform for Co-operative Security, are also interesting aspects in defining the OSCE's place in the European security architecture and its validity in the former Soviet space. Moreover, following the OSCE's evolution in this general context, particularly as regards new forms of OSCE involvement in the field, new possibilities *vis-à-vis* the organisation's functioning and implementation issues are very relevant. Many questions arise as regards the future, which only the future will be able to answer.

[1261] Refer to chapter 5, section 5.3.1.1 and chapter 6 for more detail on Estonia.

List of Abbreviations

APC	Agreement for Partnership and Co-operation
CALO	Central Asian Liaison Office
CBM(s)	Confidence-Building Measure(s)
CFE	Conventional Forces in Europe
CIO	Chairman-in-Office
CIS	Commonwealth of Independent States
CMB	Citizenship and Migration Board
CPC	Conflict Prevention Centre
CSBM(s)	Confidence and Security Building Measure(s)
CSCE	Conference on Security and Co-operation in Europe
CSO	Committee of Senior Officials
EAPC	Euro-Atlantic Partnership Council
EU	European Union
FSC	Forum for Security Co-operation
HCNM	High Commissioner on National Minorities
HLPG	High Level Planning Group
HoM	Head of Mission
ICDS	Inter Community Development Services
JCC	Joint Control Commission
JCDC	Joint Committee for Democratisation and Conciliation
MICOM	Moldovan Initiative Committee of Management
NATO	North Atlantic Treaty Organisation
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Co-operation in Europe
PfP	Partnership for Peace
PMR	*Pridnestrovskaia Moldavskaia Republika*
REACT	Rapid Expert Assistance and Co-operation Team
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNHCHR	United Nations High Commissioner for Human Rights
UNMOT	United Nations Mission to Tajikistan
UNOMIG	United Nations Observer Mission to Georgia
USSR	Union of Soviet Socialist Republics
WEU	Western European Union
WWW	World Wide Web

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	http://www.odci.gov/cia/publications/pubs.html
Estonian State Web Centre	http://www.rrik.ee/engno/
Ministry of Foreign Affairs of Estonia	http://www.vm.ee
Open Estonian Foundation	http://www.oef.org.ee
UN in Estonia	http://www.ciesin.ee/undp/un
UN Mission to Moldova	http://www.un.md
Transdniestrian Homepage	http://www.olvia.net.md

International organisations:

Council of Europe	http://www.coe.fr
EU	http://www.europa.eu.int
NATO	http://www.nato.int
OSCE	http://www.osce.org
UN	http://www.un.org
WEU	http://www.weu.int

News:

Baltic Times	http://www.baltictimes.com
CNN news	http://customnews.cnn.com/cnews
Estonian Review	http://www.vm.ee/eng/review/2000/
Financial Times	http://www.financialtimes.com
Moldova News	http://news.ournet.md
Reuters	http://www.reuters.com
RFE/RL	http://www.rferl.org
Washington Post	http://www.washingtonpost.com

Other:

British American Security Information Council	http://basicint.org
Central Intelligence Agency	http://www.cia.gov
Centre for Strategic and International Studies	http://www.csis.org
IMF	http://www.imf.org
Transn. Found. for Peace and Future Research	http://www.transnational.org
US Department of State	http://www.state.gov
World Bank	http://www.worldbank.org

Annex

Annex 1 Chart of OSCE structures

Line of Command	
Provides Support	

Summit
Meeting of OSCE Heads of State or Government

Ministerial Council
Meeting of OSCE Foreign Ministers

Senior Council
Periodic high-level meeting of Political Directors and annual Economic Forum

Permanent Council
Regular body for political consultation and decision-making (weekly)

Forum for Security Co-operation
Regular body for arms control and CSBMs (weekly)

Chairman-in-Office
Austria (2000)

Troika
(Norway, Austria, Romania)

OSCE Parliamentary Assembly
Copenhagen

Personal Representatives of the CiO

Office for Democratic Institutions and Human Rights
Warsaw

OSCE Representative on Freedom of the Media
Vienna

Secretary General
Vienna

High Commissioner on National Minorities
The Hague

OSCE Secretariat
Vienna

Liaison Office in Central Asia Tashkent	Prague Office

OSCE Missions

OSCE Missions in:
- Bosnia and Herzegovina
- Croatia
- Estonia
- Georgia
- Kosovo, Sandjak and Vojvodina*
- Latvia
- Spillover Monitor Mission to Skopje
- Moldova
- Tajikistan
- Kosovo

withdrawn from the field in July 1993

Other OSCE Field Activities

- OSCE Presence in Albania
- Advisory and Monitoring Group in Belarus
- OSCE Assistance Group to Chechnya
- The Personal Representative of the CiO on the Conflict Dealt with by the OSCE Minsk Conference
- OSCE Centres in Almaty, Ashgabad and Bishkek
- OSCE Project Co-ordinator in Ukraine
- OSCE Office in Yerevan
- OSCE Office in Baku

High-Level Planning Group

Planning an OSCE Peacekeeping Force for Nagorno-Karabakh

OSCE Assistance in Implementation of Bilateral Agreements

- The OSCE Representative in the Russian-Latvian Joint Commission on Military Pensioners
- The OSCE Representative to the Estonian Government Commission on Military Pensioners

OSCE RELATED BODIES

Court of Conciliation and Arbitration
Geneva

Joint Consultative Group
Promotes implementation of CFE Treaty, Meets regularly in Vienna

Open Skies Consultative Commission
Promotes implementation of Open Skies Treaty, Meets in Vienna
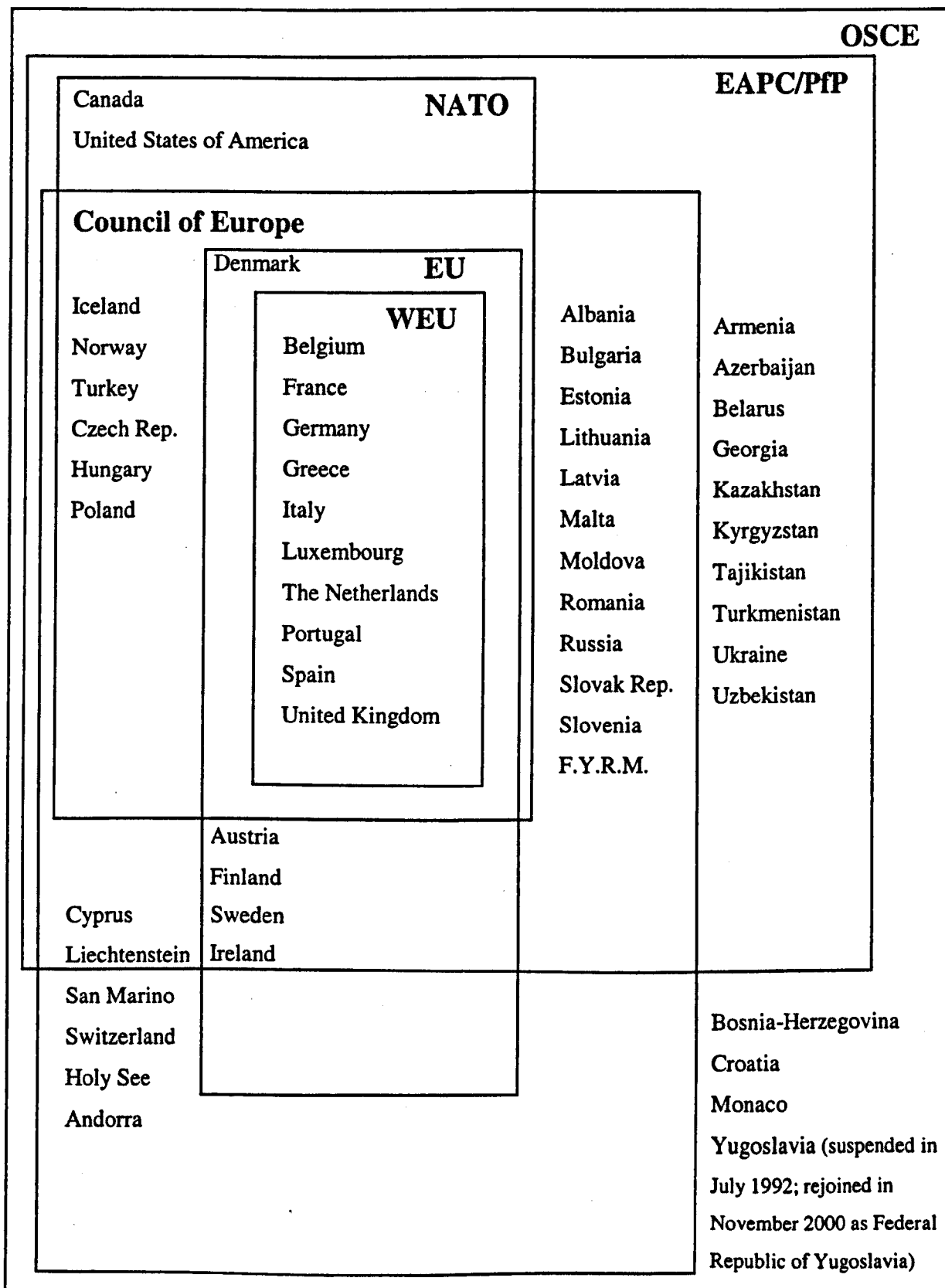
Source: OSCE Secretariat

Annex 2 OSCE budget by country

Scale of distribution for the regular OSCE budget (as of June 30, 2000)

COUNTRY	per cent	COUNTRY	per cent
France	9.00	Uzbekistan	0.55
Germany	9.00	Yugoslavia	
Italy	9.00	(suspended	
Russian Federation	9.00	in 1992)	0.55
United Kingdom	9.00	Slovak Republic	0.33
United States of America	9.00	Albania	0.19
Canada	5.45	Bosnia and Herzegovina	0.19
Spain	3.65	Croatia	0.19
Belgium	3.55	Cyprus	0.19
Netherlands	3.55	Estonia	0.19
Sweden	3.55	Iceland	0.19
Switzerland	2.30	Latvia	0.19
Austria	2.05	FYROM	0.19
Denmark	2.05	Lithuania	0.19
Finland	2.05	Moldova	0.19
Norway	2.05	Slovenia	0.19
Ukraine	1.75	Armenia	0.185
Poland	1.40	Azerbaijan	0.185
Turkey	1.00	Georgia	0.185
Belarus	0.70	Kyrgyzstan	0.185
Greece	0.70	Tajikistan	0.185
Hungary	0.70	Turkmenistan	0.185
Romania	0.70	Andorra	0.125
Czech Republic	0.67	Holy See	0.125
Bulgaria	0.55	Liechtenstein	0.125
Ireland	0.55	Malta	0.125
Kazakhstan	0.55	Monaco	0.125
Luxembourg	0.55	San Marino	0.125
Portugal	0.55		
		TOTAL	100.00

Source: OSCE Secretariat, Vienna.

OSCE

EAPC/PfP

NATO

Canada

United States of America

Council of Europe

Denmark **EU**

WEU

Iceland	Belgium
Norway	France
Turkey	Germany
Czech Rep.	Greece
Hungary	Italy
Poland	Luxembourg
	The Netherlands
	Portugal
	Spain
	United Kingdom

Albania
Bulgaria
Estonia
Lithuania
Latvia
Malta
Moldova
Romania
Russia
Slovak Rep.
Slovenia
F.Y.R.M.

Armenia
Azerbaijan
Belarus
Georgia
Kazakhstan
Kyrgyzstan
Tajikistan
Turkmenistan
Ukraine
Uzbekistan

Austria
Finland
Cyprus   Sweden
Liechtenstein   Ireland

San Marino
Switzerland
Holy See
Andorra

Bosnia-Herzegovina
Croatia
Monaco
Yugoslavia (suspended in July 1992; rejoined in November 2000 as Federal Republic of Yugoslavia)

Annex 4 OSCE Missions and field activities in the former Soviet Union area

General profile (basic decision, deployment, strength and closure)

Mission / Field Activity	Establishment	Deployment	Strength	Closure
Advisory and Monitoring Group to Belarus	129th PC Meeting Sep. 18, 1997	Minsk, Feb. 6, 1998	5 members	-
Assistance Group to Chechnya	16th PC Meeting Apr. 11, 1995	Grozny, Apr. 26, 1995	6 members	-
Estonia	18th CSO Meeting Dec. 13, 1992	Tallinn, Feb. 15, 1993 offices in Johvi and Narva	6 members	-
Georgia	17th CSO Meeting Nov. 6, 1992	Tbilisi, Dec. 3, 1992 Tskhinvali, Apr. 22, 1997	42 members	-
Latvia	23rd CSO Meeting Sep. 23, 1993	Riga, Nov. 19, 1993	7 members	-
Ukraine	27th CSO Meeting Jun. 15, 1994	Kiev, Nov. 24, 1994 office in Simferopol	4 members	Apr. 30, 1999
Project Co-ordinator to Ukraine	231st PC Meeting Jun. 1, 1999	Kiev, Jul. 13, 1999	according to the projects	-
Moldova	19th CSO Meeting Feb. 4, 1993	Chisinau, Apr. 25, 1993 Tiraspol, Feb. 13, 1995	8 members	-
Nagorno-Karabakh Minsk Conference	1st CIO Personal Representative appointed Aug. 10, 1995	Tbilisi and branch offices in Baku, Yerevan and Stepanakert	Personal Representative 5 assistants	-
Tajikistan	4th Council Meeting Rome, Dec. 1, 1993	Dushanbe, Feb. 19, 1994 Kurgan-Tube, Shartuz and Dusti offices, Oct. 1, 1995	8 members	-

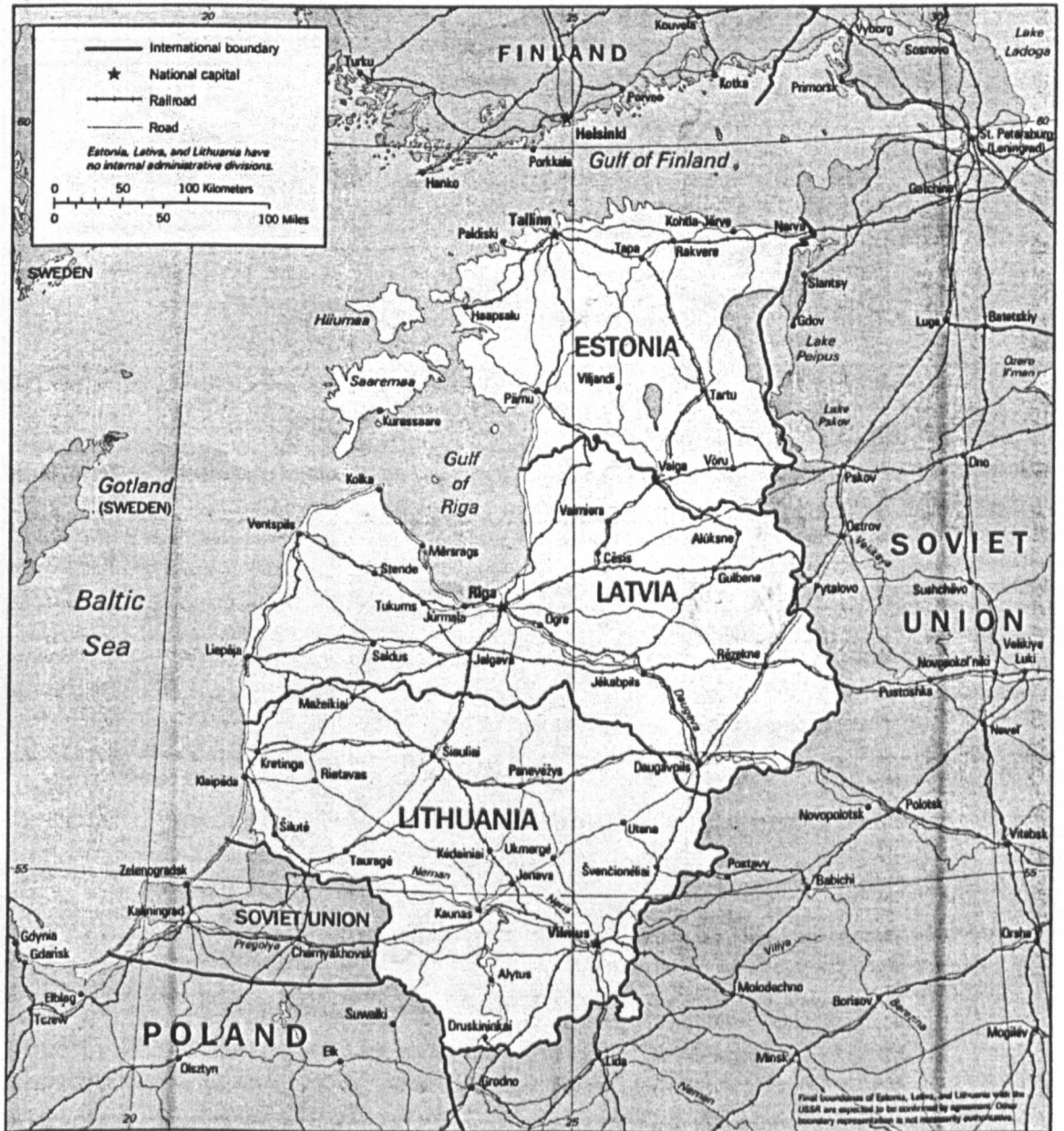|				
Liaison Office in Central Asia	Permanent Council Mar. 16, 1995	Tashkent, Jun. 1995	4 members	-
Centre in Almaty Kazakhstan	179th PC Meeting Jul. 23, 1998	Jan. 1999	4 members	-
Centre in Ashgabad Turkmenistan	179th PC Meeting Jul. 23, 1998	Jan. 1999	4 members	-
Centre in Bishkek Kyrgyzstan	179th PC Meeting Jul. 23, 1998	Jan. 1999	4 members	-
Office in Yerevan Armenia	241st PC Meeting Jul. 22, 1999	Nov. 1999	up to 6 members	-
Office in Baku Azerbaijan	258th PC Meeting Nov. 16, 1999	Jan. 2000	4 members	-
Centre in Osh Kyrgyzstan	269th PC Meeting Feb. 10, 2000	Feb. 2000	4 members	-

OSCE Representatives				
Joint Committee on the Skrunda Radar Station	27th CSO Meeting Jun. 15, 1994	Apr. 6, 1995	1 member (assistants)	Oct. 31, 1999
Estonian Government Commission on Military Pensioners	28th CSO Meeting Sep. 26, 1994	Nov. 16, 1994	1 member (assistants)	-
Russian-Latvian Joint Commission on Military Pensioners	9th PC Meeting Feb. 23, 1995	Feb. 1995	1 member (assistants)	-

Annex 5 Map of the Baltic States

(Source: Central Intelligence Agency;

URL: http://www.cia.gov/cia/publications/mapspub/index.html)

The Baltic States

Annex 6 Map of Estonia

Annex 7 Map of Moldova

(Source: Central Intelligence Agency;

URL: http://www.cia.gov/cia/publications/mapspub/index.html)