

U.S. Statements on The Human Dimension 1996 OSCE Vienna Review Conference and Lisbon Summit

1997 Overview



1995

**A Report Prepared by the Staff of the
Commission on Security and Cooperation in Europe**

ABOUT THE ORGANIZATION (OSCE)

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

ABOUT THE COMMISSION (CSCE)

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

**U.S. STATEMENTS ON
THE HUMAN DIMENSION
1996 OSCE VIENNA REVIEW CONFERENCE
AND LISBON SUMMIT**

1997 OVERVIEW

OPENING PLENARY STATEMENT

Sam W. Brown, Jr. , Head of Delegation, U.S. Delegation to the OSCE Review Conference, November 4, 1996

Mr. Chairman,

Let me first congratulate you on the efficient organization of this Review Conference, which lives up to the high standard you have set throughout the year.

This year has been a remarkable one for our Organization. Above all, we have worked together on Bosnia, in fulfillment of the task which the parties to the Peace Agreement asked of us in Dayton and in Paris, and which our ministers accepted at Budapest. It has been a job for all of us, but one in which the contribution of Switzerland, as our chairmanship country, has gone well beyond its formal obligations and has been absolutely essential to the OSCE's success.

The OSCE's mission in Bosnia has played a crucial role in advancing the cause of human rights. It is playing an equally essential role in the implementation of confidence-building and arms control agreements that were negotiated here, under OSCE auspices. And above all, it had the central role in holding elections which have begun the process of building democratic institutions, which are the only solid basis for lasting stability and reconciliation.

There is more work to be done in all these areas. We need to focus even more effectively on human rights and creating the conditions for democratic development in the coming year, including by redoubling our support for all the ombudsmen. On arms control, it is essential to correct the shortcomings in compliance with this year's agreements if there is to be any hope of progress next year on the broader agenda for regional negotiations. And the municipal elections remain as a top priority for next year, including the creation of appropriate conditions for such elections, such as freedom of movement and free media.

The Bosnia mission is by far the biggest, but it is only one of many OSCE missions that are working to advance the principles of this organization in practical ways, wherever such work is needed. In Chechnya, under frequently difficult and dangerous conditions, members of the OSCE's Assistance Group work to diminish the chances of a return to violence, and to bring disputing parties together peacefully and constructively. Although these are the two best-known examples of the OSCE's involvement in European security issues, we should not forget the vital work also being done under OSCE auspices by mission personnel in Croatia, Estonia, Georgia, Latvia, the Former Yugoslav Republic of Macedonia, Moldova, Tajikistan, and Ukraine.

We need to be absolutely clear that an OSCE presence in a country is by no means a sign of a crisis. It is instead a tangible manifestation of the openness and mutual support that characterize our Organization. These missions are a vivid example of the fact that all our states have agreed to work cooperatively to advance our common objectives.

These objectives were first set forth in Helsinki in 1975. We have built on that foundation, always in recognition of the strengths that are unique to the OSCE.

One of the key and distinguishing features of the OSCE is the interlocking framework of critical, politically binding commitments which provide a common set of principles to which we can all aspire. The OSCE draws its real strength and practical flexibility from participating states' commitments to the values of the original Helsinki Act, rather than from a legalized, treaty--based institutional structure. The OSCE's successful role in Bosnia is the strongest proof yet of the value of this adaptable construction.

A fundamental strength of the OSCE is the review process, which provides a regular opportunity to assess a participating states' efforts to further the realization of the Helsinki Accords within its own borders, and in its relations with other OSCE states. To remain true to the OSCE's values, we must approach OSCE gatherings such as this one prepared to engage freely in frank discussions of the extent to which we, and every OSCE participating state, meet our commitments. Only in this way can we progress toward the still-unmet goal of full compliance throughout the OSCE with Helsinki and subsequent OSCE commitments.

The OSCE is increasingly a pillar of European security. By facilitating honest implementation review the OSCE can strengthen security links based on common values. We firmly believe that the review process best serves each participating State — and the OSCE as a whole — when it functions along the lines I have just described. Our combined efforts here in Vienna over the next three weeks should be undertaken with a view toward ensuring the most effective use of current OSCE tools and processes. The review process will only suffer if we allow ourselves to "miss the forest for the trees" by focusing on altering established mandates, mechanisms, and institutions.

In looking forward to a useful and productive review conference, the United States wishes to take this opportunity briefly to preview some of the issues we believe can usefully be addressed here:

The Human Dimension

In the course of this Review Conference, we would like to see appropriate attention given to the review of issues pertaining to, inter alia, enhancing tolerance and non-discrimination; promoting democracy through free elections; an enhanced OSCE role to support democratization, citizenship, and a transparent and fair electoral process; expanding the role of free media; and addressing and resolving migration problems.

ODIHR and Elections

We continue to believe in the indispensability of a free and transparent elections process to a participating state's ability to meet its commitments under the Helsinki accords.

As Europe's primary instrument for conflict resolution and crisis management, the OSCE plays a unique role in promoting democratic institutions and human rights. The ODIHR has overseen election observation by public and private organizations in a number of countries. The past year has witnessed several elections held in new democracies (including Albania, Armenia, Azerbaijan, Bosnia, Croatia, and Russia), with varying results and some questions about the electoral process.

The United States continues strongly to back the ODIHR in its work. We stand prepared to do our part to provide the ODIHR with the necessary manpower and resources to support its regional lead on elections and human rights issues. We want to see ODIHR — in coordination with the HCNM — hold a seminar on "Methods of Accommodating Different Voices in Governmental Structures," that will highlight the variety of successful solutions that countries have found to this challenge. Additionally, given the sheer number of elections testing ODIHR's resources and requiring its attention during 1996, we believe that the ODIHR can usefully review its experiences and chart its course ahead by organizing a seminar on Elections Administration and Observation, as a 1997 Human Dimension Seminar. Such a seminar could focus on enabling the ODIHR to be more responsive in its role as a coordinator of technical expertise and support.

Migration

The OSCE's broad concept of security extends to migration issues. OSCE institutions provide an appropriate political forum for the discussion of refugee and migration issues. The OSCE should play a strong role in implementing the Program of Action goals of last summer's CIS Migration Conference, especially in the areas of early warning and conflict prevention and resolution. The Program of Action calls on CIS countries to make full use of OSCE instruments and mechanisms, including the High Commissioner on National Minorities and Long-Term Missions. The OSCE should cooperate with UNHCR and IOM to implement the findings of the CIS Migration conference as appropriate.

The OSCE should be fully committed to implementation in areas for which it is clearly the most appropriate organization. We cite here early warning, conflict prevention, conflict resolution, and rule of law projects as being four such areas where the OSCE has a much broader mandate and more flexible means to work with CIS countries than UNHCR or IOM. The United States Government urges OSCE through the High Commissioner on National Minorities, as well as through Vienna, Warsaw, and its field missions, to pursue aggressively programming which addresses conflict-prevention- and resolution-type activities.

Tolerance, National Minorities, and the Rule of Law

We commend the quietly effective role of High Commissioner on National Minorities van der Stoep in enhancing respect for tolerance, protection of the rights of national minorities, and the furtherance of the rule of law. His work is a vitally important contribution to that of other OSCE institutions and to implementation of Helsinki commitments. We note with some concern the continuing need for further attention to these issues in certain parts of the OSCE area. ODIHR initiatives to promote the rule of law and judicial assistance should be supported by participating states, which must provide resources to make these programs a reality.

Free Media

Freedom of the press and of the media are among the basic prerequisites for truly democratic societies, and suppression of media continues in large parts of the OSCE region. Free media are of particular importance in the run-up to elections. Problems with the establishment and transparency of national electoral authorities underscore the need for longer-term observation of the electoral process by the OSCE. The U.S. would support the establishment of a Free Media position at the ODIHR.

The Economic Dimension

OSCE participating states should work to expand on the mandate of the Economic Dimension, to increase economic and environmental cooperation as a means to buttress security in the OSCE region. By working together to break down economic barriers, by taking steps to permit and encourage trade and investment between neighbors, OSCE states can ultimately prove how economic stability, prosperity, and cooperation contribute to the broad concept of security in the OSCE region.

Drawing on the OSCE tenet that democratic political systems characterized by rule of law and prosperous market economies are interdependent, the OSCE has staged seminars focusing on improving public-private interaction. But we can do more. Practical work in the economic dimension should be crafted to demonstrate that the transparencies inherent in the rule of law are conducive to the flourishing of market economies; this, in turn, contributes to the broad concept of security set forth at Helsinki.

Arms Control

Looking ahead to Lisbon, the Summit should define an inclusive political framework, based on common goals and modes of behavior, that will strengthen the security of all states and their people. In doing so, we will further operationalize the principles that have guided OSCE countries since the beginning of the Helsinki process nearly a quarter of a century ago.

Continuation of the OSCE's important role in Bosnia and the beginning of CFE adaptation at Lisbon will support these efforts to forge a cooperative European security structure. The OSCE Mission to Bosnia demonstrates in a concrete way the kinds of cooperative undertakings which are possible to build security. Adaptation of the CFE Treaty, which represents a cornerstone of European security, will enhance the security of all concerned. Lisbon will provide a key opportunity for OSCE participating States to reaffirm their commitment to existing arms control agreements, and to give political impetus to next steps in this area as a part of a common effort to build a cooperative approach to European security. We hope that the Summit can produce important results in three main areas of arms control and confidence-building:

- our objective is for the 30 CFE states to agree on the "scope and parameters of adaptation negotiations" to lay the basis for formal adaptation negotiations to begin in early 1997;
- The Summit should register agreement on the completed text of the Framework for Arms Control and establish parameters for the future work of the FSC; and
- Vienna and Lisbon should carry forward regional arms control and confidence-building measures, particularly for the former Yugoslavia as envisioned in the Dayton Agreement.

CFE

We are working to reach agreement among the 30 CFE states on the scope and parameters of adaptation negotiations, on the basis of the NATO proposal of 8 October. With agreement on a scope and parameters document, the 30 CFE states would also record their readiness to commence formal adaptation negotiations in early 1997. We envisage that OSCE Heads of State at Lisbon would welcome the agreement at 30 to begin such negotiations. As an integral part of the work on CFE, we would like to see the 30 states use the occasion of Lisbon to formally record agreement to extend provisional application of the flank agreement until its formal approval by all States Parties (and its entry into force).

FSC

Here in Vienna, we should focus on assessing fulfillment of the Vienna Document and other agreed decisions of the FSC, including the Code of Conduct. We want to use the review of arms control and confidence- and security-building measures to explore ways to encourage greater participation in activities and to broaden compliance with existing agreements. Meanwhile, participating States should consider the recent and future work of the FSC. In this regard, the principal contribution from the FSC to Lisbon will be agreement on the OSCE Framework for Arms Control. The Framework will link current and future arms control efforts into a single, mutually-supportive structure.

Security Model

Our development of a Common and Comprehensive Security Model for Europe for the Twenty-First Century will be a dynamic and evolutionary process which will continue beyond the Summit at Lisbon. Central to U.S. thinking about the security model is the concept of empowerment. Empowerment in the OSCE refers to enhancing the ability of participating states, small and large, to control their own destinies. They do this by drawing on the broad range of security tools available to them within the OSCE and without.

Again, underlying this approach is our strong view that the OSCE draws its real strength and practical flexibility from participating state commitments to the values of the original Helsinki Act. The United States delegation looks forward to working closely with all of you in the course of this Review Conference.

FREEDOM OF ASSOCIATION AND ASSEMBLY

Statement of Dorothy Douglas Taft, U.S. Delegation to the OSCE Review Conference, November 4, 1996

Mr. Chairman,

Numerous documents of the OSCE, beginning with the Helsinki Final Act, recognize the right to peaceful assembly and association. Throughout much of the OSCE community, there continues to be improvement in the exercise of this important right that not long ago was flouted in a number of OSCE countries and was a subject of vigorous debate and discussions. Still, this right is not universally respected among OSCE states.

Since March, we have witnessed a series of rallies in Minsk where this right has been curtailed part of a trend toward restriction of basic human rights in that country. Despite OSCE commitments and guarantees found in the Belarusian constitution, the government continues to restrict these rights. On April 26, over 30,000 people gathered in Minsk to commemorate the tenth anniversary of the Chornobyl disaster.

Security forces severely beat some participants, including domestic and foreign journalists, and detained nearly 200 demonstrators. On May 9, OMON (the riot police) clashed with World War II veterans, confiscating from them several souvenir flags bearing the colors of the former national flag, which had recently been replaced by a flag more closely resembling that of the Belarusian Soviet Republic. On May 30, a rally on behalf of several Belarusians and Ukrainians who were detained following the April 26 rally was forcibly broken up by security troops in riot gear, resulting, once again, in beatings and detentions. Following both gatherings, judges simply walked from prison cell to prison cell handing out arbitrary short-term sentences.

On July 29 on the heels of a July 27 pro-independence day rally, President Lukashenka announced a ban on rallies and demonstrations for the rest of the summer, citing the reasoning that "farmers are working in the fields" during the harvest season.

The Belarusian Government also has taken steps to restrict citizens' rights to organize and bargain collectively. Free trade unions continue to be banned by presidential decree, despite a Constitutional Court ruling which overturned the decree. Independent trade union offices around Belarus have been forced to shut down, and two union leaders were prosecuted because their union flag used an "illegal insignia" the former flag of the Republic of Belarus. In May, four leading members of Poland's Solidarity trade union were arrested for addressing Belarusian workers and deported. All these actions restrictions of freedom of assembly and against trade unions appear to be attempts to intimidate those opposed to the rule and policies of the president. Within this rather bleak context, my delegation views with encouragement the fact that the opposition demonstration held on October 19 was permitted to proceed without incident.

In Azerbaijan, freedom of association also faces restrictions. There are numerous opposition political parties, but the authorities have used various pretexts not to register non-governmental organizations, and to delay responding to the NGOs' submission of required documentation. For instance, the Ministry of Justice has refused to register the Human Rights Society, even though it has changed its charter and its name, in response to the Ministry's demands.

In Turkmenistan, simply put, freedom of association and assembly, either for political parties or for NGOs, does not exist. In Uzbekistan, in general, there is no freedom of association and assembly. Political parties not controlled and approved by the government have been forced out of politics and some of their leaders have had to leave the country. Moreover, the regime tightly controls the activity of NGOs. The authorities have refused for several years to register the Human Rights Society of Uzbekistan. At the ODIHR's Conference on National Human Rights Institutions in Tashkent, held September 11-13, Abdumannob Pulatov, the Society's Chairman, who had been living in Washington in exile, took part, as did other opposition representatives. Mr. Pulatov has now resubmitted the Society's application for registration. The Ministry of Justice has two months to rule on the application, and we are waiting with interest to see whether the Uzbek Government will follow through on progress made at the conference, or whether Uzbekistan will return to the past.

Mr. Chairman, we view as extremely unfortunate the fact that some governments, instead of moving forward in respecting the basic human rights of freedom of assembly and association are moving in the direction of increased authoritarianism. This is directly contrary to the commitments which these governments have undertaken in the Helsinki Accords and deserves our strongest condemnation.

FREEDOM OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF
Statement of David Little, U.S. Delegation to the OSCE Review Conference,
November 5, 1996

Mr. Chairman, the U.S. delegation notes with satisfaction the recent progress that has been made in the area of religious freedom among the OSCE participating States. Where once severely restricted, religious expression and practice flourish widely today. At the same time, numerous problems remain. The U.S. delegation commends the OSCE Office of Democratic Institutions and Human Rights for organizing a seminar on religious liberty in April 1996 to begin to confront some of these problems.

The U.S. delegation calls attention, in particular, to three areas of special concern in regard to religious liberty.

First, there is a disturbing tendency on the part of some OSCE participating States to exempt religious speech from the general protection of free speech guaranteed by the Helsinki documents. My delegation believes that all forms of speech, including religious speech, are all equally and similarly protected. The principle of religious liberty entails the right to discuss matters of conscience, religion or belief openly and without interference, including efforts to persuade those who stand in disagreement or opposition. Such liberty is subject only to the normal restrictions of prescribed law and the recognized limitations that guarantee public order that are themselves subject to international human rights standards.

One example of the undue infringement of religious speech is the anti-proselytism article of the Greek Constitution. The article, which is so broadly worded as to make it difficult for many, if not all, attempts at religious persuasion to escape liability has been turned with special force against Jehovah's Witnesses. It is the position of the U.S. delegation that in undertaking to restrict proselytism, OSCE participating States ought to concern themselves only with prohibiting carefully drawn and commonly recognizable acts of fraud and coercion. Otherwise, religious communication should be fully protected.

In Russia, it is authoritatively reported that local and regional governments continue to impose restrictions on religious speech that violate both Russian federal law and the Helsinki documents. A section of the 1980 Spanish law on religious liberty prohibiting any activity related to the spread of what are called "humanistic or spiritualist" values violates the Helsinki guarantees of the freedom of religion or belief.

Second, my delegation is concerned by certain laws, either in force or contemplated by participating OSCE States, that draw preferential distinctions among religious groups. This distinction threatens the principle of equality and non-discrimination toward all forms of religion or belief. For example, laws favoring "traditional" over "non-traditional" religions in Latvia exclude members of certain groups from being certified to teach in government-sponsored schools. The Greek Orthodox Church, designated "traditional," is accorded privileged status. In practice, this means that members of religious minorities may only hold certain meetings and gain permission to purchase and repair buildings at the sufferance of the local Orthodox priest. Recently, the president of Belarus reportedly endorsed a statement by a prominent Ukrainian cleric condemning the Belarus constitution for honoring "the equality of all denomination" at the alleged expense of the Orthodox Church.

Third, the U.S. delegation expresses particular concern over the way in which the procedure of official religious registration is used in some circumstances as an instrument for violating the fundamental rights of religious freedom and non-discrimination. The requirement of the Bulgarian Government that

religions register with the Council of Ministers continues to impeded the activities of many religious groups in that country. Though there was reason to think things were improving, recent reports indicate that unfair restrictions are still being imposed on religious minorities, as, for example, in the city of Plovdiv. In Albania, minority religions have complained of administrative obstacles to building churches and obtaining access to national media. The Government of Azerbaijan has inexplicably failed to register minority groups, such as the Word of Life church in Baku.

Mr. Chairman, although there has been improvement in the area of religious liberty among the OSCE participating States, there is still much that needs attention. The ODIHR Warsaw seminar in April 1996 began the process of identifying and discussing subjects of concern, such as illicit restrictions on religious speech, discriminatory laws, and the abuse of religious registration, which we have mentioned, and we hope this process will continue.

Other topics for further investigation might include the rights of religious groups to practice their faith, and the desirability of imposing legal limits on blasphemy and "religious hate speech," as it is called.

The U.S. delegation welcomes these proceedings, and eagerly anticipates the benefits that derive from thoughtful interaction.

Thank you, Mr. Chairman.

INTERNATIONAL HUMANITARIAN LAW

Statement by Erika B. Schlager, U.S. Delegation to the OSCE Review Conference, November 5, 1996

Mr. Chairman,

Before addressing the substance of today's session, allow me to express my delegation's appreciation to the Swiss Chair-in-Office for taking the lead in convening an informal meeting on minimum humanitarian standards this past February. Clearly, this subject deserves far more attention. Nothing illustrates this more than the serious humanitarian problems that persist in a number of countries where internal conflicts exist. In this context, my delegation also attaches special importance to the Code of Conduct from the 1994 Budapest Document.

Although the Code of Conduct elaborates or establishes clear limits on the activities of police and security forces, torture by officials remains a grave problem in Turkey.

Commonly employed methods of torture, reported by the torture treatment centers of the Human Rights Foundation of Turkey, Amnesty International, Human Rights Watch, and Physicians for Human Rights, include high-pressure cold water hoses, electric shocks, beating on the soles of the feet, beating of the genitalia, hanging by the arms, blindfolding, sleep deprivation, deprivation of clothing, systematic beatings, and vaginal and anal rape with truncheons and, in some instances, gun barrels.

In addition, political and extrajudicial killings credibly attributed to government authorities and terrorist groups continue. According to human rights groups, "mystery killings" had declined significantly until September 1996. Unfortunately, these killings have resumed with at least 20 such deaths in the Diyarbakir province since September 14, 1996.

Mr. Chairman, I would point out that the victims of such heinous violations of international law are not limited to adults, but also include children. Regrettably, the perpetrators of such crimes are rarely, if ever, held accountable for their actions.

Moreover, those who seek to assist the victims of torture are often themselves subject to harassment and intimidation. Doctors and lawyers working for treatment and rehabilitation centers, operated by the Human Rights Foundation of Turkey in Istanbul and Adana, are being prosecuted by the Turkish Government for refusing to comply with orders that they hand over the names of their clients and the health professionals treating them. The trial against the Istanbul center opened on November 1, while the proceeding against the Adana center is scheduled to conclude on November 8th.

One possibly encouraging note was the October 17 statement by the Turkish Deputy Prime Minister and Foreign Minister, Tansu Ciller, promising a step-by-step reform of human rights in Turkey. Unfortunately, we have heard similar expressions of good intentions in the past, but little concrete progress has been made. In his thoughtful plenary statement, the delegate from Turkey argued that human rights can flourish only in stable conditions. We would argue that stability can only be realized when there is a full flourishing of respect for human rights. In Turkey, this can commence with a commitment to end the practice of torture.

Mr. Chairman, we cannot ignore the legacy of the 20-month-long war in Chechnya which included serious violations of international humanitarian and human rights norms documented by domestic and foreign human rights groups. These violations include the indiscriminate and disproportionate use of military force; the inhumane treatment of noncombatants; arbitrary detention; beatings; the torture or summary execution of Chechens at detention centers; and harassment and attacks on journalists in the war zone. Credible sources reported severe mistreatment of Chechen prisoners by Russian defense and internal security forces. Government forces also obstructed the delivery of humanitarian supplies, as well as the provision of medical assistance to injured combatants and noncombatants alike. Violations by the Chechen side included the taking of hostages; killing civilians; and using civilians as shields to attain military goals.

We urge the Government of the Russian Federation and Chechen authorities to ensure that those responsible for violations of international humanitarian law, including members of the Russian defense and internal security forces, are held accountable for their actions. This is essential for reconciliation and a durable peace.

Finally, I would like to touch briefly on the urgent need to hold those responsible for war crimes in the former Yugoslavia personally accountable for their actions.

Every country seated around this room is legally obligated to cooperate with the International Criminal Tribunal for the former Yugoslavia; the United States has sought to fulfil our obligation, including, i.a., by ensuring that the Tribunal has the resources and political support to carry out its mandate. The signatories to the Dayton Agreement have also, to varying degrees, extended some cooperation to the War Crimes Tribunal. Much, much more, however, remains to be done.

My delegation is particularly concerned that Croatia, recently admitted to the Council of Europe, has complied in only the most superficial way with its legal obligations. Although the Croatian Parliament passed legislation in April providing for the surrender of indicted war criminals to the Tribunal, so far the Croatian Government has facilitated the transfer of only one individual. Two indicted suspects, Dario Kordic and Ivica Rajic, have reportedly been living freely and openly in the Croatian capital. Mr. Chairman, we urge the Government of Croatia to immediately arrest and, without further delay, transfer to the Tribunal Kordic, Rajic, and all other indicted suspects within Croatia's effective jurisdiction. And we urge the governments of all OSCE states to give full support to the Tribunal whose success is essential for long-term peace and stability in the region.

FREEDOM OF EXPRESSION AND THE MEDIA

Statement by James Merz, U.S. Delegation to the OSCE Review Conference, November 6, 1996

Mr. Chairman, my delegation is heartened by progress that has been made in many OSCE countries regarding freedom of expression in general and, in particular, towards ensuring a climate in which a free and independent media can thrive. Remarkably, in a number of countries, progress has been made in spite of, rather than because of, government policies. In Slovakia, for instance, a newly established private television station appears to be flourishing, and journalists around that country have demonstrated what appears to be an intuitive sense of independence in the face of government policies that, more often than not, appear aimed at restricting rather than fostering a free press. It is time now that all governments live up to their OSCE commitments and join their people in pursuit of a free and pluralistic media.

Encouragingly, there has also been progress made by some governments in resolving problems with criminal defamation laws that my delegation has noted at several past OSCE meetings an unfortunate vestige of totalitarianism that persists in some post-Communist countries. We noted at the Budapest Review Conference, for example, that Hungary had just abolished its criminal defamation law; similarly, we note here that the Polish Government has indicated that its criminal defamation law will be abolished as part of an on-going constitutional and penal reform. Regrettably, however, the Czech Republic, Romania, and some other OSCE countries retain criminal defamation laws.

In Romania, two reporters from the Constanta daily Telegraf were sentenced to jail for an article reporting on corruption in the city government. Recently, the editor and a reporter from the Bucharest daily Ziua were sentenced to 12 and 14 months in prison, respectively, for their writings. In addition, an independent journalist has also been sentenced to prison for her writings.

Moreover, we believe that civil codes are more than adequate to provide the necessary protection against libel and slander. Public officials deserve no greater protection than that afforded average citizens. Criminal laws that purport to protect "states" or "governments" will only serve to chill free speech during critical periods of political transformation, when debate and discourse is needed the most.

My delegation is also profoundly concerned by acts of violence committed against journalists. This includes not only crossfire deaths, but the deliberate assassination of journalists in Chechnya, apparently by both sides of the conflict, as well as the abduction or disappearance of at least eight journalists, including one American photojournalist. While these events occurred during a horrible conflict, no steps to bring the guilty parties to trial have been taken by any governmental bodies. In Russia, killings of journalists by organized crime figures have also taken place without any serious governmental investigations or prosecutions.

Despite revisions in Turkey's Anti-Terror Law, its provisions continue to be broadly used against writers, journalists, publishers, politicians, musicians, and students. Increasingly, prosecutors have applied Article 312 of the Criminal Code, which forbids "incitement to racial or ethnic enmity." In early October an inquiry was opened against Erol Anar, deputy chairman of the Turkish Human Rights Association, for alleged "separatist propaganda." Charges were recently brought against Ertugrul Kurkcu and Ayse Nur Zarakolu for translating and publishing a Human Rights Watch Arms Project report, "Weapons Transfers and Violations of the Laws of War in Turkey." In late October, Sanar Yurdatapan, a spokesman for the "Freedom of Thought Platform" was arrested.

In a number of post-Communist countries, the free speech and free media face even harsher restrictions. In Turkmenistan, for example, there is simply no free media, and strict censorship remains the norm.

Uzbekistan also lacks a free media, either print or electronic. At the October 5-6 ODIHR-sponsored Round table on Media Issues in Transition to Democracy, there were no representatives of non-state-controlled media. When a foreign participant wondered whether the discussion concerning censorship might be enhanced if the state censor were present, the leader of an Uzbek organization associated with/sympathetic to the government rose to criticize the foreign speaker for making "personal attacks."

In Azerbaijan, while opposition political parties may publish newspapers, they are subject to a rather capricious censorship system. Though Azerbaijani authorities, referencing the ongoing conflict in Nagorno-Karabakh, acknowledge only military censorship, in fact, political censorship continues to exist. Occasionally, blank spaces appear in columns, indicating where the censor has deleted something sensitive. The newspaper *Avrasiya* was forced to close temporarily this summer after publishing some articles on Azerbaijan-Russian relations. While some newspaper editors report that this censorship has eased of late, the state retains tight control of television and radio, and the opposition has almost no access. While the ANS television station has reports that can be rather politically daring, only certain neighborhoods in Baku receive that channel. Even so, in the past one of the station's management figures was beaten up by police.

In Armenia, opposition political parties may publish newspapers and their journalists report there is no prior censorship. They are, however, subjected to other forms of pressure by the authorities, who complicate their ability to market their publications. The newspapers of the opposition party Armenian Revolutionary Federation were closed down in December 1994, when the party was banned for not conforming to Armenia's law on political parties and has not yet reopened. As for electronic media, the state retains tight control of TV and radio, and the opposition gets almost no access.

In Georgia, newspaper journalists report that while there is no prior censorship, often they are pressured by government representatives if they write about sensitive subjects. This pressure frequently takes the form of threats to withhold information, and sometimes even includes the threat of physical intimidation.

As for electronic media, the state retains tight control of TV and radio. For example, the independent TV station Rustavi-2 has been closed by the Ministry of Communications. While the details of this case are complicated, involving a lawsuit among the original co-founders of the station, journalists report that the authorities have in no way fostered the rise of a truly independent TV station, and instead have hampered such developments.

Over the year, the United States has watched with grave concern as the Government of Belarus has increasingly impeded the ability of independent media to operate and has hampered opposition access to the press trend that appears to have accelerated in recent months. For example, several media outlets have been shut down most recently, the independent stations "Radio 101.2" and "Radio NBK", the only independent broadcast in the city of Grodno. Several weekly newspapers have had their bank accounts frozen by the state for alleged tax evasion. The monthly magazine Svaboda has had its bank accounts frozen and has access to printing plants limited. The Minsk Economic News paper has been forced out of its office, and private companies in Minsk have been told by the government to stop advertising in the independent press.

Regrettably, these recent examples in Belarus are a continuation of a chilling pattern of press intimidation, harassment and censorship. In October 1995, three independent newspapers were ordered closed by the president's office, and the main publishing house was ordered not to print the papers. In 1996, on the eve of the April 2 agreement forming the Belarusian-Russian Community, President Lukashenka removed the new editor-in-chief of Narodnaya Hazeta. During several demonstrations against his policies, most notably the April 26 Minsk rally commemorating the tenth anniversary of Chernobyl, journalists both foreign and domestic were prevented from carrying out their journalistic activity, and some were beaten and detained. In June, the Belarusian Government announced that it was suspending the license of Belorusskaya Delovaya Gazeta, one of Minsk's leading newspapers. Also that month, Galina Drakokhrust, wife of a Radio Liberty journalist, was beaten in her apartment by unidentified men and told that she should tell her husband about the beating. Mr. Drakokhrust had reported on journalists beaten while trying to cover opposition demonstrations.

Finally, my delegation is concerned by incidents of harassment of journalists and independent radio and television stations in Croatia and urges the Government of Croatia to demonstrate its commitment to the new media law's endorsement of a journalist's right to free expression of views. Doing so will help ensure that a free and independent media can flourish in Croatia.

Mr. Chairman, it is no accident that the protection of speech is the first enumerated right in the U.S. constitution. If we fail to speak out in defense of this freedom, and in defense of those suffering for its exercise around the world, we forget our own heritage and do injustice to our common future.

RIGHT OF REPLY

Statement of Erika B. Schlager, U.S. Delegation to the OSCE Review Conference, November 7, 1996

Mr. Chairman, I would like to return briefly to issues my delegation raised earlier this week. In two instances, my delegation has received updated information which we would like to share with others here.

First of all, the United States had expressed our concern regarding trials in Turkey of representatives of the Human Rights Foundation of Turkey. We received confirmation yesterday that the first of these two trials has ended in acquittal. My delegation continues to believe that the indictments issued against this organization's representatives reflect violations of Turkey's international obligations, and we hope that the second trial will also end the this prosecution of Turkey's human rights activists.

Secondly, my delegation had raised our concern regarding Croatia's non-compliance with the orders of the International Criminal Tribunal for the Former Yugoslavia. In his response, we understood the representative of Croatia to assert that the UN's third report from the Tribunal had declared Croatia to be a "complying state," and to assert that Croatia has the best compliance record of any of the three parties primarily concerned with this issue.

I now have a copy of the third annual report of the Tribunal, prepared and submitted to the Security Council by Tribunal President Antonio Cassese and dated August 5, 1996. In fact, this report states that:

"The degree of cooperation encountered has varied remarkably among these States and Entities [the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Bosnia and Herzegovina, the Republic of Croatia, the Federation of Bosnia and Herzegovina, and Republika Srpska]. The Republic of Bosnia and Herzegovina has been, by far, the most cooperative party: it has replied to nearly every warrant addressed to it, explaining its ability to execute arrest warrants in Bosnian territories outside its control, and is one of the two parties to date which has executed arrest warrants addressed to it, namely, the warrants against Delic and Landzo. . . . The Republic of Bosnia and Herzegovina has also allowed an office to be established in Sarajevo and has provided Tribunal investigators with access to sites and persons."

Furthermore, President Cassese's report states:

"The Republic of Croatia occupies a middle rung in this ladder of cooperation. It recently enacted a law on cooperation with the Tribunal, which, however, has the undesirable feature of reserving a certain amount of discretionary power in executive organs. It has arrested one accused in its territory, Zlatko Aleksovski. A Bosnia Croat indictee, Tihofil Blaškic, has surrendered to the Tribunal of his accord through the mediation of the Republic of Croatia. The Republic of Croatia has, however, failed to exercise its acknowledged authority and influence over other Bosnian Croats with a view to effecting their apprehension. Furthermore, so far it has failed fully to investigate and prosecute serious violations of international humanitarian law allegedly committed by Croatian forces in August 1995 during and after 'Operation Storm.'"

TOLERANCE

Statement of David Little, U.S. Delegation to the OSCE Review Conference, November 8, 1996

Mr. Chairman, it has been written of former British Prime Minister Stanley Baldwin in the early part of the this century that he conspired to make people tolerate each other.

In this closing part of the twentieth century, we are fortunate not to have to conspire to this end. In the Copenhagen Concluding Document, the participating States committed themselves to promote a climate of mutual respect, understanding, cooperation and solidarity without distinction as to ethnic or national origin or religion, and to encourage the resolution of conflicts through dialogue based on principles of the rule of law.

Since the 1995 Bucharest Seminar on Tolerance, where we last addressed this subject in depth, certain egregious manifestations of intolerance have receded. In Germany, for instance, racist outbreaks of violence against foreigners have declined considerably.

At the Bucharest Seminar, the U.S. delegation commended the public condemnation of racism and ethnic hatred by prominent political leaders in OSCE states. This tradition was recently continued by President Shevardnadze, who, during a weekly radio address, condemned an anti-Semitic article in a Georgian newspaper.

In other areas, however, much remains to be done.

In the Czech Republic, the Citizens' Solidarity and Tolerance Movement, known as HOST, has documented the steady rise of racially motivated crimes, usually committed against Roma and foreigners, including 181 crimes committed in 1995 alone. Regrettably, the Czech Government's efforts to address this problem have lacked the same spirit of urgency and enthusiasm that has been so effectively put to use in bringing economic reform to the country.

In Moscow, a small bomb exploded in front of a synagogue on August 22, causing about \$15,000 worth of damage, an act that has been characterized by a rabbi as an anti-Semitic act. Although no one has suggested that the Russian Government had anything to do with such a cowardly act, strong governmental responses may do a great deal to alleviate concerns about resurgent anti-Semitism. Accordingly, my delegation hopes that the perpetrators of this crime will be apprehended and punished.

In Russia, discrimination against people from the Caucasus and Central Asia has increased concurrently with new measures at both the federal and local levels to combat crime. The American organization Human Rights Watch/Helsinki reported in December 1995 that law enforcement agents in Moscow "routinely detained, intimidated and extorted money from and beat people of color, mainly people from the Caucasus and Central Asia." The U.S. delegation has also received reports about harassment of, and violence against, ethnic Armenians in southern Russia, who, when they appeal to law enforcement authorities for protection, are told that they should consider leaving the region.

Earlier this year, Jan Slota, a member of the Slovak National Party and governing coalition, issued a statement referring to ethnic Hungarians in his country as "barbarian Asiatic hordes." My delegation finds such racist characterizations repugnant. We call on the Slovak Government to distance itself from such sentiments not only through words, but by deeds. It has been three years since Slovakia established its independence and, we believe, it is now time to provide for the effective use of minority languages in schools and public life, and in a way that will unite and not divide all citizens of Slovakia regardless of their ethnic background.

Mr. Chairman, in addressing problems of intolerance, some states have demonstrated a preference for responding to intolerance by adopting laws that purport to regulate offensive *speech*. We believe, however, that the effective investigation and prosecution of individuals responsible for illegal *acts*, particularly crimes against persons and their private property, is a far more effective tool for curbing violent manifestations of intolerance.

For one thing, there is reason to question whether the legal restriction of speech is an effective way to engender tolerance. We note that a Russian political activist named Valeriya Novodvorskaya has been arrested and charged with "inciting ethnic hatred" for her published remarks purportedly denigrating ethnic Russians. We doubt that Novodvorskaya's arrest has made her a more tolerant person or, for that matter, really fostered tolerance in general. In addition, laws regulating speech are frequently enforced against the very minorities or groups they are intended to protect, thus inhibiting rather than encouraging the promotion of tolerance.

Mr. Chairman, the United States would be the first to acknowledge that there are shortcomings in the area of tolerance in our own country. Americans from many walks of life are now working together to "stop the hate." Where there have been illegal *acts* that reflect intolerance, they are being investigated and the perpetrators brought to justice. Persons who burn or otherwise desecrate property such as churches, cemeteries, or synagogues have been prosecuted. Discrimination in public places is not only nominally prohibited, but our laws ensure that there are effective mechanisms to hold offenders accountable before the courts. But while people may be prosecuted in the United States for their actions, they may not be prosecuted for their speech.

Ultimately, of course, nations must promote tolerance for their own survival. Thomas Jefferson, the primary architect of the U.S. Declaration of Independence, expressed the idea that that nation is strongest where all citizens feel themselves a part. For nations to meet the challenges of the twenty-first century, individuals must feel themselves a part of their nation, where, if they are not loved by their neighbor, they are at least tolerated.

MIGRATION

Statement of Erika B. Schlager, U.S. Delegation to the OSCE Review Conference. November 8, 1996

The United States is concerned about the lack of OSCE follow-up to commitments made at the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Placement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighboring States, which took place in Geneva on May 30-31, 1996.

In direct response to the Program of Action, the United States proposes to support a migration Expert in the office of the OSCE Secretariat.

This position will be designed to address the fact that the some nine million persons who have moved within the former Soviet Union since the break-up of the USSR, and the 5 million who are very likely to move in the next few years, represent the largest population movements in the OSCE region since World War II. These movements are taking place in new countries, which have little prior experience in formulating migration policies or in international cooperation on migration issues.

The Migration advisor will coordinate the implementation of those provisions of the CIS Migration Final Document that have political rather than operation significance and in which the OSCE has a direct interest, taking into account that the distinct role of OSCE in the follow-up to the CIS Conference is in early warning and prevention.

Mr. Chairman, I would also like to note that my delegation is interested in the German initiative on the media introduced yesterday, and may wish to return to this subject in greater detail at a later date.

MIGRATION

U.S. Delegation to the OSCE Review Conference Introduction by Erika B. Schlager, November 8, 1996

Mr. Chairman, my delegation is pleased to have with us today as a public member of the U.S. delegation Shep Lowman, Director of the International Refugees Affairs Program for the U.S. Catholic Conference. We have asked him to bring his considerable expertise to bear on the issue of migration and refugees, and to share the views of his organization with others here today.

Statement of Shep Lowman, Director, International Refugee Affairs, Office of Migration and Refugee Service, United States Catholic Conference

Time To Address Issues Of Bosnian Refugees and Displaced Persons

Thank you Mr. Chairman. I would like to speak to what I believe to be the most time urgent migration problem in Europe today. It has been apparent throughout the brutal Bosnian conflict that significant population relocation would eventually be required. The time has come to address this problem on a multilateral basis before states, with large numbers of Bosnians in temporary protection, act in an uncoordinated and destabilizing fashion. To date, the return home provisions in the Dayton accords mostly have been honored in the breach with respect to those whose former homes lie in areas controlled by members of a different ethnic group. Thus, many Bosnians now in temporary protection in Europe will either refuse to return or will be prevented from returning. Over time, the different groups in Bosnia may be able to live more comfortably together, but events cannot await such longer term developments. The displaced must get on with their lives and the countries, which have granted temporary protection to the victims of the war, now wish to have this burden lifted.

The right of return and the other human rights provisions of the Dayton accords must be maintained but pragmatic steps must also be taken to assist the displaced Bosnians to rebuild their lives. Similarly, the principles of *non-refoulement* must be upheld and persons should not be returned where they have a well founded fear of persecution. Yet, if the countries of temporary protection see no willingness on the part of other states to accept burden sharing or to work together to create an effective multilateral solution for the displaced Bosnians, it may accomplish little for the rest of us to preach about those countries obligations.

Thus, the problem of Bosnians under temporary protection can no longer be ignored. The German government has given its individual Laender authority to return those Bosnians granted temporary asylum during the war. The UN High Commissioner for Refugees has urged Germany not to proceed unilaterally with mandatory returns, for reasons that I believe are sound. Hopefully, in fact, few returns will take place between now and next Spring, but this development underlines the urgent need for a multilateral approach to this critical problem.

It is time for the OSCE states to act urgently to move this issue to the top of the agenda of the international community. In the past, many major refugee problems have been addressed through the medium of an international conference. The goal of such a conference would be a strategy for the resolution of Bosnian post-conflict migration problems. Participants would have to include representatives of most United Nations entities dealing with either development or humanitarian issues, especially UNHCR and the High Representative for Bosnia. OSCE states would, of course, play a leading role and the OSCE, itself, would likely be closely involved. If the OSCE states act on this issue promptly and the principal countries granting temporary protection can be assured that their problems will be dealt with in an orderly fashion, the pressure to return Bosnians unilaterally should diminish. Failure to address these problems can lead to further disorderly returns with economic and social consequences which will make future tensions and even hostilities in Bosnia far more likely.

The problem of the Bosnian displaced is a soluble one but it does require forward planning; to begin now with the recognition that significant numbers of Bosnians under temporary protection either cannot or will not return to their original home and that coordinated international action is needed to address this fact. A successful conference on the Bosnian displaced will require a series of pre-meetings on principles, roles and burden sharing. These should begin now in order to demonstrate to the German government and others by Spring that effective multilateral action is possible.

In those countries outside the former Republic of Yugoslavia and in Croatia, there are over 700,000 Bosnians in temporary protection. No single solution will suit each of these:

- Some should be permitted to remain where they are, including persons with close relatives in the country of protection and others to whom humanitarian considerations apply.
- Many Bosnians will be able to return to their original home, especially in areas where the local authorities are not of a different ethnic group. But reconstruction plans must be keyed to projected returns; a process already begun by the UNHCR but which needs to be tied into the broader effort by the international community.
- Many Bosnians in temporary protection will feel that they can not return to their home town or village but will wish to return to a part of Bosnia which they consider more secure. This will require major housing and income generation projects which must be tied, both as to location and timing, to plans for return and relocation of both internally displaced and those returning from temporary protection. In this connection, the Property Commission needs to be revitalized.
- Some Bosnians will neither be permitted to remain in countries of temporary protection nor willing to return to Bosnia. These include persons from mixed marriages, former detainees, many women head of household, victims of extreme violence and other vulnerable groups who will find it very difficult to establish themselves in a part of Bosnia that is not their original home.

United States contributions both to economic reconstruction and to resettlement can play an important part in a coordinated approach to the Bosnian displaced. In fact, the United States has already pledged important contributions to the reconstruction of Bosnia. It also has a significant Bosnian resettlement program already in place. In the past twelve months, about 12,000 Bosnians have been admitted for permanent resettlement and the United States plans to admit 18,000 additional Bosnian refugees in fiscal year 1997. In the context of a coordinated international program, it can be hoped that such admissions would continue or even increase.

Without abandoning the goal of the eventual re-establishment of a multi-ethnic society in Bosnia and without forsaking policies which push the parties in this direction, we must recognize that, to wait longer to find pragmatic solutions for the displaced, would risk compounding the pain of the Bosnian people, delaying an orderly sorting out of post-war migration issues and endangering the tenuous peace that now prevails.

NATIONAL MINORITIES

Statement of Samuel G. Wise, U.S. Delegation to the OSCE Review Conference, November 11, 1996

Mr. Chairman,

National minority questions cut across the realm of Human Dimension commitments, from citizenship and media to education and religion. In an ideal world, we know that respect for the human rights and fundamental freedoms which inhere in all people by virtue of their humanity alone would resolve the specific questions which arise regarding persons belonging to national minorities. But we also know that, in practice, minorities are usually the most vulnerable group in any society. While this is the case for all minorities, the discussion in the Helsinki process has particularly focused on national minorities, those determined on the basis of ethnicity.

Serbia and Montenegro participate in a joint federation which continues to be excluded from full participation here, in part because of the plight of their minorities. The repression of the Albanians who, while a minority in Serbia as a whole, are actually the overwhelming majority in Kosovo continues to be severe, especially as a result of the arbitrary violence used by Serbian police. There have been some positive signs, including the abolition of exit visas restricting travel to Albania and the achievement of an agreement resolving differences regarding the education of children. Actual improvements, however, have been limited, and the situation remains far from what could be considered acceptable. Unfortunately, the repressive situation and perhaps opposition to making any compromises has led some Albanians to engage in violence, in violation of the passive resistance policy of their own leaders.

In the Sandzak region of Serbia and Montenegro, the Bosniac or Muslim population has seen more concrete improvements, including the release of political activists, but they still face economic discrimination and, for the thousands forced to flee their homes along the border with Bosnia-Herzegovina during the war, an inability to return. Those in the Sandzak who have had friends and relatives disappear from buses and trains which had to enter Serb-held Bosnia in 1992 and 1993 also still await an explanation of their fate.

Another cause for concern is the situation facing the Serbs in Croatia. Serbs do live throughout that country, and many have remained there throughout the conflict, although often feeling they face officially sanctioned discrimination. Last year, however, the overwhelming majority of the Serbs concentrated in those areas of Croatia retaken by Croatian forces fled for Serb-held parts of Bosnia-Herzegovina, or for Serbia itself. This, by most accounts, was at the direction of the rebel Serb leaders, but some of the few that remained, including many elderly persons, were harassed, beaten and sometimes killed, and abandoned property was looted and burned. The Croatian authorities denied association with those who committed these human rights violations, and promised that the incidents would be investigated. We would be grateful if the Croatian delegation could provide a report on the number of people apprehended, who they

were, and what legal action was taken against them. Such information would be useful, not only for us but for those Serbs from Croatia who may consider returning to their country. Also, if a sufficient number of ethnic Serbs do return, will the number of seats reserved for that minority in the Croatian parliament be restored to its pre-1995 level? The fact that that representation was reduced seemed to indicate Zagreb was not interested in enticing even the innocent civilians to return.

In Turkey, many human rights abuses have targeted Kurds who publicly or politically assert their identity. While the strict prohibition on the use of the Kurdish language was repealed in 1991, for example, we understand that speech at political gatherings must still be in Turkish, and materials on Kurdish history or culture are still subject to arbitrary confiscation. Of course, we also remain very concerned about the hundreds of thousands of Kurds from southeastern Turkey who have been displaced as a result of policies adopted by the Turkish Government and Kurd militants in the course of their armed conflict.

In other countries, incidents against members of minorities do occur, but they generally take the form of social intolerance more than official discrimination. Human rights improvements have often led to the lessening of minority problems in many countries. Romania illustrates this, although it was recently reported in the press that the only former citizens that can get entry visas without a fee are those who are also ethnic Romanians. In Macedonia, it is hoped that the authorities and representatives of the Albanian community can continue to work out differences, especially regarding university education but also the integration of Albanians in the life of the country generally. In Greece, some citizens continue to have problems exercising the right to declare their own ethnic identity. Slovakia has made a successful transition to statehood but has unnecessarily permitted questions to linger regarding the place of minorities in the new country. The Slovak Government has repeatedly stated that electoral redistricting and a planned minority language law will take into account the concerns of the Hungarian minority and will not discriminate against them. Unfortunately, the continued delays in adopting these laws, combined with anti-Hungarian rhetoric on the part of some Slovak officials, undermines the credibility of these assertions.

In conclusion, Mr. Chairman, the violence we have seen in many OSCE countries in recent years, with real or purported ethnic differences at its root, should teach us all something. European states have, by and large, been based on the concept of a nation or a nationality in an ethnic sense, living in its homeland. Still, political boundaries are such that minority groups frequently live within those alleged "homelands." It is time for us all to move from the concept of nation-states to the ideal of civic-states, where there is no constitutionally declared home for one ethnic group but not another; it is also time to move away from "motherland constitutions" that voice special concerns for one's ethnic kin in other counties. It is time for us all to have laws by which citizenship can be attained and respected without special ethnic preferences.

In 1990, before the war, a Bosnian candidate for parliament, despite his family's deep roots in the Balkans, had officially declared himself an ethnic Eskimo. Obviously, he was mocking the very idea of having to declare officially one's ethnicity, but he was permitted to do so and was listed as an Eskimo on the ballot. This story symbolizes one often overlooked aspect of what pre-war Bosnia was all about. From the point of view of the state, such an attitude is not only what Bosnia-Herzegovina should again be about; in the next century, it is what Europe should be all about.

ROMA AND SINTI

Statement of Erika B. Schlager, U.S. Delegation to the OSCE Review Conference, November 12, 1996

One delegation has noted here that U.S. interventions have raised a number of concerns in countries affiliated with the Commonwealth of Independent States. While I concede that coincidence, I would also like to make clear the rationale that guides us as we prepare our statements: the United States names those countries throughout the OSCE region where we believe human rights problems remain the most acute, and we raise cases and situations when we hope to engage countries in a discussion of our concerns. To the extent that some countries have been mentioned more frequently than others, this merely reflects the realities associated with the transition from communism to democracy in various OSCE countries and the human rights problems that persist, even in some established democracies.

The subject of our discussion today, Roma and Sinti, illustrates this. Roma and Sinti in post-Communist countries have felt a disproportionate impact of the economic dislocation associated with the transition to market economies, and they have failed to benefit from political reforms that offered such profound opportunities for so many others.

At the same time, no one can suggest that Roma and Sinti in North America or in Western Europe live free from problems or discrimination. On the contrary, at recent OSCE meetings we have heard complaints from Roma representatives from Spain, Finland, Germany and other western countries. In fact, popular prejudice against Roma stands at an intolerable level throughout Europe.

The United States, where an estimated one million Roma make their home, is also not immune from this phenomenon. Let me give just one recent example.

A few months ago, a major American newspaper ran a story about a man who had been victimizing elderly people not only breaking into their homes and robbing them but also, it was alleged, subjecting them to violent physical assaults. Deviating from accepted professional norms which usually guide journalists, the headline in this mainstream paper screamed, "A Gypsy Suspect With Many Names," and the text further asserted that "Gypsy subculture . . . consciously considers itself outside the norms of society." Ironically, this American article was published shortly after Rumyan Russinov had described, in the newsletter of the International Helsinki Federation, this exact problem of ethnic stereotyping by journalists . . . in Bulgaria. Generally speaking, Mr. Chairman, reputable newspapers in the United States do not headline the ethnicity or race of crime suspects.

The Chairman of the U.S. Commission on Security and Cooperation in Europe, Representative Christopher H. Smith, wrote to the editors of this newspaper. Mr. Smith's letter stated at the outset: "I have no sympathy for people who perpetrate the kinds of violent, malicious crimes [alleged to have been committed by the suspect mentioned in this article]. I simply do not believe that [the defendant's] ethnicity is relevant to his alleged crimes or, if convicted, his ultimate punishment for them." Mr. Smith concluded: "guilt by association has no place in objective journalism."

I present this example not only as a small acknowledgment of the problems that exist in the United States, but to illustrate the active approach which we believe such problems require. This one newspaper story could easily have been dismissed as merely one bit of irresponsible journalism. But this kind of racist stereotyping must be challenged head on. If Americans sometimes respond sharply to the anti-Roma

sentiments that are so widely visible throughout Europe, it is because we recognize this problem from our own history. If we press Europeans to be more actively engaged in overcoming the legacies of racism and prejudice, it is because we know from our own experience the terrible costs of failing to do so.

In closing, Mr. Chairman, I would like to say a few words about the Contact Point for Roma and Sinti Issues at the ODIHR. Although some members of the American delegation had reservations about the establishment of such a position two years ago, the record so far is a strong one, upon which further work may be built. We particularly welcome the efforts of the CPRSI to improve and increase contacts among Roma and Sinti from various OSCE states. My delegation commends the ODIHR for its efforts in this area.

I would also like to echo the remarks of the delegate from Ireland regarding further development of the ODIHR's work in this area. Ultimate responsibility for the implementation of human dimension commitments relevant to Roma and Sinti of course remains with the governments represented around this room. We look forward to more progress toward that end.

RULE OF LAW

Statement of Samuel G. Wise, U.S. Delegation to the OSCE Review Conference, November 13, 1996

Madam Chairman, "the rule of law" may be one of the broadest agenda headings we use here to organize and facilitate our work. Indeed, one might say that it covers a multitude of sins. For the purposes of my intervention, however, I would like to discuss some fairly specific, and essential, elements of the rule of law.

First, the independence of the judiciary remains unrealized or at risk in a number of OSCE countries. In Albania, for example, the executive dominates the judiciary through control of court budgets, presidential control of the Supreme Judicial Council, and outright political pressure. These conditions, which permitted the politicized removal of Albania Chief Justice Zef Brozi last year, have not been remedied. In many former Soviet countries, especially in Central Asia and the Caucasus, the judiciary remains dependent on the executive to an extent that inevitably impairs its independent functioning, and the pace of progress in remedying this problem has been glacial.

Second, a number of countries continue to conduct trials that are questionable at best and manifestly unfair at worst. In Armenia, Bulgaria, Georgia, Tajikistan, and Turkey, for example, the International Helsinki Federation reports that defendants have been regularly denied proper and timely access to their attorneys. This is an especially serious violation of the rule of law, since it is often during the earliest period of detention that police brutality, the excessive use of force, and torture occurs. Recent reporting also suggests that excessive use of force by police against detainees is also a problem in Austria.

We are also concerned about the case of Alexander Nikitin in Russia, whom Amnesty International has declared a prisoner of conscience. The pre-trial conduct of the government in this case, including Mr. Nikitin's restricted access to an attorney and to the information necessary to develop his case, has raised questions about the breadth of Russia's commitment to the rule of law and the presumption of innocence in the case of Mr. Nikitin.

Madam Chairman, Slovakia has been confronted with the challenge of building the institutions of independent statehood at the very time it has also had to dismantle the institutional tools of repression that characterized the former Communist regime. All in all, a great deal of progress had been made. Nevertheless, some glaring shortcomings remain in Slovakia's effort to establish the rule of law. In particular, our delegation was deeply troubled by the suspicious death of Robert Remias in late April of this year.

After insisting for months that Robert Remias died as a result of a fuel leak in his car, the Slovak Ministry of Interior conceded on September 4th that the death of Robert Remias was, most probably, the result of 150 to 200 grams of explosives.

I welcome any progress that may be made in this investigation. But the overall conduct of the investigating authorities has only heightened, rather than lowered, widespread public suspicions that this was a politically motivated murder. My delegation would welcome any new information from the delegation of Slovakia that could shed light on this matter.

Madam Chairman, last month, an expert mission organized by the ODIHR examined a number of rule of law issues in Belarus associated with the proposed referendum on November 24. The United States supports the expert mission's work and we urge the Government of Belarus to implement the mission's recommendations.

Finally, I would like to express my profound concern over recent developments in Uzbekistan. The United States was encouraged by the September ODIHR conference on national human rights institutions, at which representatives of the opposition freely participated, including Abdumannob Polatov and Shukhrullo Mirsaidov. We were hoping that this seminar would signal the beginning of a process of outreach and conciliation. Since then, however, we have been disappointed to see serious backsliding on the part of Uzbekistan's authorities.

On November 9, Hasan Mirsaidov, the son of Shukhrullo Mirsaidov, was reportedly kidnaped from his home and beaten over a twelve-hour period before being released. This assault stands as part of a pattern of attacks against a leading dissident and his family. The kidnaping of Mirsaidov's son worsens the atmosphere for political dialogue greatly; we are concerned that this deplorable event signals a return to past discredited patterns of Uzbek officials using force against the opposition. We urge the Uzbekistan Government to uphold the rule of law by conducting a vigorous and thorough investigation into this kidnaping, ensuring the arrest and prosecution of those responsible.

Before closing, I would like to briefly respond to a question posed by the delegate of Turkey regarding the U.S. intervention on national minorities. He expressed some surprise regarding certain elements of that statement, and questioned whether they represented a change in U.S. policy. International humanitarian law distinguishes between "international armed conflict" and "internal armed conflict." The views in our statements regarding Turkey, including those referring to armed conflict, are consistent with views already expressed in the State Department's annual country reports and other discussions between our governments.

FREE AND FAIR ELECTIONS: CHANGES IN US VOTER REGISTRATION PROCEDURES AND THE REGULATION OF CAMPAIGN SPENDING

**Statement of John Surina, U.S. Delegation to the OSCE Review Conference,
November 13, 1996**

Madame Chairwoman,

I have been asked by the U.S. delegation to speak out on the recent U.S. elections from my perspective as Staff Director of the Federal Election Commission.

The direct role of the US Federal government in elections and campaign regulation is limited.

1. Election administration is largely a state and local matter. This includes registering voters on permanent lists, recognizing political parties, placing candidates on the ballot, and actually conducting the elections.

2. There are no distinct federal elections; generally, elections at all levels are held simultaneously on complex, consolidated ballots prepared by the lowest jurisdiction.

3. Campaign financing is focused more on the individual candidates than the political parties, is essentially funded by private donations, and is only loosely regulated at the different levels of government. In addition to candidates and political parties, our law permits third party groups, called Political Action Committees (PACs), to participate in the financing of elections.

There have been two significant changes recently in this general regime. First, the federal government took on a more active role in the voter registration process. Second, the courts have further loosened the controls over money and politics due to a conflict with constitutional guarantees of free and unfettered speech and assembly.

The National Voter Registration Act of 1993

A gradual increase in the federal role in the voter registration process has been occurring within the context of extending federal guarantees of civil and political rights uniformly throughout the country. Until the 1960s, this had been a slow and high stakes process with the rules being changed by the arduous constitutional amendment process—recall that women were not guaranteed suffrage until ratification of the 19th Amendment in 1920.

In 1965, however, the federal government began exercising its authority over elections by statute with passage of the Voting Rights Act, which barred discriminatory practices by state and local officials. While collectively, the states have resisted this erosion of their authority, many states developed innovative procedures to reach out to prospective voters and to keep their voter registration lists active and accurate. These initiatives have ranged from developing highly computerized links to drivers license registration ("motor-voter") to allowing registration by mail. In 1993, a bill mandating many of these initiatives on a nation-wide basis was signed into law by President Clinton.

According to some of the non-governmental organizations that lobbied for the law, the estimated impact of the new procedures thus far has been to add over 11 million new voters to the rolls. The semi-automatic motor-voter process accounts for about half of the new registrations. New registrations by mail comprise about 38 percent of this number. About 75 percent of the voting age population is now registered. Voting, however, is neither compulsory nor particularly easy in the US. Regrettably, despite the increase in registration, it now appears that only about 48.8 percent of the voting age population actually cast ballots last Tuesday. As President Clinton received just over 49 percent of the votes cast, that means that fewer than 25% of the eligible voters elected the President. Some observers believe the low turn out is an indication of a citizenry satisfied with its present economic and social condition. Others take a much less sanguine view and consider low turn out statistics either a measure of voter disgust with the negative tone of the campaigns, or worse, a lack of faith in the electoral process to change their conditions for the better. We simply do not know the real reasons; I hope there will be more definitive survey research on this issue.

Decreasing Governmental Control over Campaign Financing

Since enactment of the Federal Election Campaign Act in 1974, the law has been regularly challenged as restricting the constitutional guarantees of free speech and assembly. The most aggressive efforts to push the limits of the law have been by so called "single issue groups" with narrow social or ideological programs. The pro- and anti-abortion groups and the pro- and anti-gun control groups are good examples. Such groups often seek to achieve their aims by getting like-minded legislators elected and/or defeating those with contrary views. Several of these organizations have resisted Federal Election Commission (FEC) efforts to compel them to conduct their political operations through registered political action committees which are subject to the law's disclosure requirements and its limitations on sources and amounts of contributions. The courts face a difficult task of balancing the need for controlling the corrupting influence of large amounts of undisclosed money, on the one hand, with the constitutional rights of association and speech, on the other. There is a persistent tension between the anti-corruption concerns in the campaign finance law and these constitutional guarantees. The present judiciary appears to be placing greater emphasis on the importance of protecting free speech with the result that it has struck down some of the limited restrictions that our law places on the role of private money in politics.

The statute was written with a broad proscription against corporations and unions spending any money "... in connection with ..." or "... for the purpose of influencing ..." federal elections. The courts have been rolling this ban back to the point that, essentially, only the money used to "expressly advocate the election or defeat of clearly identified candidates" is subject to FEC limits, public reporting and notation of the source on the advertisement itself. In its 1976 landmark case, *Buckley v. Valeo*, the Supreme Court defined express advocacy as communications using words such as "vote for," "elect," or "defeat." Lower court decisions and FEC regulations clarified the definition of express advocacy to include language that reasonable minds could only interpret as such advocacy. On October 18 of this year, however, the First Circuit Court of Appeals affirmed a District Court decision, in *Maine Right to Life Committee v. Federal Election Commission*, and declared our present regulation unconstitutional on its face. In this case, the court fell back on exclusive reliance on *Buckley's* magic words test. I trust this matter will be before the Supreme Court before long. Similar concern exists with "non-partisan voter guides" which are a common tool of the interest groups.

In this most recent election, not just single issue groups, but both major political parties, big labor, and big business also pushed the limits of the law and spent a great deal of money on public advertising that, they contend, was not subject to the law's limitations or disclosure requirements. Perhaps this aggressiveness was a reflection of the intensity of the election, particularly as regards control of the House of Representatives. The perceived excesses by both major political parties became a major issue in the concluding weeks of this year's election. We may, therefore, see legislation enacted attempting to correct some of the more glaring problems. However, if the gaps flow from the judicial review on Constitutional grounds, they cannot be addressed by statute. There is no doctrine of parliamentary supremacy in the United States. Rather, such change can only come from a constitutional amendment or a reversal of opinion by the Supreme Court.

As the preceding suggests, all democracies are works in progress. Despite over 200 years of experience, the United States is still at work to improve its processes and to adjust to changed circumstances. The newer democracies among the members states of the OSCE have further to go, and don't have 200 years at their disposal.

Notwithstanding and perhaps because of that disadvantage expectations of success are, and should be, held high.

The United States delegation is concerned by recent election problems in several southern and southeastern European states. I understand that Armenia's Constitutional Court is evaluating serious charges by the opposition in last September's presidential elections. The process by which such grievances are addressed and the faith of the people in that *ex post* review is as important as is the election process itself and deserves no less scrutiny by OSCE participating States.

RIGHT OF REPLY

Statement of John Surina, U.S. Delegation to the OSCE Review Conference, November 13, 1996

Representatives of the Natural Law Party have raised issues of access to the electoral process by small emerging political parties. These are valid concerns, particularly in states with majoritarian systems rather than proportional representation.

Despite this structural disadvantage, however, there are avenue of redress available and I do not believe that U.S. practice is inconsistent with the Copenhagen Document as I understand it.

Access to the ballot is a matter of state, not federal, law. However, the federal courts have been active in responding to complaints and do not shy away from over-turning state laws that unfairly discriminate against small parties.

The workings of the private Presidential Debates Commission is currently the object of a formal complaint before the Federal Election Commission. An earlier court challenge by the Natural Law Party and the Reform Party was dismissed by the judge as premature because the investigative process required under the Federal Election Campaign Act had not been given time to address the matter.

Finally, I should note that the Federal Election Commission granted matching public subsidies to the Natural Law Party in both 1992 and 1996.

CITIZENSHIP AND POLITICAL RIGHTS

Statement of Erika B. Schlager, U.S. Delegation to the OSCE Review Conference, November 14, 1996

Mr. Chairman,

Almost half of the countries participating in the OSCE are states that are newly independent or whose independence was re-established after 1991. Accordingly, each of these countries has faced special challenges in deciding who will be, and who will not be, a citizen of the new country. Progress in meeting this challenge has been mixed. First the good news.

Last year in Warsaw my delegation noted that a significant number of Latvian court decisions granting residence documents to non-citizens had not yet been implemented by the appropriate authorities. In April, the Latvian Government took forthright action to mitigate some of these problems. We hope these improvements will continue.

We also referred last year to the situation in Estonia, where the issuance of temporary and permanent residence papers for non-citizens had been complicated by misunderstandings and bureaucratic difficulties. Many of these difficulties have now been resolved, and we hope that the Estonian Government will seek to improve the rate of issuing aliens' passports which, although increased, remains "unsatisfactory" in the words of the OSCE Mission. In addition, we urge OSCE states that have not already done so to recognize Estonia's aliens' passport as valid travel documents. Recognition of these passports will contribute to the freedom of residents to enjoy the right to leave and return to their country.

My government takes note of Ukraine's efforts, consistent with recommendations made by the OSCE mission, to address the desire for Ukrainian citizenship voiced by Crimean Tatars who were deported during the Stalinist period, and we hope that Ukraine will take additional steps to resolve this legacy of the past. We also appreciate the emphasis in Ukraine's citizenship law on territorial links with the country, rather than ethnicity, consistent with the post-World War II human rights standards of non-discrimination.

Now, the other news. Last year, at the Warsaw review meeting, my delegation voiced serious concern regarding the Czech citizenship law. Since then, that law has been amended to improve it and strengthen its association with international human rights norms; we appreciate those efforts. Unfortunately, even as amended, the law continues to permit the *ex post facto* increase of criminal penalties. A law which attaches to past criminal acts a heavier penalty than existed at the time that the crime was committed (here, the penalty is the loss of the option of citizenship) violates article 11 (2) of the Universal Declaration on Human Rights and article 15 (1) of the International Covenant on Civil and Political Rights. To our knowledge, *none* of the other 21 newly independent countries in the OSCE have used a criminality clause to prevent those who were formerly citizens of the preceding federation from obtaining citizenship in the newly created state.

In this context, we recall that the High Commission on National Minorities and the OSCE Mission in Tallinn placed special emphasis on the efforts of the Estonian Government to publicize its citizenship opportunities, not only as a practical matter but as evidence of its good faith. While the Estonian Government was responsive to this concern, we have not yet heard from the Czech Government on this question. We also recall that last year, at the OSCE Implementation Review Meeting in Warsaw, the Czech Delegation stated that there were 8,000 applications for citizenship from former Czechoslovak citizens still pending at that time.

We welcome the information from the delegate of the Czech Republic presented here this morning that 260 waivers have been granted since the amended law came into effect in May 1996. But we would like to know the fate of the others among the 8,000 that were pending last year that have not received waivers, and what specific steps the Czech Government has undertaken to inform those Czechoslovak citizens who previously applied for but were denied Czech citizenship of the new opportunities the now amended law creates.

Citizenship problems have been overshadowed by violence in formerly Yugoslav republics, but they have not been overlooked. The Former Yugoslav Republic of Macedonia, for example, retains an unduly restrictive fifteen-year residency requirement for applicants who were formerly Yugoslav citizens in Macedonia.

Finally, Mr. Chairman: although Greece is not a newly independent state, it, too, has a problem in this area. The Greek citizenship law retains a provision which distinguishes between the rights of Greek citizens who are ethnic Greeks, and the rights of Greek citizens who are not ethnic Greeks. This provision is unworthy of the traditions of Greek democracy, and we urge the Government of Greece to seek the repeal of Article 19 of the Greek citizenship code.

RIGHT OF REPLY

Statement of William Spencer, U.S. Delegation to the OSCE Review Conference, November 14, 1996

Mr. Chairman,

Capital punishment continues to be the subject of debate in the United States. Nevertheless, the majority of our citizens believe that capital punishment is an appropriate sanction for the most serious crimes. The laws of a majority of our states, as well as federal law, authorize courts to impose capital punishment for such crimes, but only in accordance with due process of law and stringent procedural safeguards.

The right to life does not proscribe capital punishment. This was the case 200 years ago when the Declaration of Independence was adopted in my country, as well as at the time the Universal Declaration on Human Rights was adopted. Moreover, the International Covenant on Civil and Political Rights recognizes the right of countries that have not abolished the capital punishment to impose it for the most serious crimes.

International law does, of course, require that capital punishment be imposed according to principles of due process. The United States imposes capital punishment only under careful judicial scrutiny and in accordance with due process. Thus, when carried out in this manner, capital punishment for the most serious crimes is consistent with international law.

A number of countries have chosen to become parties to treaties obligating them to abolish capital punishment. These treaties, however, neither bind non-parties, such as the United States, nor change the status of capital punishment under international law.

FREE AND FAIR ELECTIONS

Written Statement of the U.S. Delegation to the OSCE Review Conference, November 14, 1996

A democracy rests both on a respect for the will of the majority, and on the protection of the rights of the minority irrespective of that will. In OSCE, this means free elections and the rule of law, and a state must have them both. If there is not a willingness to let a majority develop to freely express its will, however, it is doubtful that the minority stands much of a chance either.

It has now been more than six years since the standards for free and fair elections were adopted at the Copenhagen Human Dimension Meeting. Some countries, however, still are not able to hold a free and fair election, even after two or three attempts. Ironically, some of the better elections in Central and Eastern Europe were those organized early on by the ruling communist parties that were willing to be defeated by allegedly democratic oppositions, and subsequent electoral processes in some places have shown none of the hoped for improvements. The fact that only one of the Newly Independent States—Ukraine—has had a peaceful transition of presidential office since the breakup of the Soviet Union is a telling indicator that at least some of these countries have a long way to go in granting their citizens a free and fair choice. In any event, continuing electoral abuses must now be attributed more to the intent, not the inexperience, of those in power.

Many of the problems with these elections occur well before there is any voting. Frequently, there is a lack of clarity and openness in the establishment and operation of the electoral apparatus. Election commissions are run by people allegedly neutral, but, in many cases, they are not. And even if they are neutral, the democratic development of the country often has not been sufficient to give the opposition or the people full confidence in the electoral process. People who lived under decades of totalitarianism cannot be expected to simply trust a transitional system after a few years.

Another problem almost universally noted by foreign observers is the role of the media during the campaign. Often, there are some independent or opposition newspapers or journals, but it is television and radio that reaches the majority of the voters, and here the state controls get in the way. Access to broadcast media is usually restricted to some arrangement favoring the ruling party, sometimes giving that party better access and usually diluting the strongest opposition by providing no more time than the plethora of parties of little consequence, some of which are often in collusion with the ruling party. Regular news coverage highlights ruling party candidates and downplays or ignores opposition events.

Problems also occur on election day and during the vote count, verification, and aggregation of results. For example, international observers have encountered unauthorized persons both in the voting and counting process, officers have instructed their troops on who to vote. International observers, as well as domestic observers, have been impeded during the counting process.

Among the countries that have had elections within that past year or two where such problems were cited, to varying degrees, are Albania, Armenia, Azerbaijan, Bosnia-Herzegovina, Croatia, Serbia-Montenegro. This is particularly troubling in instances where there were close races, or where the results now give the ruling party the power to make constitutional changes on its own. In all cases, if the individual voter was permitted a "free choice" but denied the possibility of a fully informed choice or confidence in the overall electoral process, the elections fail to meet acceptable standards.

Looking at some of these elections more closely, the Albanian parliamentary election in May were characterized by serious irregularities in some locations during the balloting and even more locations during the vote tabulation process, compounded but not excused by the withdrawal of some major opposition parties from the process on election day. There was also excessive use of force by police in breaking up an opposition protest rally in central Tirana. I am pleased to note that many of the abuses were addressed by the authorities preceding the October local elections, although the decision by those authorities to limit the ODIHR's participation in the foreign observation of those elections is unacceptable.

Observers of the September Armenian presidential elections reported irregularities on election day and subsequent days that were serious enough (especially in Yerevan) to call into question the integrity of the results. Unfortunately, the controversy surrounding the elections led to violence and the excessive use of force by security forces in late September, worsening the situation. My government has called upon the Armenian authorities to work with international experts to address flaws in the electoral process, including those noted in the ODIHR report; to build confidence in the integrity of the electoral process; and to engage in a broader political dialogue with the opposition in order to achieve a national reconciliation. We look forward to hearing from the Armenian delegation on what actions its government is taking in this regard.

The November 1995 elections in Azerbaijan were also flawed, during the campaign, during the voting and during the counting of ballots.

The Bosnian elections in September are, of course, a special case, given the conflict which occurred there and the international presence which is the result. While the elections were an important and necessary step in moving the country forward, there is no question that the continued hindrance to the rights to freedom of movement, association and expression by candidates and voters alike detracted from process. Harassment, intimidation and restrictions were most evident in Republika Srpska, but they existed to some degree practically everywhere. The continued involvement of the OSCE Mission, and its determination to punish those who violate election rules and regulations, will be critical for the municipal elections which will be held in 1997.

The Croatian elections of October 1995 had, in addition to the general problems mentioned above, a unique element the reservation of almost 10 percent of the parliamentary seats contested for the so-called "diaspora." In all fairness, this was such a unique phenomenon that I am not sure which provisions it actually violates, but it was certainly troubling. The motivation for this might have been that it results in 12

extra seats for the ruling party, guaranteed by the inability of opposition parties effectively to campaign abroad. Whether or not it was meant to try to sway the loyalties of Bosnia's own Croat population is subject to debate, but there is no doubt that it did, adding to problems of peace and cohesion in that neighboring country.

In conclusion, I should note the electoral process which has just been completed in my own country. It may be difficult if not impossible to have perfectly free and completely fair elections; there is always room for improvement. That fact, however, cannot lead those in power to conclude, as many seem to have done, that they can get by with the minimal effort and flagrant abuses that ensure their continued rule. Instead, it should encourage everyone to strive to improve. If observers cannot report perfect elections by the next implementation review, I would hope that they could at least report greater progress.

THE ROLE OF NGOS

Written Statement of Paula Gutlove, U.S. Delegation to the OSCE Review Conference, November 14, 1996

SUMMARY

As violent conflicts have emerged across the OSCE region during the 1990s, governments, intergovernmental organizations and nongovernment organizations have sought ways to restore and maintain peace. An important contribution has been made by a field of activity commonly described as 'conflict management'. This term is used here to encompass: (i) efforts to obtain early warning of conflict; and (ii) nonviolent interventions that seek to prevent, mitigate, transform or resolve conflicts.

In offering this submission, the Institute for Resource and Security Studies (IRSS) has two major objectives: (i) to provide some background information about conflict management; and (ii) to suggest some actions by OSCE participating states, to be taken through the OSCE or other channels.

In providing background information, we first introduce the field of conflict management and describe the challenges that must be met if the field is to achieve its full potential. Then, we summarize selected efforts the OSCE has made to improve cooperation with nongovernment conflict management specialists.

To pursue our second objective, IRSS suggests that participating states:

- provide greater resources for building and sustaining indigenous conflict management capabilities;
- promote 'integrated action', in which conflict management is integrated with other functions; and
- support improved communication, coordination and information exchange, both within the conflict management field and between this field and related fields.

1. INTRODUCTION

"The concept of conflict prevention is the essence of diplomacy, but it goes much wider than that. The tasks it generates are so great that they are not just for diplomats. A role needs to be developed where diplomats, development workers, NGOs, academics and international organizations can work together to tackle different aspects of these complex problems." (Baroness Chalker, UK Minister for Overseas Development, speech at a seminar in London, February 1996)

Conflict between individuals and groups has always been part of the human condition. On countless occasions, intergroup conflict has become deadly. Yet, while history provides an ample record of deadly conflict, there is also a long record of actions that have prevented, or helped to prevent, deadly intergroup conflict from breaking out or re-occurring. Here, we use the term 'preventive actions' to cover actions of this type. Preventive actions have been taken by a variety of actors, including individuals, nongovernment organizations, governments, and intergovernment organizations. Often, the actions were successful because a number of actions were taken in combination, or because other circumstances created an enabling context. Some actions have been successful for limited periods, as in temporary cease-fire agreements, while other actions have prevented violence over periods of many years.

In this submission, the Institute for Resource and Security Studies (IRSS) focuses on a class of preventive actions that is commonly described as 'conflict management'. This term is used here to encompass: (i) efforts to obtain early warning of conflict; and (ii) nonviolent interventions that seek to prevent, mitigate, transform or resolve conflicts. These interventions are distinct from, but often complementary to, other preventive actions such as peacekeeping, sustainable development, humanitarian assistance, and the application of economic leverage. In the OSCE region, conflict management has become particularly important during the 1990s, as violent conflicts have emerged across Europe and the former USSR (Gutlove and Thompson, Helsinki Monitor, 1995).

We offer this submission to the OSCE Review Conference with two objectives: (i) to provide some background information about conflict management; and (ii) to suggest some actions by OSCE participating states. The first objective is addressed in Sections 2 and 3 of this submission. In Section 2, we introduce the field of conflict management and describe the challenges that must be met if the field is to achieve its full potential. In Section 3, we describe some of the efforts the OSCE has made to promote conflict management, focussing on its efforts to improve cooperation with nongovernment conflict management specialists. The second objective is addressed in Section 4, where IRSS suggests some actions by OSCE participating states, to be taken through the OSCE or other channels. To complete the submission, a selected bibliography is provided in Section 5.

IRSS is a nongovernment organization that was founded in 1984 to conduct research and public education on international security and the sustainable use of natural resources. Our simultaneous pursuit of these two broad areas reflects a conviction that resource and security issues are intimately related and often require a common approach. IRSS conducts research and education on preventive actions as part of its activities in the area of international security. To supplement its research and education efforts, IRSS also pursues preventive actions directly, through its Program on Promoting Understanding and Cooperation. Those actions include the convening of dialogue and training workshops, and the development of integrated action programs.

2. CONFLICT MANAGEMENT: OPPORTUNITIES AND CHALLENGES

For many generations, government and nongovernment actors, faced with deadly conflicts, have sought ways to restore and maintain peace. These efforts have included a class of nonviolent, non-military interventions that seek to prevent, mitigate, transform or resolve conflicts. Religious communities have often been prominent in pursuing such interventions. During the past decade, however, especially since the end of the Cold War, conflict management has begun to emerge as a distinct, professional field. Nongovernment specialists have taken the lead in this field.

Indigenous Conflict Management Capacity

Conflict management practitioners and academic centers have been concentrated in north America and western Europe, but a growing number of specialists from these regions have sought to seed a culture of nonviolent conflict management elsewhere, especially in countries that appear particularly susceptible to violent conflict. These efforts have had varying degrees of success. In many conflict-torn countries, partly as a result of work by international specialists, there now exists substantial indigenous conflict management capacity, often in the form of an indigenous, nongovernment conflict management organization. However, these local organizations are financially fragile and often at risk in a politically hostile environment.

Practical and ethical considerations argue for a progressive strengthening of the roles and capabilities of indigenous conflict management practitioners. A logical accompaniment to this trend will be the adaptation of conflict management practices to particular cultural settings and local problems. Thus, a healthy conflict management enterprise will be one in which indigenous practitioners play a growing role, while practices reflect useful cultural traditions and are adapted to meet local needs. The indigenous practitioners must receive adequate financial and organizational support, so that they can provide a professional, useful service. International conflict management organizations will continue to play a supporting role, through functions such as training, consultation, research, and evaluation.

The Role of Information Exchange

Partly because it is a developing field, and partly because of its intrinsic nature, conflict management is a field where competence and achievement are not always easy to assess. There is, at present, no formal certification process for practitioners. Evaluation of a program's performance may be difficult, for a variety of reasons. For example, several major factors (e.g., political and economic factors), in addition to the conflict management intervention, may be responsible for the outcome in a particular situation. It may be difficult to determine the influence of each factor.

Open, broad-based exchange of information is becoming recognized as a tool that can assist evaluation and can also help conflict management to become a more mature field in other ways. This type of information exchange will help to match conflict management needs with capabilities, will allow practitioners to learn from each others' successes and failures, will improve the prospects for coordination, and will yield other benefits (Gutlove and Thompson, Vienna seminars report, 1995).

Integrated Action

Peacekeeping, peacebuilding and other humanitarian programs have always involved some degree of conflict management work. However, integration of the various approaches has often been done on an ad hoc basis, without specific planning or personnel training. The deliberate integration of conflict management, through 'integrated action' programs, is a recent development.

Through integrated action, sometimes called functional reconciliation, conflicting parties are brought together to work on a humanitarian program that involves super-ordinate goals, and are provided with significant, concrete incentives for cooperation. At the same time, the humanitarian program receives the benefit of conflict management expertise. There is a limited body of experience with integrated action programs of this kind, but there are grounds for optimism about their potential.

The number of examples of actual and proposed integrated action programs is growing. In Macedonia, for example, the Catholic Relief Services, in partnership with the US Agency for International Development, has created mixed-ethnic Parents and Teachers Organizations (PTOs) to promote diverse community responsibility for the reconstruction of schools in conflict-torn communities. A key part of the process is the integration of conflict management functions in the initiation and functioning of the PTOs. In Slovakia, the Center for Strategic and International Studies (CSIS) is engaged in a multi-faceted program of integrated action. With facilitation and training from CSIS, mixed-ethnic community councils will design and execute a range of programs to serve broad community interests, from public health education to restoration of historical buildings. Aspects of conflict management will be integral to, and embedded in, the overall design of the program.

Integrated action appears to offer a variety of advantages. Through the integration of conflict management with development and relief actions, it is possible to create synergy between the various actions and to work more effectively towards shared goals. Indigenous conflict management capability is likely to develop in a more sustainable way when conflict resolution principles and techniques are applied within communities towards concrete, cooperative outcomes. By working with local facilitators and community leaders on an ongoing basis, conflict management practitioners can develop culturally appropriate practices. Also, integrated action can promote multi-faceted coordination. The tasks that provide the basis for functional reconciliation can be more effectively coordinated with other relief and reconstruction activities. Local and national authorities, intergovernment bodies and nongovernment actors (including the local community) can be more effectively linked. Finally, integrated action can build upon positive aspects of the local society that have survived through episodes of violence.

To illustrate the potential for integrated action, consider the health care field. A partnership between professionals in this field, and conflict management specialists, would create a new dimension of integrated action, whereby medical professionals, with training and assistance from the conflict management community, create 'health bridges for peace' in conflict-prone areas (Institute for Resource and Security Studies, Health Bridges prospectus, May 1996). A program of this kind would establish a peaceful bridge between communities in conflict, in which "health can become a common objective and evoke a binding commitment that is shared by warring parties" (World Health Organization, 1995, page 19). In this way, common health needs can provide an opportunity to bring people together for collaborative action, dialogue, and the healing of relationships. This approach has been tested in several instances. For example, the World Health Organization launched a vaccination campaign in Afghanistan in 1994, during which the conflicting factions agreed to a cease-fire.

3. OSCE EFFORTS TO IMPROVE COOPERATION WITH ONGOVERNMENT CONFLICT MANAGEMENT SPECIALISTS

By 1993, rising concern about the escalation and spread of conflict in Europe had created an urgency in both government and nongovernment circles about finding creative conflict resolution alternatives. The ODIHR responded by holding a January 1994 seminar in Warsaw to address the role of the CSCE in early warning and preventive diplomacy. Both government and nongovernment actors perceived that scheduling an official seminar at that time was a validation of alternative conflict management options.

An important aspect of the Warsaw seminar was its focus on the roles of nongovernment actors in the overall context of preventive diplomacy. Official delegates at the seminar and nongovernment participants both expressed the belief that programs in early warning and preventive diplomacy had the potential to enhance and preserve security in Europe. Moreover, it was stated that CSCE-NGO cooperation in these efforts could be mutually beneficial, and should be explored.

The engaged presence of appropriate parties at the Warsaw seminar opened the way to a variety of cooperative government and nongovernment initiatives. One such initiative was a cooperative effort of the CSCE Secretariat and the Institute for Resource and Security Studies, through the Balkans Peace Project, to convene a seminar in StadtSchlaining, Austria, in September 1994. This seminar brought together about twenty heads of CSCE delegations and CSCE officials with an equal number of representatives of nongovernment organizations that are engaged in conflict management activities in the OSCE region.

One of the unique features of the meeting was the degree to which it was broadly and significantly representative. Key CSCE officials and ambassadors attended, including fifteen heads of delegation. This attendance demonstrated how serious the CSCE delegations are about the issue of conflict management and the role of nongovernment conflict management specialists. Participation from the nongovernment community was similarly representative, featuring nongovernment conflict management specialists from the USA, Canada, the CIS and across Europe.

At the meeting, three important areas of convergence between the CSCE and the nongovernment conflict management community were delineated. First, the CSCE and this nongovernment community share the key objectives of preventing conflict, building civil society, and protecting human rights. Second, there is significant overlap between the CSCE and this nongovernment community in the approaches they use, namely persuasion, dialogue and conciliation. Third, between the CSCE and the nongovernment conflict management specialists there is a useful complementarity of roles, in all phases of conflict management from the grass roots level to the political and governmental level (Balkans Peace Project, 1994).

The StadtSchlaining meeting also clarified areas in which nongovernment conflict management specialists could provide expertise to the CSCE, including: (i) education, training, research, and conceptual analysis of conflict, conflict prevention and conflict management; (ii) communal dialogue on the local level; (iii) provision of information; and (iv) unofficial, peaceful, sub-diplomatic interventions in conflict situations.

The meeting yielded a number of recommendations, many of which focussed on the need for better information exchange, in both directions, between the CSCE and the nongovernment conflict management community. Another recommendation from the seminar was that an oral and a written report of the meeting be submitted to the 1994 Budapest Review Conference, describing the broad range of ideas and possibilities that were explored at the seminar. This was done, and presentation of the seminar findings in Budapest was met with strong support. It was acknowledged that expert consultation from nongovernment conflict management specialists could well be one of the most useful and cost-effective resources available to the CSCE, and that the CSCE needs to improve its ability to utilize this resource. To emphasize this point, the special edition of the Helsinki Monitor, published in 1995 to celebrate the twentieth anniversary of the Helsinki Final Act, included an article on OSCE-NGO cooperation in conflict management (Gutlove and Thompson, Helsinki Monitor, 1995).

To follow up on the recommendation that better information exchange be facilitated, in both directions, between the CSCE and the nongovernment conflict management community, the Institute for Resource and Security Studies, in cooperation with the Conflict Prevention Centre of the OSCE, convened a seminar to examine needs and opportunities for improved exchange of knowledge about conflict management. This seminar, held in Vienna in June 1995, allowed OSCE officials and delegates to share perspectives with representatives of nongovernment organizations, on needs and opportunities for improved exchange of knowledge about conflict management. A related seminar, for the nongovernment specialists, was held on the following day.

For many of the OSCE and nongovernment participants, the seminars were their first exposure to the concept that careful attention to information generation and processing can yield credible, timely, accessible and conveniently packaged knowledge. For them, the meeting was truly an eye-opener, shattering assumptions about the inevitability of either doing without vital information or drowning in the increasingly abundant stream of random information that is available through ever-advancing technology. For those participants who had previously taken part in the development of information conventions and systems for information management, for example in the context of human rights or relief work, the meetings were an opportunity to share the lessons they had learned and to confirm what they had achieved (Gutlove and Thompson, Vienna seminars report, 1995).

Participants broadly agreed that the information needs of the conflict management field are great and growing, and that the potential for addressing those needs lies within our grasp, particularly if the lessons learned in other areas are applied here. One key lesson, oft repeated, was that the introduction of information conventions, and training in their use, cannot be done effectively through an arbitrary or top-down approach. Instead, there must be broad participation in developing a conceptual structure for the field and the information conventions which flow from that structure.

4. SUGGESTED ACTIONS BY OSCE PARTICIPATING STATES

As governments, intergovernment organizations and nongovernment bodies search for ambitious, imaginative but realistic approaches to conflict management, they must use all the capabilities at their disposal. In doing so, they should seek judicious cooperation across institutional lines, and should seek opportunities to integrate conflict management with other humanitarian functions. A strong indigenous capability in conflict management, in every country, will be essential if this effort is to succeed.

Another essential ingredient of success will be the broad sharing of useful knowledge, including the lessons of practical experience. There must be increased understanding throughout nations and governments about the causes of violent conflict and the options available to prevent it. Also, conflict management will yield its best fruits if pursued cooperatively by everyone who can make a difference, wherever and wherever they are. Centralized control of the field is neither feasible nor desirable. Thus, communication and information exchange are crucial.

These imperatives create some needs for practical action. Accordingly, IRSS suggests that participating states: (i) provide greater resources for building and sustaining indigenous conflict management capabilities; (ii) promote 'integrated action', in which conflict management is integrated with other functions; and (iii) support improved communication, coordination and information exchange, both within the conflict management field and between this field and related fields.

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CIVIC EDUCATION

Statement of Timothy E. Wirth, Under Secretary of State for Global Affairs, U.S. Delegation to the OSCE Review Conference, November 14, 1996

Thank you, Mr. Chairman.

I wanted to make a brief statement at this Human Dimension Working Group of the Review Conference to emphasize the importance our country attaches to the Review. By becoming members of OSCE, all of us have taken on obligations and responsibilities in the human dimension area. We believe it important and worthwhile that all of us take stock periodically of what we have obligated ourselves to do and how we are progressing. None of us is perfect — this review offers us a chance to see ourselves as others see us and to work together toward the goals we all share.

As you may know, the Department of State is charged by our Congress to submit a yearly country specific report on human rights practices around the world. The reports are put together, in one of the bureaus responsible to me, from submissions by our embassies. Many of you who are represented at the Review Conference, including diplomats and NGOs, are of immense assistance to us as we strive to compile honest reports, taking into account progress which has been made as well as problems which still exist. I have great admiration for you, as you support democratic practices and human rights from day to day, sometimes in dangerous circumstances. I hope all of you will feel free to provide us with comments and criticism to make our report even better.

I also salute the work of the OSCE, and in this forum, the work of Office for Democratic Institutions and Human Rights and the office of the High Commissioner for National Minorities. As they work quietly to help countries nurture democracy and improve their human rights records, and as they anticipate problems before they develop into human catastrophes, they receive our enthusiastic support.

Finally, Mr. Chairman, with over 200 years of experience in democratic government, the United States has come to see the electorate as the ultimate custodian of its own freedom. Democracies flourish when they are tended by citizens who are genuinely prepared to participate in the civic life of society, adding their voices to the public debate, electing representatives who are held accountable for their ac-

tions, accepting the need for tolerance and respect for opposition views, and compromising when necessary to reach agreement. To build the commitment to democratic values and to develop the civic skills required for effective citizenship, education is essential.

The United States, and increasingly the world community, recognizes that democracy requires education, both formal and informal; education is vital to building the civic culture which lies at the core of democracy. Civic educators in the United States and in other OSCE participating states are stepping forward to do the essential work so that established democracies do not weaken and the promise of new democracies is not lost. A good example is the emerging democratic process in Albania, which we discussed earlier this morning in the Permanent Council. In Albania, U.S. support will be targeted with special attention to building civil society, strengthening independent and diverse media, and broadening citizen engagement.

Among other efforts, let me call attention to the OSCE plans to continue the work begun in Tallinn at the end of October at the excellent civic education seminar put on by the Office of Democratic Institutions, the Estonian Ministry of Education, and the Council of Europe. Or the on-going civics education reform projects in Bosnia and East Central Europe. The United States suggests that OSCE coordinate still further its work in the field of civic education by participating in the CIVITAS consortium of educators, public figures, international institutions, and private sector representatives. (our delegation will circulate a fuller description of CIVITAS in written form.)

Thank you Mr. Chairman for this opportunity. Again, it is a great pleasure to be back at OSCE. Let us continue to take a hard look at where we are now and then move forward to educate the next generation of informed and responsible citizens.

CIVIC EDUCATION

Written Statement of the U.S. Delegation to the OSCE Review Meeting, November 14, 1996

With over 200 years of experience in democratic government, the United States has come to see the electorate as the ultimate custodian of its own freedom. Democracies flourish when they are tended by citizens who are genuinely prepared to participate in the civic—public—life of society, adding their voices to the public debate, electing representatives who are held accountable for their actions, accepting the need for tolerance and respect for opposing views, and compromising when necessary to reach agreement. To build the commitment to democratic values and to develop the civic skills required for effective citizenship, education is essential.

The United States and, increasingly, the world community are recognizing that democracy is a cultural creation and that education, both formal and informal, is vital to building the civic culture which lies at the core of democracy. Civic educators in the United States and in other OSCE participating states are stepping forward to do the essential work so that established democracies do not weaken and the promise of new democracies is not lost; at the same time, they request the resources to accomplish their work.

Developed and supported by two U.S. NGOs—the Center for Civic Education and the American Federation of Teachers—and two executive agencies of the U.S. Government—the U.S. Department of Education and the U.S. Information Agency—CIVITAS, an international consortium for civic education,

was inaugurated at a gathering of civic educators held in Prague in June 1995. From 52 countries, over 450 people attended CIVITAS@Prague. 1995 to promote civic education by exploring the importance of education to democracy; exchanging ideas, methodologies, and materials; and creating an association that would raise the visibility of their work on the international agenda.

Since Prague, CIVITAS has embarked on a journey laid out by the participants in the Prague conference to further its official recognition as an international organization that will serve as a worldwide consortium dedicated to improving citizenship education and bringing increased attention to the efforts of those who do this work. Importantly, CIVITAS has also undertaken activities to strengthen citizenship education in targeted regions like the Balkans and Central and Eastern Europe and to expand its involvement to such other areas of the globe as Latin America.

In late March 1996, four CIVITAS members—two U.S. NGOs, the Council of Europe, and the U.S. Information Agency—joined in sponsoring a four-day workshop in Sarajevo on teaching democracy: a cooperative effort that brought together civic educators from the Czech Republic, Hungary, the United Kingdom, Norway, and the United States. The positive response of the participants from all over Bosnia and

Herzegovina inspired a more ambitious program of cooperation among U.S., European, and Bosnian educators. In May and July of 1996, more than 25 civic educators from the United States and Europe spent several weeks in Bosnia and Herzegovina working with their counterparts in every canton of the country. Among the materials used during the training were translations of texts originally developed for use in U.S. schools by the Center for Civic Education—texts that provide students with an understanding and greater appreciation of constitutional democracy. The response to these materials was so enthusiastic that the Bosnian government requested copies for every high school student in the country. This fall the materials were introduced into Bosnian classrooms in a pilot program, which should lead to national implementation.

The International Civic Education Exchange—a CIVITAS program administered by the Center for Civic Education and supported by the U.S. Department of Education with cooperation from the U.S. Information Agency—enables civic educators from the United States, Central and Eastern Europe, and the NIS to learn from and assist each other in improving education for democracy. The program includes seminars for civic educators on the basic values and principles of constitutional democracy; reciprocal visits by civic educators; translations of basic documents of constitutional governments and other relevant works; adaptations of exemplary curricular and teacher education programs; and joint research projects.

Civnet is a Web site on the Internet for civic education practitioners, curriculum designers, teachers, teacher trainers, researchers, administrators, and NGOs involved in promoting civic education or civil society. First designed for Prague, Civnet received a major update thanks to the Council of Europe's adding its own materials at the March 1996 CIVITAS Steering Committee Meeting in Strasbourg. Just a little over a month ago, Civnet was updated with Spanish-language materials in preparation for a major Western Hemisphere conference that took place in Buenos Aires.

The United States notes with satisfaction that the OSCE plans to continue the work begun in Tallinn at the end of October at the excellent civic education seminar put on by the Office of Democratic Institutions and Human Rights, the Estonian Ministry of Education, and the Council of Europe. The United States

suggests that the OSCE coordinate still further its work in the field of civic education by participating in the CIVITAS consortium of educators, public figures, international institutions, and private sector representatives. Possible areas of OSCE cooperation with CIVITAS include on-going civics education reform projects in Bosnia and East Central Europe.

Thank you for this opportunity to outline U.S. support for civic education. Our reason is simply and eloquently summed up in the CIVITAS interim statement of purposenamely, that "much depends on educating the next generation of informed and responsible citizens."

THE ROLE OF NGOS IN THE ELECTION PROCESS

**Statement of Jeff Fisher¹, U.S. Delegation to the OSCE Review Conference,
November 15, 1996**

I. Background

From May to September of this year, I served as Director General of Elections for the Mission of the Organization for Security and Cooperation in Europe (OSCE) to Bosnia and Herzegovina. In this capacity, it was my responsibility to provide on-site administration of the electoral process as stipulated by the Dayton Accords and the implementing regulations adopted by the Provisional Election Commission (PEC).

Let me take this opportunity to express my appreciation to the participating States which contributed staff and funding to support the electoral process of Bosnia and Herzegovina.

As you are aware, the opstina elections have been postponed on two occasions for technical and political reasons which have been articulated by Ambassador Robert Frowick and others. Although it is unfortunate that a deferral became necessary, this period of time should be used as an opportunity to conduct a more extensive planning exercise than was possible for the September 14 event; provide support to civil society and political party development; and correct problems which have an impact on the confidence in the process by the voters of Bosnia and Herzegovina and the international community. Both international and local non-governmental organizations (NGOs) can play a significant role in the planning and implementation of the opstina elections.

II. NGOs in the Electoral Process

The staffing the Sarajevo headquarters, regional centers, and field offices for the September election was conducted through a process of secondment wherein sponsoring governments generously covered the salaries of public servants while the OSCE covered on-site living expenses. Although many skilled individuals were identified through this process, the number of staff required for the Mission, coupled with the special electoral skills required, taxed the capacity of both the Secretariat and the personnel managers in Sarajevo; in some cases, proved to be slower than desired; and, in a technical recruitment effort, the definitive match between a secondee's skills and the needs on the ground could not always be made.

Under a scenario of opstina elections by mid-1997, a comparable staff mobilization effort will be required. In order to more effectively respond to this call, I am urging the OSCE to examine an extended use of NGOs in fulfilling the election mandate as an alternative to the secondment process. The OSCE could grant to or contract with NGOs from participating States to provide blocks of services in support of

the Mission's work. Services could include such anticipated tasks as conducting a voter registration program, refugee balloting, political party development, voter and civic education, media monitoring, and legislative training.

It must be noted that some participating States granted funding to NGOs to provide targeted blocks of services for the September electoral event. In many cases, these contributions were not included in that state's credit for contributions to the OSCE's election fund for Bosnia and Herzegovina. Under these independent funding arrangements, NGOs made contributions in the areas of technical election assistance, voter education, political party training, and election monitoring. NGOs played a significant role in the conduct of refugee registration and balloting activities.

Over the last decade, NGOs in OSCE participating States have developed the services, staffing, and capacities to provide support to electoral and democratic initiatives. The OSCE could establish a roster of NGOs qualified to deliver such services for democratic initiative projects.

III. Local Considerations

It is also my recommendation that the OSCE identify and engage a greater number of local nonpartisan NGOs and locally recruited mid-level election administrators to serve the election effort. From my experience, I have encountered talented and skilled individuals in the country who are certainly capable of service to the Mission. In fact, my Deputy Director General was locally recruited because of her administrative experience in both the previous national election and independence referendum in the early 1990s. By increasing the participation of local NGOs and managers, I believe that the Mission can gain from their insights as well as offer opportunities for Bosnia and Herzegovina to develop a robust NGO community and a core of public servants experienced in election administration and democratic initiatives.

ROLE AND EFFECTIVENESS OF OSCE MISSIONS

Statement of the U.S. Delegation to the OSCE Review Conference, November 20, 1996

Thank you, Mr. Chairman.

Today we would like to discuss ways to improve the efficiency of the OSCE's missions. Larger missions in many ways represent the future for the OSCE. The success of OSCE-supervised elections in Bosnia this year is an example that could be copied in the future regions of the OSCE area.

The needs of large missions, defined as those having more than forty international staff, are different from those of the OSCE's traditional missions of long duration. For this reason, we should look at the experience of the OSCE Mission to Bosnia to develop signposts for our collective approach to future large missions.

Large OSCE Missions should have the capabilities the OSCE Mission to Bosnia lacked during the first months of carrying out its Dayton mandate — there was little elections funding and bureaucratic delays prevented the timely deployment of manpower to the mission. The mission really only reached full strength approximately 180 days after Ambassador Frowick arrived in Sarajevo and began work.

Future large missions will need the financial liquidity to carry out their mandate without suffering undue delays in receiving resources. We believe that the OSCE should have the capability to receive short term cash infusions so that large missions can receive resources when they are needed, not when a bureaucracy says they are available. This could be accomplished through an emergency fund or other financial instruments. We should also explore creative ways to use voluntary funding, so as to get projects quickly off the ground.

Meanwhile, the OSCE in Vienna should relax its controls on procurement in favor of its staff on the ground. Financial operations and procurement should be decentralized to enable the Head of Mission to prioritize the mission's needs. A large mission should also have the staff to guide this process, because the Mission, as the best judge of its operational needs, needs competent administrators.

As we look at the tasks the OSCE Mission to Bosnia must perform after its elections duties have been completed, we must recognize that the Mission's democratization and human rights responsibilities will still transcend those of other missions of long duration, both in terms of resources and geographic scope. The OSCE Mission to Bosnia hopes to oversee specific democratization and human rights programs to complement human rights reporting, and support for the Ombudsmen and the Human Rights Commission. The amount of Rule of Law and judicial assistance programs currently contemplated are on a scale never previously executed by the OSCE.

To provide technical Rule of Law assistance and have an effective democratization work plan in place, the OSCE will need to fine tune its contracts administration capability, so that in-house programs and programs administered by NGOs can be deployed to the region comprehensively and quickly. Contracting assistance of this nature was provided to the Mission in a limited manner by the ODIHR this year; participating States should consider ensuring that there is an OSCE capability to initiate and provide administrative support for development and democratization contracts. The OSCE Mission to Bosnia does not have the time to administer and oversee its own contracts; all large missions will most likely need this type of assistance in the future.

While the secondment principle has been used effectively in smaller missions of long duration, this system could not cope with the tremendous personnel demands emanating from Sarajevo. We believe that in large missions, the OSCE Secretariat and Head of Mission should be given the authority to hire personnel as necessary without undue reliance on the secondment system. In certain cases, the OSCE should be able to enter into contracts with NGOs with appropriate technical expertise to take on discrete projects, and allow NGOs to deploy their own staffing. Personnel decision making authority should be decentralized in a large mission so that the Mission's operational needs are met quickly and effectively.

The most important issue that arises between large and small missions is the need to decentralize management. Vienna's role should be to establish broad policy goals and priorities and determine a mission mandate. Other OSCE organizations such as the ODIHR should be available to support mission goals where feasible. The OSCE head of mission should be able to implement this mandate, and have the freedom to deploy resources as appropriate to operationalize Vienna's general guidance.

Finally, OSCE participating States should review their own abilities to provide seconded staff in a timely manner. Support for a large mission requires personnel contributions on an ongoing basis. In the case of large missions, the OSCE should consider extending the minimum tour of duty for some seconded

staff to one year to provide continuity and improve the mission's effectiveness. It is also important that participating States also send their best and most appropriate personnel, with specific technical expertise where possible.

Learning from mistakes is a natural process, and by looking at the experience of the OSCE Mission to Bosnia, we can expand our abilities when any large mission is deployed by the OSCE. Thank you.

FINAL PLENARY SESSION STATEMENT

Sam W. Brown, Jr., Head of Delegation, U.S. Delegation to the OSCE Review Conference, November 22, 1996

Mr. Chairman,

I would like to welcome the Chairman-in-Office, Foreign Minister Cotti, and thank him on behalf of my Government for leading the OSCE through its busiest and most challenging year to date. In December 1995, the OSCE was charged with its largest single task to help secure a just and lasting peace in and around Bosnia. Along with this, the OSCE was also expected to maintain or expand its activities across the broad spectrum of our common endeavor. Under your steady leadership, the OSCE has fulfilled these tasks, and won the heightened regard of the world community. You deserve our congratulations and gratitude.

Our task today is to take stock of the review we have just completed. Even in a successful year we can ask ourselves: how might we still improve our performance? And how well has the Review Conference served as a tool in fulfilling our mandate? Let me turn first to the RevCon itself, and look briefly at the substantive conclusions in each basket of OSCE endeavor.

My point of departure for this Review Conference is the last one we conducted in Budapest. There, we concluded that a shorter RevCon, held on the same premises as regular OSCE business, would be more cost-efficient and more relevant to our work. Under the able leadership of the CiO Delegation, we struck a reasonable bargain on time and cost. Still, there are drawbacks to the choices we made for this RevCon.

My delegation found that the demands of regular OSCE business on time, space, and resources, diminished the attention we could give to this vital aspect of implementation. In some cases, we believe that creative discussion suffered as a result. Review Conferences are rare opportunities to bring together experts on all the OSCE baskets, as well as the NGO community. In this unique setting, we concentrate on our varied endeavors in an integrated way. Over the past few weeks, we missed the cohesive vision fostered at earlier Review Conferences. How can we maintain the gains in efficiency while still holding a review greater than the sum of its parts?

We recommend consideration of a number of modifications to the practices adopted for this Review Conference. First, to strengthen the unique character of a Review Conference held in OSCE headquarters, we might choose a separate venue, e.g., the Austria Center. This would not overly tax the staff of smaller delegations, but would guarantee a separate space fostering a more cohesive review. We might consider reducing the time spent on regular OSCE business during the Review Conference. With ample time to prepare the next RevCon, we could conclude a significant portion of time-sensitive work in ad-

vance, and then reserve one day per week for regular OSCE meetings at the Hofburg. We might begin the Review Conference a few weeks or even more earlier, allowing for a reasonable period to consider RevCon results before beginning preparations for a Summit. We might even want to consider review of different dimensions at different times during the year, allowing both delegations and capitals to concentrate on issues one at a time. This would also reduce interference with regular OSCE business.

Mr. Chairman, all of these suggestions are offered as food for thought. Our goal is to maximize scarce resources as well as profit better from the opportunity Review Conferences offer.

On specific conclusions from this Review Conference, I begin with the field of politico-military security. Here, we believe that expansion of the Annual Implementation Assessment Meeting to review all politico-military commitments on a yearly basis would be a useful next step. This would allow us to see the relative costs and benefits of all agreements in this field, and suggest ways of streamlining or rationalizing duplicative arrangements. Then, at future Review Conferences, we could devote time in this area to consideration of how politico-military security is integrated into the larger concept of OSCE security. It would discourage delegations from using the Review Conference meetings merely as extensions of other ongoing negotiations.

As we finalize our commitments in this field for Heads of State and Government, we think it is time to consider ending the automatic two-year deadline for conclusion of substantive measures. Politico-military security responds to the evolving European security scene, not to an arbitrary two-year clock between Summits. Rather than tasking measures to be developed by each Summit, we should harvest gains in politico-military as they develop. Each year that existing measures are fully implemented, or more fully utilized, is a year of measurable achievement in the politico-military field. We must resist the temptation to development new agreements before their need has been clearly identified.

The Human Dimension working groups have traditionally provided a venue for governments, advisory groups, NGOs and OSCE offices to comment on the implementation of human dimension obligations. The interaction between these groups, both in and out of the meetings, and the wide variety of views brought to bear on the topics is invaluable. Moreover, contacts are developed at these meetings which serve us all well over the year, especially in the Human Dimension where input from NGOs is invaluable.

This year, the schedule of the review conference which ran parallel to both the regular activities of the OSCE and preparations for the Lisbon summit detracted from the effectiveness of the working group meetings. Delegates based in Vienna were forced to choose between regular activities (the Permanent Council, NATO caucus, drafting groups, the Finance Committee) and attendance at working group sessions. Small delegations were particularly disadvantaged, with no hope of participating in many of the groups. The constant coming and going was distracting and also led to disjointed and unfocused discussions. In the future, we should consider isolating the review conference from other OSCE activities either by geography or by schedule. Thought should be given to enhancing possibilities for socialization among OSCE delegations, NGOs and those who have traveled from capitals; a small outlay for receptions, coffee hours, a large coffee lounge, etc. might bring people together in a way which was not possible this year. (The gratitude of the NGOs who attended the reception at the Browns' home is indicative of the need to create situations for social contact.)

Our discussion in WG 2 covered much ground, but with unequal results. First, some comments on the process. The theme, "OSCE activities, institutions, structures and instruments," was eclectic, particularly since the sessions looked back in review and forward toward proposed changes. Some topics, such as the Bosnia mission, lent themselves better to a "review conference" discussion than did others, such as the "decision-making process." All of the sessions were expertly chaired, yet because of the structure and content of the Working Group, many interventions that were made in other working groups were reiterated in WG 2, sometimes at length.

On the substance, I would like to highlight just a few areas. There was much to be learned from OSCE's experiences in Bosnia during the past year. An open review of this topic, drawing lessons for the future, was a useful and productive effort. The review conference discussion of relationships with Partners for Cooperation was itself a positive aspect of the ongoing dialogue with these friends.

As we said during the discussion of its agenda, the work of the review conference should be primarily review of implementation of commitments. Most consideration of structures and institutions should be left to the Permanent Council. Our experience in Working Group 2 confirmed our commitment to this approach.

SUMMIT STATEMENT

Vice-President Al Gore, U.S. Delegation to the OSCE Lisbon Summit, December 2, 1996

Thank you, my long-time friend President Nazerbayev. It is an honor to join you today to speak on behalf of my President on the subject of how best to provide for the future security and well-being of the OSCE community of nations.

I would like to begin by thanking our Chairman-in-Office Flavio Cotti of Switzerland, and to congratulate our host, Portugal, for this magnificent hospitality and efficiency. In fact, in some ways, there is perhaps no better place to have such a discussion than in this beautiful city and in this great nation. Centuries ago, the Portuguese sailed beyond the familiar blue of the Mediterranean to the uncertainty beyond. Undaunted by fear, they boldly opened the way to Africa, to Asia and the Americas. It is fitting, therefore, that we meet in this land of discovery to chart progress on a new voyage towards peace, security and prosperity for our nations and our peoples.

The moment for such an undertaking could not be more auspicious. Today, for the first time in history, the nations of this region from the shores of the Atlantic to the Urals and the steppes of Central Asia have taken upon themselves the obligation to live by democratic values. On the eve of a new millennium, we at last can aspire to construct a Europe in which the expectation of war has been replaced by the expectation of peace; a Europe in which security is based on the interaction of free markets, free minds, free peoples, and free nations. In this community of States, the security of each country must be indivisible from the security of all.

As with any voyage into the unknown, each of us, naturally, has concerns about our chances for success. And, very understandably, we also will have differences about which course to take. Some of these differences will have been settled by the time this meeting ends. The solution to others will need further discussion within the OSCE and other organizations, and among the parties particularly concerned.

But even though there is much work before us, let us not forget the remarkable progress we already have made. First of all, we should note the degree to which the OSCE has kept faith with the principles enshrined in the Helsinki Accords, despite the dramatic changes that have occurred since those Accords were signed over two decades ago.

Today, as in earlier years, the OSCE continues to be a place where the issues that affect the destiny of Europe can be debated on equal footing by all governments. The OSCE is unique in this regard. But the OSCE has become much more than a great forum of nations. It has become a way for nations to join together both in word and deed to address practical problems and challenges to those principles which form the core of this body.

When the OSCE was founded, the greatest challenge to peace was the possibility of conflict between massive alliances of political, military and economic rivals. God willing, those days are gone. Today's gravest threats do not arise from clashes between groups of states, but from discord within.

The OSCE fully recognizes this reality, and as a result is sustaining missions in regions where the problem of ethnicity has become a central challenge to peace and security. These missions in Nagorno-Karabakh, in Abkhazia, and elsewhere are unprecedented efforts to substitute political processes for violent ones, and to help peoples resolve their conflicts to the language of mutual respect, confidence building, reconciliation, and respect for human rights.

The OSCE's mission in Bosnia represents a particularly dramatic adaptation to the challenges that have been presented by the worst of these conflicts. Because of our coordinated work together, the guns of war in the Balkans at last are silent. A bitter harvest of hatred is giving way to a new day of hope. Children are awakening to school bells and not mortar shells.

Of course, the story in Bosnia is far from over. But our progress thus far is the result of the successful fusion of the OSCE's ability to deal with problems of social and political reconstruction, to IFOR's ability to enable the parties to carry out the terms of their peace agreement. This partnership between OSCE and IFOR is more than just a spectacular example of how to bring to bear effective cooperative solutions to deal with a specific challenge. On a deeper level, it is an archetype of how the security of Europe is being promoted through dynamic new linkages between different institutions, including NATO, the WEU, the European Union, and the Partnership for Peace, each with an important role to play, and each with its own strengths, expertise, and contributions to offer.

In many important respects, these flashes of imagination are illuminating the path ahead. Throughout our institutions we see systems of cooperation rapidly developing within themselves and between themselves. New participants are associating with or joining these systems in unprecedented forms to deal with unprecedented new issues. Exclusivity is yielding to the principle of inclusiveness. Concerns for the increased delineation of these organizations are matched by multiplying possibilities for their interaction and evolution.

Yes, the OSCE is evolving rapidly, flexibly, and inclusively. But at the same time, the OSCE does not need to be transformed into the only orchestrating instrument of European security. We should celebrate the special contribution of this community of cooperation and values, rather than compressing it into a legalistic framework. Treaties have their place, but we believe that the OSCE will succeed best on the

basis of its flexible political commitments. The United States is ready and willing to work on developing cooperative arrangements between OSCE members and other organizations such as NATO. NATO has been and remains a defensive alliance of like-minded democratic states. As such, of course, it poses no threat to any other state, because there are no reasons for the people of any free and democratic nation to fear the desires of those free and democratic countries in Central Europe for stability and peace. Indeed, the stability that NATO can help extend to Central Europe is in the interest of all nations. At the same time as NATO enlargement proceeds, NATO wants in parallel to build a strong cooperative relationship with Russia and other states. That, too, can play a significant role in strengthening security and stability in Europe. And today's historic agreement here at the OSCE further- strengthens this framework for peace and security. In particular, it is essential as NATO enlargement proceeds that we work in parallel to build a strong and cooperative NATO-Russian relationship. If wisdom and statesmanship prevail, NATO, as it takes on new missions and members, can contribute to the integration and comprehensive security of Europe.

Thanks to the OSCE, and the great success of today's meeting, we already have developed a general set of principles that will help us in this task. The Comprehensive Security Model for Europe for the 21st Century reflects wisdom that has been purchased at dear cost by whole generations. This Security Model is a message of confidence and hope. It is a message that we do have the intellectual and moral capacity to provide for the security of this and of untold future generations. And I would like to pause to salute those, all those, who have made this possible and particularly, if I may, my friend Prime Minister Viktor Chernomyrdin, with whom I was in close touch on the eve of this meeting for their work in helping to bring this success today about. Let me also commend my colleagues for the agreement that we have reached to launch negotiations to update the CFE Treaty. This agreement and the cooperative manner with which it has been made are outstanding examples of how a flexible, inclusive, and creative political framework can yield real results. Not all our members are CFE states, but all share in the increased security and stability that will be provided by a successful outcome. And without the OSCE's capacity to encourage innovative ways for dealing with evolving and new circumstances, this important step could not have been possible.

My friends, here in this room is gathered the leadership of the vast region which now comprises the OSCE. Each of us comes here well aware of the specialized concerns and interests of our governments. But every leader here also is someone who has dreamed thoughts that are larger than the binding realities of the day. We know words alone will not be sufficient to secure our future. It will take patient, deliberate, continuing, effort. It will require good will, common sense, and true cooperation. It will demand a new, inclusive vision of security - a vision that encompasses security in all its dimensions; not just military, but political, economic, environmental, and moral as well. And it will demand that each of us hold fast to the sobering lesson of the 20th century: without freedom, the aspirations of peoples and nations for decent lives and for security cannot be realized. That is why I join with many others in this room in my concern with the recent actions by the governments of Belarus and Serbia which ran against the principles of this organization.

Yes, there is much work before us. But as we approach the 21st century, we have as never before the capacity, the will, and the stamina to reach our goal. It is the goal to which President Clinton is deeply committed. America will remain engaged, now as before, as we work with you to build a new Europe, undivided, and at peace.

An old Iberian proverb says "Traveler, there are no roads. Roads are made by walking." With high hopes, clear vision, and steady purpose, let us begin our journey. Like the explorers of earlier times who set forth from this land to navigate unknown paths, let us too be bold. And let us remember that the magnitude of the historic task ahead will be no excuse for failure. Thank you.

REVIEW OF THE IMPLEMENTATION OF OSCE COMMITMENTS IN THE HUMAN DIMENSION INDICATIVE WORK PROGRAMME²

- I. Human rights and fundamental freedoms, including
 - (A) freedom of thought, conscience, religion or belief
 - (B) freedom of expression
 - (C) freedom of association and peaceful assembly
 - (D) freedom of movement
 - (E) international humanitarian law(4 and 5 November - three sessions)
- II. Free media and information/culture and education/human contacts/treatment of citizens of other participating states
(6 and 7 November - two sessions)
- III. Tolerance and non-discrimination: Preventing aggressive nationalism, ethnic cleansing, racism, chauvinism, xenophobia and anti-semitism /migration, including refugees and displaced persons/migrant workers
(8 november - two sessions)
- IV. National minorities/roma and sinti
(11 and 12 november - two sessions)
- V. Rule of law, including:
 - (A) independence of the judiciary
 - (B) right to a fair trialDemocratic institutions, including:
 - (A) free elections
 - (B) democracy at national, regional and local level, civic education
 - (C) citizenship and political rights
 - (D) legislative transparencyExchange of information on the question of abolition of capital punishment
(13 and 14 november - two sessions)

VI. Role of ngos (i 5 november - one session)

VII. Odihr's assistance to countries in the implementation of human dimension commitments/ human dimension seminars and the programme for co-ordinated support

(15 november - one session)

NOTES

¹ Jeff Fisher currently serves as executive vice president of the international foundation for election systems (ifes).

² rm(96).dec/1/corr., 4 november 1996, annex 3.