

U.S. POLICY
TOWARD THE OSCE

HEARING
BEFORE THE
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

ONE HUNDRED SEVENTH CONGRESS
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OCTOBER 3, 2001

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U.S. POLICY TOWARD THE OSCE

OCTOBER 3, 2001

	PAGE
COMMISSIONERS	
Hon. Ben Nighthorse Campbell, Chairman,	1
Hon. Benjamin Cardin, Commissioner	8
Hon. Robert Aderholt, Commissioner	27
WITNESSES	
Testimony of Hon. A. Elizabeth Jones, Assistant Secretary of State for European and Eurasian Affairs, U.S. Department of State	2
Testimony of Hon. Lorne W. Craner, Assistant Secretary for State for Democracy, Human Rights and Labor, U.S. Department of State, and Commissioner	3
Testimony of P. Terrence Hopmann, Professor and Research Director, Watson Institute for International Studies, Brown University	17
Testimony of Amb. Robert Barry, former Head of Mission to Bosnia- Herzegovina, Organization for Security and Cooperation in Europe	20
APPENDICES	
Prepared Statement of Hon. Ben Nighthorse Campbell	28
Prepared Statement of Hon. Christopher H. Smith, Co-Chairman	29
Prepared Statement of Hon. Steny H. Hoyer, Ranking Member	30
Prepared Statement of Hon. A. Elizabeth Jones	32
Questions Submitted for the Record to Hon. A. Elizabeth Jones, and her Response	40
Prepared Statement of Hon. Lorne W. Craner	44
Questions Submitted for the Record to Hon. Lorne W. Craner and his Response	50
Prepared Statement of Terrence Hopmann	54
Questions Submitted for the Record to Terrence Hopmann and his Response	66
Prepared Statement of Ambassador Robert Barry	72
Questions Submitted for the Record to Amb. Robert Barry and his Response	75
Prepared Statement Submitted for the Record by Vladislav Bevc, Ph.D., American Owners of Property in Slovenia	77
Letter to Secretary of State Colin Powell from Human Rights Watch, September 24, 2001	82
Press Release, Human Rights Watch, September 25, 2001	85
Human Rights Watch Press Backgrounder on Uzbekistan, September 26, 2001	86

U.S. POLICY TOWARD THE OSCE

WEDNESDAY, OCTOBER 3, 2001

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The Commission met in Room 485, Russell Senate Office Building, Washington, DC, at 10:02 a.m., Hon. Ben Nighthorse Campbell, Chairman, presiding.

Commissioners present: Hon. Ben Nighthorse Campbell, Chairman; Hon. Robert B. Aderholt; and Hon. Benjamin L. Cardin.

Witnesses present: Hon. A. Elizabeth Jones, Assistant Secretary for European and Eurasian Affairs, U.S. Department of State; Hon. Lorne W. Craner, Assistant Secretary for Democracy, Human Rights and Labor, U.S. Department of State; P. Terrence Hopmann, Professor and Research Director, Watson Institute for International Studies, Brown University; Ambassador Robert Barry, former Head of the Mission to Bosnia-Herzegovina, Organization for Security and Cooperation in Europe.

OPENING STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Sen. CAMPBELL. The hearing will be in session. We're going to go ahead and start. Co-Chairman Smith will be coming over a little later, and different commissioners will probably drop in from time to time. We'll just try to fit them in with their statements or questions as they arrive.

This hearing has been convened by the Helsinki Commission to review U.S. policy toward the Organization for Security and Cooperation in Europe [OSCE]. The Commission remains keenly interested in the OSCE as a tool for promoting human rights and democratic development and advancing U.S. interests in the expansive OSCE region.

The terrorist attacks of September 11 represent an assault on the principles of democracy, human rights, and the rule of law—core principles at the heart of the OSCE. It is crucial that we redouble our efforts to advance these fundamental principles throughout the OSCE region, even as we pursue practical cooperation aimed at rooting out terrorism.

The OSCE provides an excellent framework for advancing these vital and complementary objectives.

First, the OSCE's comprehensive definition of security recognizes human rights and democracy as a bedrock for peace.

Second, the Helsinki Process redefined diplomacy to include the frankest of exchanges on issues of concern, including the human dimension. As a result, the OSCE countries have come to acknowledge that "commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concern."

Third, the OSCE redefined participation to include not only the states officially represented, which have gone from the original 35 to 55 today, but also the relevant and valuable role of private citizens and non-governmental advocacy groups.

These developments remain as relevant today as they were when the Helsinki Final Act was signed in 1975. I would also underscore the importance of the close working relationship forged between the Commission and the Department of State over the past 25 years. As Chairman, I am committed to building on this cooperative partnership and urge that hearings such as this one be convened on a periodic basis to update the Congress and the American people on the ongoing work of the OSCE and how it advances our national interests across the spectrum of the security, economic and human dimensions.

During my chairmanship, the Commission has paid increasing attention to the multidimensional threats posed by corruption and international crime. Earlier this year I proposed that the Bucharest OSCE Ministerial Meeting, scheduled for early December, explore ways to promote practical cooperation among the 55 OSCE countries in combating corruption and international crime, which are major sources of financing for terrorist groups. I urge the Department to review that proposal as it plans for the Ministerial Meeting.

Today's hearing will examine U.S. priorities and human rights concerns in the OSCE region. Hopefully, the discussion will address how to institutionalize the OSCE while avoiding the bureaucracy that plagues so many international organizations, as well as how the organization can remain faithful to the original Helsinki principles while dealing with the challenges of the new century.

We'll go ahead with our first panel, and I will introduce the two witnesses. We'll go ahead and take your testimony. As Co-Chairman Smith comes in, maybe we'll take a break for his comments.

Our first witness will be Ms. Elizabeth Jones, who is a career officer in the Foreign Service, bringing extensive experience in European and Asian Affairs to her present position as Assistant Secretary of State for European and Eurasian Affairs. In particular, her service as Deputy Chief of the Mission in Germany and as U.S. Ambassador to Kazakhstan during the 1990s has made her well aware of the OSCE activities and their related policies.

Sec. Lorne Craner has dealt with many of the same issues prior to becoming the Assistant Secretary for State for Democracy, Human Rights and Labor. I understand, Sec. Craner, that you were recently formally appointed to the Helsinki Commission, and I'm pleased to welcome you here, too.

Sec. CRANER. Thank you, sir.

Sen. CAMPBELL. With that, if you would maybe go ahead and start, Ms. Jones.

**TESTIMONY OF HON. A. ELIZABETH JONES,
ASSISTANT SECRETARY OF STATE FOR EUROPEAN AND
EURASIAN AFFAIRS, U.S. DEPARTMENT OF STATE**

Sec. JONES. Thank you, Mr. Chairman. I'm very pleased to be here today to talk about the OSCE and the priorities that the United States places on the very important work of the Commission. With your permission, I would like to submit my formal testimony for the record and just make a few comments in the interest of getting down to the discussion that is of interest to you.

Sen. CAMPBELL. Yes. Without objection, your complete written testimony will be put in the record.

Sec. JONES. The events of September 11 were devastating to all of us and, of course, devastating to the entire world. The OSCE, along with many other international organizations and foreign countries, and foreign governments, made very supportive statements and are undertaking what we think are very supportive activities to root out terrorism and to work internationally to that end.

You mentioned, Mr. Chairman, that there will be a Ministerial Meeting in Bucharest in early December. We are adding to the list of items that we would like the Ministerial to address. We're suggesting that the OSCE develop a Working Group on Terrorism that would address some issues that are of greatest importance to all of us after the terrible attacks of September 11.

We think we can take advantage of the wide membership of the OSCE to put in place quite a number of improvements on the counterterrorism agenda, including getting more countries to sign the relevant Conventions on Antiterrorism and to increase particularly police involvement in the OSCE member states to counter terrorism.

You mentioned my prior service in Kazakhstan. That posting was very instructive to me regarding the benefits of OSCE membership and the benefits to countries like the United States in using the principles of the OSCE to which all these countries have signed up as a hook, if you will, to remind countries of the obligations that they have undertaken by becoming OSCE members.

I note, in particular, obligations on democratization, on human rights, on religious freedom, on economic reform. These are all issues of particular importance to the membership and to the United States, and this gives us an excellent opportunity to work more closely with them on promoting each of these principles.

Thank you, Mr. Chairman.

Sen. CAMPBELL. Thank you. I note in your biography, Sec. Jones, you speak four languages: Arabic, German, Russian—I lost my place now, but a number of languages.

[Laughter.]

I admire you for that.

Yes, sir, go ahead, Sec. Craner.

**TESTIMONY OF HON. LORNE CRANER,
ASSISTANT SECRETARY FOR STATE FOR DEMOCRACY,
HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE**

Sec. CRANER. Chairman Campbell, it is a pleasure to address you this morning. I have long been aware of the excellent human rights work of the Commission and I am honored that President Bush has named me to be the State Department's representative on the Commission.

In this, my first appearance before you, I'm pleased to be joined by Assistant Secretary Jones to discuss the important work of the OSCE. I ask that my written statement be submitted for the record.

Sen. CAMPBELL. Without objection, it will be.

Sec. CRANER. I would first like to comment on recent events. In the last month the world has changed dramatically. Some people have expressed concern that, because of the September 11 attack on America, this administration will abandon human rights. I welcome this hearing

today to say boldly and firmly that this is not the case. Human rights and democracy are central to this administration's efforts and are even more essential today than they were before September 11. They remain in our national interest in promoting a stable and democratic world.

We cannot win a war against terrorism by stopping our work on the universal observance of human rights. To do so would be merely to set the stage for a resurgence of terrorism in another generation. As Dr. Rice said only a week after the attacks, "Civil liberties matter to this President very much and our values matter to us abroad." We are not going to stop talking about the things that matter to us: human rights, religious freedom, and so forth. We're going to continue to press those things. We would not be America if we did not.

We recently marked the 25th anniversary of the Helsinki Final Act, and it is astonishing to see how far we've come. These years have been at times quite dramatic and have provided some of the most concrete examples of how a heritage of tyranny and oppression can be overcome: the democratic resurgence of Central Europe, most recently, the downfall of Mr. Milosevic. While no one would argue that the ideals of a Jeffersonian state have been attained throughout all of Europe, one can still see tremendous progress and a sincere attempt to struggle forward.

Yet, as one moves eastward, one sees a less upbeat story. The U.S.S.R. 10 years ago collapsed under its own weight, giving birth to independent republics. These were years of promise and expectation as people hoped the democratic traditions and economic prosperity would sweep their way. Sadly, this has not been the case.

As they approach the tenth anniversary of their independence, the republics of the former Soviet Union continue to present some of the greatest challenges to the OSCE. The fate of independent media in most NIS states continues to be a concern.

Nevertheless, perhaps the greatest obstacle has been the lack of political will by these governments to implement structural reforms. The legacy of communism and the lack of pre-Soviet democratic traditions continue to hinder the development of democracy. Several newly independent states are still controlled by those who were empowered before the breakup of the Soviet Union. Their lack of commitment to democratization and human rights is a considerable obstacle to reform.

In the long run only true commitment to, and action on, democratic reform and respect for human rights can guarantee peace and prosperity in the region. Against this backdrop, we cannot turn our backs on the people of these troubled countries in these very important regions. That is why the work of the OSCE is vitally important.

Mr. Chairman, I want to reemphasize that the Helsinki Commission is an important part of the U.S. team. I very much look forward to working with you and your staff in the OSCE process. We need to make sure the OSCE is a results-oriented organization that is long on expertise and positive action with a minimum of bureaucracy. I appreciate knowing that we can work together in this process.

Sen. CAMPBELL. Thank you.

Let me ask a couple of questions of each of you. I have participated in a number of OSCE meetings, and it seemed to me the last one we went to, which was in Paris, in which the member states were asked for an

increase of dues—I forgot what the dollar figure was now, but they are asking all the countries to kick in more money. They are forming a number of new job descriptions within the OSCE’s hierarchy.

You’ve pointed out the OSCE can help the participating States in making their commitments, but there seems to be ever more meetings, training programs, seminars, and trips to do different things. I guess they are all focused on human rights in one case or another, but I got the feeling that it is developing a bigger bureaucracy and maybe losing track of some original purposes dating from the 1970s.

Would you comment on that, Ms. Jones?

Sec. JONES. Yes, I’d be glad to, Mr. Chairman. As my colleague said, one goal that we have with the OSCE is to take advantage of its ability to be a flexible organization and not be overly bureaucratized.

The work that the OSCE does is best done in the field. That was one discussion point that I used in August when I visited the OSCE and met with several permanent representatives, ambassadors to the OSCE, to emphasize that point.

It is true that quite a bit of the work of the OSCE is in training, seminars, and so forth. From my own close-hand experience in Central Asia, I found these to be extremely useful because, after all, these are governments; these are people in the governments; these are people at the grassroots, NGOs, members of NGOs, who really don’t have first-hand experience with what we mean when we say democracy, when we say human rights, when we say rule of law.

So if we can do seminars on what is judicial ethics, what do we mean when we say civilian control of the military, what does that mean in terms of a parliament adjudicating a military budget—this is all new. So the kinds of seminars and training that OSCE has done and some of the other bilateral U.S. organizations have done are very much to the point, to introduce these concepts to people who haven’t had that privilege in the past.

Sen. CAMPBELL. Good answer.

Clearly, some states are very aggressively working toward better understanding of dealing with human rights and some kind of drag their feet. We get the impression at some meetings that some of them are just—they deal with it from a double standard. They say the things that they are expected to say at the OSCE meetings, but, in fact, their own countries have just a terrible history of human rights violations.

How do you deal with participating States where there doesn’t seem to be a political will to comply with the OSCE commitments?

Sec. JONES. Mr. Chairman, we deal with a great deal of perseverance. One thing that we do is we use the kinds of statements that leaders make at OSCE meetings; we use their signature on the OSCE Declaration, as I said earlier, as a hook to go back in to them and say, “Okay, you’ve said this. You’ve signed up for this. Here’s the situation that we see in this instance or with this media outlet or in this jail. How do you square the two?” Then we go through some very specific ideas for how to improve the situation.

So, yes, it is true that they make statements that don’t match the situation in the countries, but those kinds of statements actually help us to point out where the improvements are needed and to give us ideas on how we can support their claim that they would like to improve. It is what I call a very positive, aggressive approach.

[Laughter.]

Sen. CAMPBELL. A positive, aggressive approach, okay.

You highlighted the importance of the Treaty on Conventional Armed Force in Europe [CFE]. Nearly 2 years have passed since the Istanbul OSCE Summit where the treaty was updated. Have all countries fulfilled that treaty's requirement, and if not, which ones have yet to do so?

Sec. JONES. Not yet. There's still work that needs to be done in Georgia and Moldova, Mr. Chairman. There's been some progress made. We're told by Foreign Minister Menagharishvili of Georgia that he is still under discussion with his Russian colleagues on how to finish the discussion on the Gudauta Base in Georgia. In Moldova there's been quite a bit of progress just in recent months on the CFE requirements that the Government of Russia has undertaken.

This is very close to the top of the U.S. agenda. I can't say it is at the very top after September 11, but it is a regular part of the U.S. dialog/discussions with Russia as well as with Moldova and Georgia.

We'll have an opportunity to pursue this at the end of the week, Mr. Chairman, when President Shevardnadze of Georgia is in Washington, and that will be on the agenda with him, too.

Sen. CAMPBELL. You note that the Russians—and I'm sure there are others too—charged that the OSCE puts too much emphasis on human rights, and sometimes those are at odds with government policies and practices. Do you agree that Russia and some other countries are still doing that to a degree?

Sec. JONES. Yes, they certainly say that to us, Mr. Chairman. The response we give them is that human rights brings with it a tremendous number of other improvements. With proper human rights observance comes prosperity. It brings legislation to combat corruption. It brings the kind of stability that these governments say that they need to prosper.

Sen. CAMPBELL. My own view is that during the problems that Russia's had in Chechnya that there's been some waning of their interest and their participation in OSCE, and that often the Russians feel when we are criticizing that we are meddling. How do we recapture Russia's interest in supporting OSCE principles? That may be a pretty tough question.

Sec. JONES. Mr. Chairman, what has been very interesting to many of us is the depth and breadth of the discussion that we've been able to have with the Government of Russia in the past few months, but particularly since September 11. I was fortunate to be able to accompany Deputy Secretary Armitage to Moscow about 10 days ago, where he conducted conversations on Afghanistan with his Russian counterpart, Deputy Foreign Minister Trubnikov. Nevertheless, that brought with it a discussion of Chechnya as well because of the Russian contention that the Chechen problem is because of terrorism.

The U.S. Government, in its conversations with the Russian Government, has differentiated now between the legitimate concerns of Chechen citizens, the social and political needs of the Chechen citizens vis-à-vis the Government of Russia, and terrorism as defined by Russia in the following respect: insofar as there is outside financing from terrorist organizations and outside supply of weapons from terrorist organizations to Mujahidin in Chechnya, that will become part of the international war against terrorism.

Sen. CAMPBELL. I'm not quite sure I understand you. The feeling of the Russian Government is that a lot of the Chechen problem is because of terrorists, isn't that correct?

Sec. JONES. That is their contention. What we have said to the Russians, and say regularly to the Russians, is there are two parts to this problem. In the first instance, the way you are prosecuting the war is inappropriate. It does not address the social and political issues that the citizens of Chechnya need to have addressed vis-à-vis the Government of Russia concerning their government.

Separately, we have told the Russians that insofar as there is outside support from terrorist financing organizations and outside provision of weapons to Mujahidin, to clearly associated terrorist organizations inside Chechnya, that that will become part of, that is part of the international global war against terrorism. In other words, we are differentiating between the supply of financing and weapons to Mujahidin inside Chechnya and the legitimate concerns of the Chechen people.

Sen. CAMPBELL. I see. You mentioned that Americans account for approximately 15 percent of the OSCE personnel. Of those, what percent are direct hires and individuals seconded to the OSCE? How many Americans are currently serving in high-level positions within the OSCE Secretariat? How does that compare with the number of people that serve in the same positions from Russia?

Sec. JONES. I'm sorry, Mr. Chairman, I will have to take that question. I don't have those numbers with me.

Sen. CAMPBELL. Okay. Well, there probably will be a number of questions from some other Commissioners, too, that will be submitted for the record. If you could answer those in writing, that would be fine.

Sec. JONES. Absolutely. It would be a pleasure.

Sen. CAMPBELL. The position of the OSCE Secretary General has been viewed largely as administrative in nature. Does the United States continue to view the position in that light, and would the United States support advertising for a pool of qualified administrators as prospective candidates for that position?

Sec. JONES. We certainly work very closely with the Chair of the OSCE in substantive terms. The most recent example, I suppose, is in the work that we did to get the OSCE to agree to OSCE monitors being sent to Macedonia—a very important step that the OSCE took very recently.

I can't speak to the question of how the Chairman is selected, but I'd be glad to get an answer for you on that.

Sen. CAMPBELL. You also suggest in your testimony that some reforms of the OSCE may be under discussion. Could you give me a little better definition of which ones are under consideration and if any of them are of particular interest to the United States?

Or, Sec. Craner, go ahead and chime in. I'm going to ask you a couple of questions, too.

Sec. CRANER. I think one major issue we're concerned about is something that you addressed in the beginning as continued enlargement in terms of people and organization of the OSCE. One of the issues that has come up recently is how long these meetings are, and some people are concerned, for example, that they are not long enough, that they don't last 3 or 4 weeks. We're a lot more concerned about what can be

accomplished in a shorter amount of time, and that's the spirit we're carrying into these, the issue of reforms. We do not wish it to continue to enlarge to become like other large international organizations.

Sen. CAMPBELL. Yes, that's been the accusation in some circles, that it is becoming more like a U.N.

Sec. Craner, since you are already at the microphone, the OSCE Ministerial Council is scheduled for December 3–4 in Bucharest, Romania. Presumably, after the events of September 11, there will be some effort to focus that meeting on the problems of terrorism. Will that emphasis be on process or practical cooperation? What other issues do you see likely to be reflected in a Ministerial document?

Sec. CRANER. I think the emphasis will be on both the principles and practical cooperation. I think you will continue to see a rededication, such as I have expressed, to continuing to press democracy, especially in those countries that most need it.

Sen. CAMPBELL. In 1992, the OSCE established a High Commissioner on National Minorities as a conflict prevention tool, someone that was supposed to be designated to quietly troubleshoot inter-ethnic differences before they got into full-scale ethnic wars. This institution is rather unique among international organizations.

In 1997 the OSCE appointed a Representative on Freedom on the Media, a post which, in contrast, is much more like those established at the U.N. Since then, there have been a number of suggestions for establishing other high-level—and, of course, I suppose that means highly paid—OSCE Commissioners on everything from gender issues to rights of children, to internationally displaced persons, to all kinds of things.

What can the United States do to prevent the OSCE from degenerating into a huge bureaucracy, which occasionally the U.N. has been accused of? Sec. Craner?

Sec. CRANER. I can't tell you that we would oppose the creation of every special Commissioner or special Representative for this or that or whatever. Nevertheless, I can tell you that in principle we don't believe that there should continue to be this expansion of ever more posts.

Sen. CAMPBELL. Don't need a new commissar for every problem?

Sec. CRANER. Exactly. That's what the OSCE is there for in the first place.

Sen. CAMPBELL. I have a couple more questions, but Congressman Cardin is here, and I don't know what your schedule is. Would you like to make an opening statement, Ben, or ask a couple of questions in case you have to run?

Sec. CARDIN. Well, thank you, Mr. Chairman. I very much appreciate you calling this hearing so that we can work together, the Executive and Legislative Branches, on the OSCE priorities.

I guess, if I could, I would just like to get a further explanation from you about what we can expect from OSCE regarding the September 11 attack on our country. Obviously, with the Ministerial meetings taking place, there will be much focus on September 11. But I'm curious about what we can expect from OSCE as a result of the terrorist attacks in our country.

Sec. JONES. Congressman, the OSCE has been among so many organizations that have been very supportive of the United States and very committed to trying to get at the problem of terrorism. One thing that we're looking toward is a working group established by the OSCE on

counter terrorism; in particular, to take advantage of the wide membership of the OSCE and to use the traditional strengths of the organization in democratization and rule of law to address many of the issues underlying the problems that bring us to terrorism.

We want to use this as an organization to further the effort to get more countries to sign all of the relevant counter terrorism conventions, but, in particular, to increase police involvement in the organization, possibly with the appointment of a senior police officer, to increase police training in OSCE member states, and particularly for the police to be more involved in border monitoring and the kinds of things that will help governments in a very specific way, a very practical way, counter terrorism, trafficking, nonproliferation, all the kinds of things that are of such great concern to all of us now.

Mr. CARDIN. It is interesting. Normally, OSCE will concentrate on a troubled state. Here we're really talking about the cooperation among all states—

Sec. JONES. Right.

Mr. CARDIN.—to share not only security information, but to share a common strategy on dealing with the terrorist activities in any member state. Also, OSCE has a unique structure where we have acknowledged our legitimate interest in what happens in each other's states.

Sec. JONES. That's correct.

Mr. CARDIN. So it seems to me that could be a model by which we could develop a strategy to really push the states that are not as aggressive as others to work on all fronts, and not just on harboring terrorists, not just on terrorist activities within their own state, but an intelligence information, etc., that it is a mutual responsibility to work together to root out the terrorist networks.

Sec. JONES. Absolutely right. We completely agree.

Mr. CARDIN. Thank you, Mr. Chairman.

Sen. CAMPBELL. Thank you.

There's clearly some connection between international crime, terrorism, and corruption, too, in many cases. Earlier this year I proposed that the Bucharest OSCE Ministerial Meeting scheduled in early December explore ways to promote practical cooperation among the 55 countries in combating international crime and corruption. I mentioned something along that line in my opening statement.

Would you support the convening of a special OSCE meeting of Justice and Interior Ministers from the participating States with the aim at enhancing cooperation in the fight against terrorism?

Sec. JONES. Mr. Chairman, I'm not sure how to answer that question. My sense is that the OSCE is a less formal structure in terms of cabinets. I can't say that it has the ability to pull together cabinet ministers to do that kind of thing.

That said, we've had tremendous success in working with the European Union to do exactly that kind of thing. The European Union has pulled together its justice ministers and its treasury or finance ministers, and we've worked very directly with them on both sets of objectives to get at the counterterrorism problem.

I'd be very grateful if I had the opportunity to speak with Foreign Minister Geoana, the Chairman-in-Office, and possibly others in the OSCE leadership to see whether that kind of thing is something that would work in the organization.

Sen. CAMPBELL. Foreign Minister Geoana, OSCE Chairman-in-Office, was here in August, you probably know. Did you happen to have a chance to meet with him then?

Sec. JONES. Yes, I did.

Sen. CAMPBELL. Yes, I met with him, too. At that time we did discuss this very thing. He was very interested in pursuing it, as I remember our conversation. So, hopefully, you'll be able to meet with him again and discuss this.

Sec. JONES. Absolutely.

Sen. CAMPBELL. Sec. Craner, how do you plan to address the deteriorating respect of human rights in Central Asia, especially in light of the reluctance of the Central Asian governments to cooperate with the OSCE? Some observers have suggested that the human rights situation in some countries, such as Turkmenistan, is so bad that those countries should be suspended from the OSCE, the way Yugoslavia was in 1992. Is there a point where the OSCE no longer plays a constructive role and, on the contrary, inadvertently lends a veneer of legitimacy to a brutal regime?

Sec. CRANER. Yes, I think you can obviously get to that point, but I think, short of that, what we need is not just engagement by the OSCE, but also engagement by us. I think that many of the relationships that are going to be springing up in the next couple of months are going to afford us some of that opportunity to be able to focus on these countries and to make the case that non-democratic practices are not in the long-term interests of the rulers of these countries.

Sen. CAMPBELL. Since the beginning of the 1990s, OSCE implementation meetings and review conferences, the principal forum for reviewing human rights issues, have been cut back and cut back with each year. This year's Human Dimension Implementation Meeting, which was held in Warsaw, September 17–27, was less than 2 weeks in duration. Doesn't that send a message that human rights issues are really decreasing in importance in the OSCE? Is that a message we should be sending, particularly since the United States was ousted from the U.N. Human Rights Commission earlier this year?

Sec. CRANER. I think this is an issue of how you're spending each day of those 2 weeks. Our drive is to work longer days and bring greater quality to those meetings. I don't read so much into the time as I do into the product that's coming out of it.

Sen. CAMPBELL. Did you attend that?

Sec. CRANER. No, I was not able to attend.

Sen. CAMPBELL. You did not?

The human rights performance of the United States is widely criticized when it comes to the use of capital punishment. Do such criticisms have any validity with respect to our international obligations? How does the United States respond to those accusations, when other OSCE countries have used the death penalty in the past year or have the death penalty on the books? Would the United States agree that capital punishment is correctly used in these countries? Sec. Craner?

Sec. CRANER. The point that we make to other countries is that, first of all, it is politically supported here in a democratic system. The majority of Americans continue to support the death penalty. Second, the quality and efficiency of our justice system we feel lends some credibility to imposing the death penalty. That is not true certainly in every country on both counts.

Mr. CARDIN. Mr. Chairman, can I follow up on that point?

Sen. CAMPBELL. Yes, go ahead, Ben.

Mr. CARDIN. This is a somewhat sensitive issue. In all of our parliamentary meetings we stand almost by ourselves on the capital punishment issue. I think your justification's probably as good as we can do, but we do carry out more capital sentencing than any other country in OSCE. I think that's accurate. There may be one exception or two exceptions, but certainly the nations that we want to be identified with for common values.

Also, I think it is difficult for us to justify that in light of the fact that many European democracies have very sophisticated systems of justice. So I'm not trying to make your job more difficult, but I think the Chairman's point is a good one. We're not suggesting that the Congress is going to change these laws or that our states are going to change these laws, because it is not going to happen. We're just curious about how much impact it has on the United States' credibility on the human rights agenda internationally with our position being so much different from the norm on the use of capital punishment.

Sec. CRANER. I will tell you that in my position—and I have only been in it for about 3½ months—that we certainly hear from people about it, but I don't think that it affects our credibility on human rights issues. It is an issue raised and it is an issue to which we give a response. We also note that there is a lively debate in this country about the death penalty.

Sen. CAMPBELL. Sec. Craner, you might pull that microphone over a little closer.

Sec. CRANER. We also note that there is a lively debate in this country about the death penalty, but I cannot tell you that other countries look askance at us and say, "Well, you have the death penalty. So you're not as credible on these other issues." I have not yet encountered that.

Sen. CAMPBELL. Sec. Craner, I understand that President Putin has revived the idea of a Pan-European security arrangement. Is that a serious idea? Does that rather duplicate what the OSCE is already trying to do? Or Ms. Jones?

Sec. JONES. I'd be glad to take that question with your permission, Mr. Chairman.

Sen. CAMPBELL. Yes.

Sec. JONES. There has been discussion on the part of the Russians in the past about what role security issues should play in the OSCE. The response that we give constantly is that European security issues are at home in NATO; that's where they reside; that the focus of the OSCE is not on European security at large; it can be on security matters in individual countries, but principally on economic reform, political reform, human rights, the kinds of issues addressed in the charter.

Sen. CAMPBELL. On September 5 this Commission held a hearing to examine policing issues in the OSCE context, particularly as police training is becoming increasingly successful in places such as Kosovo. Some of us on the Appropriations Committee visited the OSCE Police Academy in Kosovo and were very impressed with the training, the professionalism, and the results they are getting, too, from a group of multi-ethnic officers who had formerly been literally at each other's throats. I know when I was over there I was thinking, what a terrific model that would serve if other countries could use that with similar situations.

There are reports that the police training in Macedonia has not started off well, not as well as was planned, and that the U.S. program about to be placed under OSCE auspices excludes ethnic Macedonians from direct participation. Is that correct?

Sec. JONES. That is correct, but there's a good reason for that. You're absolutely right. We completely agree that the police training that's been undertaken in Kosovo is an excellent model for how to proceed.

In Macedonia part of the negotiation for the framework agreement was to increase the number of ethnic Albanian police officers that would serve with ethnic Macedonian police officers. There was not a need for training of the Macedonians. There is a need for training of the Albanians. That's why the focus is on training the Albanian police officers now.

The program is underway with American trainers under our ISITAPP program. There are 109, I think, being trained, 100 of which are Albanian and 9 are other ethnic groups. The OSCE will take over this training program. We did it bilaterally, so that it could get up and running very quickly, which was one of the side commitments that the United States made in negotiating the framework agreement with the Macedonians. It is my understanding that the OSCE will take over that training toward the end of the year.

Sen. CAMPBELL. I guess I'm not clear on this. If you're going to have a multi-ethnic police force and you don't allow one ethnic group to be trained, doesn't that defeat the purpose of having a multi-ethnic police force?

Sec. JONES. Well, there will be a multi-ethnic police force as soon as the Albanians are trained. They will join their ethnic Macedonians, their ethnic colleagues—

Sen. CAMPBELL. So you're saying the Macedonians are already trained and don't need it?

Sec. JONES. Right.

Sen. CAMPBELL. The Albanians do need it?

Sec. JONES. Correct.

Sen. CAMPBELL. We get some reports that the Albanian cadets have been harassed by Macedonians. Are you aware of that?

Sec. JONES. I am aware of that. It is a very serious problem. There are some paramilitaries that are harassing the cadets, and we've just had word today that they are harassing the trainers. We are undertaking some very vigorous work with the leadership of the Macedonian Government to get the paramilitaries out of the training institutions.

Sen. CAMPBELL. How are you going to address that?

Sec. JONES. We are having the U.N. Ambassador talk in very tough terms with both President Trajkovski and Prime Minister Georgievski. I'm hoping to get hold of some of my European colleagues to make the same points with the Macedonian leadership. I will do that as soon as I go back to my office.

Sen. CAMPBELL. There have also been reports that many countries, including the United States, send to the International Police Task Force in Bosnia-Herzegovina officers who aren't fit for duty. They get involved in scandals and corruptions, and that behavior, of course, reflects on all of us when officers go over there from our country. I'm sure it does on others too. Should responsibilities for policing be transferred from the United States to the OSCE mission in Bosnia-Herzegovina?

Sec. JONES. There is an effort underway to finish the training that the U.N. has been doing and start up a different kind of training under the OSCE. That's being discussed by the international community that's responsible for those kinds of things in Bosnia.

In terms of previous bad cases, as those cases come to the attention of the authorities, the international authorities, in Bosnia, they've been dealt with really very quickly because we do not want that kind of thing to be allowed to obtain in the police training.

Sen. CAMPBELL. We have had some discussion about the police school in Kosovo, whether it would fit or could be used as a model for a national police force in Bosnia. I know there's some differences and that they have a locally-controlled one that exists today in Bosnia. Do you think that could be a model or just a different structure wouldn't allow it to be—

Sec. JONES. It is not so much that it is a different structure. It is that in Bosnia it is retraining already existing police officers. So the great success that we've had in Kosovo, which is training recruits, if you will, who don't have, let's put it this way, previously learned bad habits—it is just a different situation that we found in Bosnia. It would be great if we could just transfer that model over, but it doesn't fit well enough.

That said, we all completely agree with General Ralston and with you and others who have seen the training in place in Kosovo. It is an excellent model, and we are looking for ways to adapt some of the principles used there elsewhere. It is certainly the case in Macedonia.

Mr. CARDIN. Mr. Chairman, on that point, certainly the information that was given to us a couple of months ago indicated that we had a pretty serious situation in Bosnia on the training issues. I understand that it is a different political structure. You just can't take one model and use it elsewhere, but are we addressing some of the problems that we've had with training of the police force in Bosnia?

Sec. JONES. Yes, the international community is addressing that. There are a variety of structures that prevail there in which this issue is discussed. One of my deputies was going to a meeting on September 11 to address this issue. That meeting did take place in Europe, in spite of the tragedy. I can't tell you right now—I don't have it on the top of my head—what the time line is for introducing the changes in the training on police, but I'd be glad to get you that.

Mr. CARDIN. I'd appreciate it if you would make it available to our Committee. We have a great deal at stake in Bosnia. It seems to me the success in large measure will depend upon the stability in that area as handled by the local police.

At least the report earlier this year was not very promising in regard to the training issues on the Bosnian security police forces. So we would appreciate it if you could give us an update on that.

Sec. JONES. Absolutely.

Sen. CAMPBELL. Maybe a last question deals with transparency. The weekly meetings of the OSCE Permanent Council in Vienna are closed. What is the reason for that?

Sec. JONES. I'm not sure I have the answer, sir.

Sen. CAMPBELL. The U.S. Mission to the OSCE puts almost all of its Permanent Council statements on the website. Ambassador Johnson has raised a prospect of opening the Permanent Council meetings to the

public. Would you support that and having greater transparency? Would the United States make a proposal to open the Permanent Council meetings to the public? I think Sec. Craner may be getting the answers.

Sec. CRANER. The short answer is yes on both counts.

I also want to go back on another answer that I gave you a few minutes ago about whether or not I went to Warsaw. I did not, but my deputy did. He was able, in the 2 weeks available, to address issues from religious freedom to Belarus and also some out-of-area issues.

Sen. CAMPBELL. I see.

Mr. CARDIN. Mr. Chairman, can I ask another question before you close the questioning?

Sen. CAMPBELL. Yes.

Mr. CARDIN. Dealing with the December 3–4 Ministerial meetings in Bucharest, I would assume normally Secretary Powell would attend that meeting. Under the current circumstances, I think all of us would understand if his requirements elsewhere could make it difficult for him to participate. We certainly hope it would be the Secretary participating.

I guess I just want to make a couple of points, and then be glad to listen to your response. It seems to me that's going to be an opportunity for us to get a Ministerial document that moves forward many of our own priorities. It is an extremely important meeting. We would ask, first, that you work closely with our staff in preparing for that meeting. Second, that we make that participation as high-level and as active as possible. Obviously, the September 11 events need to be included in that meeting and in the final document that comes out of that meeting. I would hope that we would have a clear strategy going into those discussions.

Sec. JONES. Absolutely. There is already a tremendous amount of work underway. There has been work underway on how to shape the Ministerial Meeting in ways that serve our purposes and our goals, and that effort will intensify as we get closer to the date. But, as you say, I can't speak to the Secretary's priorities.

Mr. CARDIN. Let me just make one more point. Our delegation to the Parliamentary Assemblies has been very large and very active and rather cohesive. I would hope that we would have a consistent priority; we'd try to at least reconcile any potential differences, that we show a strong united front on all of the levels of the OSCE. So I would just ask that you work closely with our staff in developing your priorities on that.

Sec. JONES. Absolutely, with pleasure.

Sen. CAMPBELL. I understand there's an effort to draft some kind of treaty for OSCE which would establish it in some legal status. Who wants that? Have you heard rumors to that effect?

Sec. JONES. Yes. There are a number of countries asking for that, primarily because it is impossible for them to address the issues of privileges and immunities without the legal status of the OSCE being changed to make it an international organization.

We have been asked to look at it. Our lawyers are looking at it, and that's as far as it has gotten.

Sen. CAMPBELL. We have not taken a position on it?

Sec. JONES. Not yet, no.

Sen. CAMPBELL. Between 1975 and 1992, the scale of distribution, which is our payment to the OSCE, didn't change. The United States paid 8.8 percent. Nevertheless, since 1992, the scale of distribution for

regular activities of the OSCE has changed several times, and it looked to me like it was going to change again after we came back from Paris. The U.S. share has been going up considerably. It was originally set at 9 percent in 1992. In 1997, the OSCE established a separate scale, for larger missions and projects, and the U.S. share went up to a little less than 14 percent.

It is easy to understand why the overall budgets increased. The OSCE is getting more and more assignments, as I mentioned earlier, and increased activities. But why is there a constant push by all of the other members to get us to pay a bigger percent of the bill? Ms. Jones?

Sec. JONES. I'm not sure I can answer it in detail, but I'd like to just put forward just one item for thought. That is, for instance, the United States is in the forefront of pushing for the overseas monitors to go into Macedonia, which, of course, is an expensive proposition. We have asked for almost 200 monitors to go in to support the framework agreement. We think it is in the end a lot less expensive to do that kind of thing than to try to do peacekeeping after a conflict breaks out.

But I'd like to take the rest of the question. I don't have a good sense of how the financing has been developing.

Sen. CAMPBELL. Okay. Well, we may submit that in writing for you to review it and try to give us some answers.

The OSCE Parliamentary Assembly has recommended changing the way the decisions are taken by the OSCE. In particular, the OSCE Parliamentary Assembly has recommended something that's called "approximate consensus." Are you familiar with that term?

Sec. JONES. I'm not.

Sen. CAMPBELL. Under that term, decisions could be adopted when 90 percent of both the membership and financial contributors are in agreement. Individual states would lose their veto power, but an individual state could also block progress on a particular subject.

Sec. CRANER, apparently, someone with you has heard of this?

Sec. CRANER. Yes, I have, and I'm somewhat familiar with it. I think it partly grew out of when the former Republic of Yugoslavia was—when the OSCE was looking to take action in the former Republic of Yugoslavia, and they attempted to block that action. So I think this is an outgrowth of it. I don't believe it has yet reached the position where we're going to have to decide whether we're going to sign on or not. Nevertheless, it is an attempt to address that issue.

Sen. CAMPBELL. Lastly, there are six countries—Algeria, Egypt, Israel, Jordan, Morocco, and Tunisia—that are called Mediterranean Partners, in the OSCE process. Japan and Korea also have become what are called Partners of Cooperation. Can you tell me what they want out of the OSCE from their relationship with the OSCE? Are there other countries also seeking to join in that status?

Sec. JONES. I will have to take that question, if I may, Mr. Chairman.

Sen. CAMPBELL. Okay.

Mr. CARDIN. Mr. Chairman, just on that point, our Commission, as well as the State Department, has had interest in trying to develop an OSCE model in the Middle East. This moment may not be the right opportunity, but we would hope that as we find more lasting peaceful solutions in the Middle East that there would be some mechanism similar to the OSCE for that region of the world in which the United States participates.

In discussions we've had with the Jordanians, the Egyptians, and the Israelis, they all thought it would be a useful mechanism and should be part of whatever solutions bring about peace in the Middle East. I just mention that because I do think the OSCE is a good model for us to promote in other regions to monitor and use as a way to encourage peaceful solutions to problems.

Sec. CRANER. I agree with you, and not just in the Middle East. I think it can be a model for other regions.

Sen. CAMPBELL. One last question: There's been an ongoing crack-down in the media in Azerbaijan, as you probably know. What is the United States doing about this?

Sec. JONES. I had a very good discussion with President Aliyev on this subject when I saw him just about a month ago now, as well as with others in Azerbaijan. But, particularly, to underscore the importance of the principle that good governance in the region and good governance in Azerbaijan would be enhanced by free media and by the ability of the Azerbaijani citizens to understand the goals of the government and the goals of opposition groups, the goals of others in the political life of Azerbaijan.

Sen. CAMPBELL. Basically, you're just trying to educate them about the value of a free press?

Sec. JONES. We were making sure that they understand that the United States is very much in support of a free press, so that the President heard it directly from an Administration representative.

Sen. CAMPBELL. Yes. Well, usually I support that concept, too. Sometimes the free press gets after us a little bit, and we're not too sure about their goals, but I think most of us support it very strongly.

I want to thank both of you very much for appearing today. We'll probably be submitting some questions in writing, too. Thank you.

Sec. JONES. Thank you, Mr. Chairman.

Sen. CAMPBELL. We'll now go on to our two independent experts to testify. One will be Ambassador Robert Barry, who has just concluded 3 years of service as the head of the OSCE Mission to Bosnia-Herzegovina. Prior to that, as a career Foreign Service officer, he served as U.S. Ambassador to Bulgaria, oversaw the provision of U.S. assistance to transition economy countries, and represented the United States in talks on security matters under what was then CSCE auspices.

Prof. Terrence Hopmann is a Professor of Political Science at Brown University and Research Director at the Program on Global Security of the Thomas J. Watkins, Jr. Institute of International Studies. He's one of the very small number of analysts in the United States who has written in great depth about the work of the OSCE, examining the organization's capabilities and limitations. I certainly appreciate the professor's attendance today.

In the order I have got you here, why don't we go ahead and start with Professor Hopmann.

**TESTIMONY OF P. TERRENCE HOPMANN,
PROFESSOR AND RESEARCH DIRECTOR, WATSON INSTITUTE
FOR INTERNATIONAL STUDIES, BROWN UNIVERSITY**

Prof. HOPMANN. Thank you, Mr. Chairman. I'm honored to be here today to testify before you about the performance and potential of the Organization for Security and Cooperation in Europe in the fields of conflict prevention and resolution.

The tragic events of September 11 have reminded all of us of how fragile our security is and how interdependent we are in this world. Security issues originating anywhere on this planet can have a direct impact on the daily lives of all of us.

This is true also of the OSCE region where the new security threats emanating from non-state actors and terrorist networks have been manifest for some time, especially in the Caucasus and Central Asia and even within the Russian Federation, and where the events of last month will continue to resonate far into the future.

Since the end of the Cold War, a major focus of the OSCE has been on the prevention and resolution of local and regional conflicts to avert their escalation and global diffusion. This important role is performed routinely by the OSCE and its mission and field activities, but these activities have gone largely unnoticed by governments not only in the United States, but throughout much of Europe and especially in the general public.

We are all painfully aware of the failures of conflict prevention in the former communist regions of Southeastern Europe and Eurasia. Names like Bosnia-Herzegovina, Kosovo, and Chechnya, previously known only to regional specialists, have become household words and appear in our media almost daily.

Yet, successful conflict prevention receives virtually no attention since, by definition, nothing happens, and we all know that “nothing” rarely makes the news or excites the attention of most policymakers and public officials. Therefore, when the dogs don’t bark, when a potential conflict does not erupt into violence, or when an old conflict remains dormant for many years, we may easily overlook the fact that this is sometimes due to the skillful and foresightful diplomatic initiatives taken outside the view of the general public.

In fact, I would submit to the Commission that it is exactly this effort by the OSCE Missions and Field Operations which have made a very significant contribution to the avoidance of violence in a number of potentially dangerous situations in the OSCE region, and other conflicts have been moderated or prevented from escalating further due to the rapid, but often unseen, work of these OSCE officials.

If I may draw an analogy briefly with medicine, the principle that an ounce of prevention is worth a pound of cure has long been accepted in the health field. We spend billions of dollars every year on preventive medicine because we know that the best way to deal with the deadly killers of our population like cancer and heart disease is preventing their occurrence in the first place.

Unfortunately, this simple truism has not been widely implemented in the field of foreign policy. To cite one obvious example, in the current fiscal year the U.S. assessment for all activities of the OSCE amounts to about \$20 million. Yet, we’re spending more than that amount every 2 days just to support the U.S. military commitments to SFOR in Bosnia-Herzegovina and KFOR in Kosovo. In this instance, an ounce of prevention is equivalent to more than 10 pounds of cure.

Imagine how much we might have saved if we had devoted more resources, attention, and effort to conflict prevention before the conflicts in Bosnia-Herzegovina and Kosovo exploded into violence. Imagine how much we might save if we can redouble our efforts now to prevent the current crisis in Macedonia from escalating before widespread violence appears.

This is not, of course, just a matter of saving budgetary resources, however important that is, nor of avoiding the politically difficult choices about deploying U.S. troops in yet one more overseas operation, though that, too, is a significant issue. But it is mostly about preventing the tragic consequences of war for the innocent people who are its inevitable victims.

Before the NATO-led deployments took place in both Bosnia-Herzegovina and Kosovo, thousands of citizens in these regions lost their lives. Physical infrastructure, homes, farms, schools, and factories were destroyed. The bare rudiments of social connections across different ethnic groups were severed, and the human spirit of the people surviving in all these regions was crushed by the violence that swept across their societies.

Rebuilding from the physical damage of war is often the easy part. Reestablishing mutual trust among peoples who have lived alongside one another for centuries, and must inevitably continue to do so for the foreseeable future, is far more difficult. Yet, if the foundations of a functioning civil society are to be constructed, if individual human rights and the rights of persons belonging to minorities are to be respected, and if democratic governance and political stability are to be established, it is essential that we try insofar as possible to prevent conflicts before they turn violent.

For all these reasons, one clear lesson that emerges from our recent experience in Bosnia-Herzegovina and Kosovo is that it is a lot harder to put Humpty-Dumpty back together again than it is to keep him from falling off the wall in the first place.

This point I think was underscored in a quotation from Franklin Roosevelt which appears in the FDR Memorial here in Washington, which states, very succinctly, the overall goal of the OSCE. FDR said, "More than an end to war, we want an end to the beginnings of all wars." This, then, I think is the principal challenge that the OSCE faces today.

Furthermore, no other multilateral institution now exists that can perform this function in Europe today. Before the end of the Cold War, Europe was crisscrossed with a wide variety of security institutions. Since 1990, most of these have been revised, expanded, and updated, and the web of institutions has become even thicker. NATO has been enlarged and transformed, and the European Union has expanded and adopted its common foreign and security policy.

Yet, within this region only the OSCE, in particular, the Conflict Prevention Center with its Missions and Field Activities and the High Commissioner on National Minorities, has a clear mandate, organizational structure, and significant acquired experience in the field of conflict management. When combined with the human dimension that infuses all of the OSCE's work, this conflict prevention capacity constitutes the special contribution that the OSCE brings to the overall architecture of European security.

In the written statement that I have provided the committee, which I ask to be entered into the record, I have attempted to highlight the many functions that the OSCE performs in the conflict and prevention resolution field on a daily basis. It has, I think, achieved numerous successes. Most notably, I argue that the OSCE played a decisive role in preventing a potential outbreak of violence involving Russia and Ukraine over Crimea that could have significantly affected vital U.S. interests.

On the other hand, violence has broken out in places such as Chechnya, Kosovo, and, most recently, in Macedonia, that the OSCE was powerless to prevent, but where OSCE missions are working to try to re-establish the essential conditions for peace. My overall assessment, therefore, is that the countries of Eastern Europe and Eurasia are better off today than they would be otherwise because of the work in those regions by the OSCE missions.

I also believe, however, that the OSCE has the potential to play a more effective role in conflict management in the future beyond the many, if modest, results that it has achieved so far. I, thus, suggest in my written statement some measures that might enhance the capacity of the OSCE to play a more significant role in preventing and resolving violent conflicts:

One, by enhancing the professional qualifications and training of its missions and support staff.

Two, by strengthening its capacity to mediate serious conflicts that appear to be on the brink of violence or that have become frozen in the aftermath of violence, including making better use of so-called eminent persons to assist in these efforts.

Three, attracting more active support from its major participating States to strengthen the OSCE's capacity to intervene early in potentially violent conflicts, when diplomacy still has a chance to win out over force.

Only when the United States, Russia, and the European Union countries together step up to their responsibility to convert early warning into early action will the OSCE be able to fulfill its role not only in finding an end to war, but, in Roosevelt's phrase, "an end to the beginnings of all wars."

Thank you very much for your attention, Mr. Chairman and committee members, and for your interest in this very important subject.

Sen. CAMPBELL. Thank you, Professor Hopmann. I found your testimony to be very interesting. The first half of it, in fact, was terrific.

We get an awful lot of testimony before Senate committees, as you probably know. Some of the testimony by different experts is very profound; some has even some common sense, and a lot of it is very intuitive. Yours, I couldn't help but thinking of my little hometown. You know, government I guess tends to be reactive rather than proactive, unfortunately, but I come from a little town that's so small there's a joke in my town that everybody has to take turns being the town drunk. It is that small.

[Laughter.]

There's no stoplight in that little town, but there have been a number of attempts at a local city council to put in a stoplight before somebody gets hurt, because it is the only crossing in town and there's more traffic every year. There's an elementary school right near one corner, in fact. Yet, that proposal has always failed in that town council because the opponents of putting in the expensive stoplight always say, "But nobody's been killed there. Nobody's been hurt there."

That's a kind of microcosm I guess of what we face in government: you've got to wait until somebody gets hurt or killed before you take action. It is too bad, but whenever you do try to take preventative, preemptive action, you're often accused of spending the taxpayers' money without any real reason to do so.

Sometimes the press accuses us, of course, of being a do-nothing Congress, as you probably know. When do we do it? It most always has to be after some tragedy takes place, unfortunately, and maybe September 11 was a good example of not being proactive and taking a more preventative course,

Prof. HOPMANN. Right.

Sen. CAMPBELL. But thanks for that terrific testimony.

Prof. HOPMANN. Thank you.

Sen. CAMPBELL. Now, Amb. Barry, please continue.

**TESTIMONY OF AMB. ROBERT BARRY,
FORMER HEAD OF THE MISSION TO BOSNIA-HERZEGOVINA,
ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE**

Amb. BARRY. Thank you, Mr. Chairman. With your permission, I will simply offer you my written testimony for the record—

Sen. CAMPBELL. That will be fine.

Amb. BARRY.—and reflect some on some of the questions that have already been raised here and some that I think deserve attention.

My experience with the OSCE is as the head of a large field mission and, not unnaturally, I happen to think that what we do in the field is often more relevant and productive than what we do in talk shops such as OSCE Permanent Council, which often gets involved in issues in which we don't really have very much to contribute as a practical matter.

A lot of this discussion turns out to be duplicative. It duplicates what is discussed, for example, in the U.N., and I hope that when we deal with the terrorism issue, we don't get involved in repeating the same debates that the U.N. is now going through, such as "what is the definition of terrorism?" Because we could easily waste a great deal of time doing that.

I do agree with those who believe that the proliferation of high-level posts in the OSCE is not a very good idea, not only from a budgetary point of view, but I do feel that much of what they do does not have a great deal of interest to the participating States or to the states in which we have missions.

I would, for example, cite the efforts that the OSCE has made to deal with economic and environment issues. Well, we don't really have either the expertise or the money to deal with those things. They turn to groups like the World Bank and the IMF, and so forth, as the places which are primarily responsible for those. Our efforts, the OSCE's efforts, tend to be the holding of seminars and meetings, which in many ways distract from the work that the OSCE is trying to do.

You've raised the issue of what can we do to deal with the terrorism issue. Of course, policing is a very key issue here. I do believe that the OSCE has a comparative advantage when compared to the U.N. in dealing with police issues because the U.N. is required to take its police from all member nations, including those who have sympathies with terrorists themselves or who have little idea about human rights, and they are not the right people to train the police in the countries in which the OSCE has missions.

Therefore, I do think it would be a good idea if both police training and executive policing become specialties of the OSCE. I hope that this will not be an issue where we have every organization in the region trying to do their own programs that will be in place in these areas.

I do think, however, that as far as executive policing is concerned, that is, where we send international policemen out on the beat with local policemen, that the OSCE has got to rethink its position on whether or not these police can carry sidearms, because in countries where every taxi driver has got a gun, a policeman without a gun does not command very much respect.

But I really think the issue here has more to do with judicial reform and law enforcement than it does to do with policing. It does very little good for the police to arrest somebody if the prosecutors and judges will not take them to court.

There was an example of this, I believe, yesterday where SFOR and the police outside of Sarajevo detained four people on suspicion of being involved in terrorist activities. Two of them were Bosnians; two of them were from other Middle Eastern countries.

Now, of course, SFOR participated in this because the threat was apparently against SFOR, but unless they can be brought to court and unless they can be prosecuted and tried, it is not going to have a lasting effect.

We have struggled with the issue of law enforcement and judicial reform in all of the countries where the OSCE has a mandate. I think we have been quite unsuccessful in this so far because the judges remain politicized, and I don't think that we're going to get them depoliticized by sending them to seminars or training them. I think it has to be a more confrontational approach to this and that the powers that people like the High Representative in Bosnia or the Special Representative of the Secretary General in Kosovo have to dismiss politicized judges have got to be used more extensively.

I found, and I think that the State Department agreed with this, that the OSCE, at least in Bosnia, is a more flexible, agile tool for doing things than the other international organizations in the area because it is not yet bureaucratized and because heads of mission, with the backing of the Chairman-in-Office, have the ability to put in new programs where they are needed and activate them quickly.

I would give a couple of examples here where, for example, we audited the budgets of the outgoing governments, found lots of areas in which there had been corruption taking place, developed the background for seventy criminal investigations, which are beginning to take place now. We went out and audited the budgets of the military and the two entities of Bosnia, and used that as an example of transparency in government, finding out where all this money went, and developing new systems for civil oversight of the military—things which can be dealt with best in very concrete terms and not in sort of general abstractions.

The issue of Russian involvement in the OSCE is one that, of course, concerned us in the field as well as in the headquarters. There I think that what Putin said in his speech to the Bundestag in Germany the other day rang a bell with me. He said, "You know, people paid more attention to Russia when we were adversaries than they do today when we are trying to cooperate with you."

I think we've had a tendency in the OSCE to develop policies in NATO and then bring them to the OSCE and ask the OSCE to implement them, and the Russians have dragged their feet. They have dragged their feet by using the consensus procedure to not allow budgetary things to go through.

Now they have been rather unimaginative themselves in their own diplomacy within OSCE, but I think we've got to do more to try to bring them into the process. I think we've got to find a way of being sure that we deal with them not simply as people who are being asked to ratify steps that have been taken elsewhere.

You raised the issue of a national police force in Bosnia and Herzegovina, something which will be strongly resisted, of course, by the Bosnian Serbs because the policing issue is based upon entities and not on the state, but we need a state court in Bosnia and Herzegovina. The High Representative has now begun to implement a state court. When you have a state court, you will have to have state police to enforce these issues.

Also, I believe that in the fight against terrorism much more has got to be done to ensure exchange of information, exchange of prosecutions, and so forth, across state boundaries. Maybe the OSCE can do more in this regard.

We made a proposal 2 years ago to have the Stability Pact do this under the table of the Stability Pact which deals with security issues and to have them, Ministers of Justice and Interior, join and develop more sound sorts of procedures for consulting with one another. Not enough has been done in that regard. There's a very good model out there in the form of the Baltic Council, which involves the states around the Baltic Sea in which Ministers of Justice and Interior have developed very good cooperation, and that has helped to deal with organized crime and smuggling, and issues like that, on the basis of trust which is developed among the enforcement branches of the countries surrounding the Baltic Sea.

You mentioned the rise in the percentage of money that the United States contributes to the OSCE. I think if you put it in terms of absolute amounts, probably the amount that the United States has spent has gone down, the reason being that in the past much of the activities of the OSCE were based upon voluntary contributions.

Part of this new scale of assessments was to make much less reliance on voluntary contributions and much more on a scale of assessments where the United States went up, but lots of other countries who were not giving voluntary contributions are now giving much more than they did before. In fact, these people objected to the new scale of assessment as something that is too burdensome on them.

I don't think that the strengthening of the OSCE Secretary General is the right way to go. I think the Secretary General should continue to play a largely administrative role. I do believe, however, that the Chairmanship-in-Office needs to be strengthened. It is the Chairman-in-Office who has the responsibility for political guidance to the 21 OSCE field missions. It is the Chairman-in-Office who can develop the regional thrust of OSCE, which is badly needed, I think, and has been now for some years.

But the Chairmanship lasts for 1 year. The countries that carry out the Chairmanship are often small countries with small diplomatic services. It is quite a burden on them to handle all these issues that come before a foreign minister, especially if the country is involved, for example, in applying for membership to NATO or to the European Union.

So I would favor some method of strengthening the Chairmanship rather than the Secretary General, perhaps by including a permanent staff for the Chairmanship which could involve a Russian, and Ameri-

can, and a European as assistants to the Chairmanship and people that would provide more continuity in being able to get things done. A weak Chairmanship can be a real problem for the organization. I think if you look ahead and behind, there are examples of strong Chairmanships and weak Chairmanships.

I think that I would rest my case there, Mr. Chairman, and be glad to answer any questions you may have for us.

Sen. CAMPBELL. Okay, thank you. I have a few.

I'd like to note, too, that we are joined by Congressman Aderholt, and we'll work our way down to you in just a moment.

Do all OSCE countries allow private citizens to apply for mission duty? In Kosovo, at that police academy we visited, all the instructors that teach there are volunteer instructors from different countries. Do some OSCE countries restrict the mission duty just to military officers or government officials?

Amb. BARRY. Yes, many countries do restrict mission duty to either people who are civil servants in that country or military officers or retired military officers. I'd say particularly the smaller countries tend to do that.

Also, countries vary widely in their generosity to paying seconded personnel. Some of them, some rather wealthy countries, pay disgracefully little to the people who are seconded to these jobs. Personally, I think it is better to allow both military and civil servants and volunteers to join these. I think some of the most effective people I had in my mission were certainly volunteers who had not served in government before.

Sen. CAMPBELL. Well, you already answered my next question. Do you think that reducing the number of people working in missions that are government employees or military would improve the work of the OSCE or do you believe that there should be a mix, as you just mentioned?

Amb. BARRY. Well, I believe there should be a mix, and I think that it very much depends upon the sending country. Frankly, some of the sending countries sent people to us that they wanted to get out of their bureaucracies, and that was not necessarily an advantage. Many people sent retired military officers who believed they had stayed retired even though they were then working for us.

Sen. CAMPBELL. It is not an assignment; it is a penalty in some cases?

Amb. BARRY. Well, I think they liked the money, but they didn't feel that it was necessary to work very hard for it.

[Laughter.]

Sen. CAMPBELL. In your testimony, there are other international organizations, such as the Council of Europe, active in some of the same areas the OSCE is active in. Do you have any observations about the role of the Council of Europe in particular in how it interacts with the OSCE?

Amb. BARRY. Well, I think there has been a more or less permanent struggle going on behind the scenes between the OSCE and the Council of Europe, but the OSCE has got a great comparative advantage. We have field missions, permanent field missions, and the Council of Europe does not. So the best role for the Council of Europe is to come in on an advisory mission where they will put together some experts, for example, on legal issues, and sit down with the legislators in the receiving country and work on model legislation following the European pat-

tern. That they do very effectively. But to the degree that they try to do by coming in and out what the OSCE does by having a permanent field presence, I don't think they are terribly successful.

Sen. CAMPBELL. We've had some discussion about when OSCE field missions should close, if they should. We've found that opening them is easier than closing them. They seem to develop a staying power, for whatever reason.

At what point should missions be closed, just when the community in which they are participating resolves its difference? Or is there any logical place where we should close them?

Amb. BARRY. I will give you an example of where the host state urged us to close our mission, and I'm glad we didn't. It was Macedonia. The Macedonians said, "We don't have any more use for OSCE here. Why don't you all go home?" That was just a short time before the problems in Macedonia blew up.

Now we have closed missions or shrunk them considerably in different parts of the world: the Ukraine, the Baltics. We are now working on shrinking the mission in Croatia. I think we're not too far from considering consolidation of the international effort in Bosnia, for example, where there is probably too much overlap and too much duplication of effort between different organizations there.

Sen. CAMPBELL. Is it my understanding that we had wanted to close the missions in Estonia and Latvia, but the Russians opposed it?

Amb. BARRY. I believe the Russians have argued that there are still problems of human rights among Russians, which is one place where they don't argue that we pay too much attention to human rights.

Sen. CAMPBELL. Right now the OSCE has a rotating one-year chairmanship, as you mentioned, someone who gives political guidance to the work on the OSCE. There is also a Secretary General. How do you view the effectiveness of those two posts?

Amb. BARRY. I believe that the Chairmanship-in-Office should remain the paramount political person or group of people that gives guidance to the organization. I think that there have been moves afoot sometimes in the Secretariat to strengthen the political role of the Secretariat. I think that would be going down the route of the U.N., and I don't favor it. So I do believe that the Chairmanship should be strengthened and that there are obviously things that the Secretariat has got to learn to do more effectively, but I don't think that it should develop into a rival with the Chairmanship.

Sen. CAMPBELL. I see. Thank you.

I will yield to Congressman Cardin. Before I do, let me maybe introduce two people, though. As most of us know, Romania serves as an OSCE Chair-in-Office this year, and the Romanian Ambassador Ducaru is in our audience here. Thank you for attending.

I might also introduce Mr. Stephan Minikes, who has just been nominated by President Bush to serve as a U.S. Ambassador to the OSCE in Vienna. Maybe you could raise your hand. Steve, nice to have you here.

Go ahead, Congressman Cardin.

Mr. CARDIN. Thank you, Mr. Chairman.

Ambassador Barry and Professor Hopmann, I want to share the Chairman's comments about how much we appreciate your testimony here today. I think it has been extremely helpful. The point that you made, though, about the lack of knowledge of areas until a problem becomes newsworthy is very telling. I doubt that very few people in this

country knew where Chechnya was or where Bosnia was or where Kosovo was until after they became an active hotspot. It was about as well-known as the city in which Ben Nighthorse Campbell lives.

[Laughter.]

Or as well as people know what OSCE stands for today. I think that's one of our problems. I could have a town hall meeting in any part of my district and I daresay that it would be unlikely that any person would understand what OSCE does, the U.S. role, or where we have any missions.

The amount of dollars that we appropriate for these missions is rather small. I believe that it is one of our best investments in foreign policy and we should not only continue, but expand it. I think the Chairman raises a very good point though: We should make sure it is a fair percentage of the overall cost, but the role that OSCE plays is extremely important to U.S. interests. We appreciate both of your observations there.

Professor Hopmann, I want to pose the question that I posed to the Assistant Secretary before about the U.S. position on capital punishment and the impact that it has, if any, on U.S. credibility on human rights internationally. I know that you did some work in Vienna. I'm just curious whether you share that view, that our position concerning capital punishment has very little impact on our credibility on human rights issues?

Prof. HOPMANN. Actually, I believe I disagree with the Assistant Secretary on this. I agreed with just about everything she said, but this was one exception. My own experience in talking with other governments and interviewing delegations from a large number of countries is that our position on capital punishment seriously undermines U.S. credibility. It is sometimes a rhetorical argument, but in some cases I think it is a real argument. I think U.S. capital punishment is viewed by virtually all of the OSCE members as a violation of the most fundamental human right, the right to life, and without which no other human right exists.

I think when we violate that right in this country, it clearly undermines our credibility in arguing for human rights around the world. I personally think we ought to seriously consider how the use of capital punishment within the United States may harm our international reputation.

Mr. CARDIN. I think my observations are similar to yours. Again, as I pose the question, it is not likely that the United States is going to change its position on capital punishment.

Prof. HOPMANN. Right.

Mr. CARDIN. It would require not just action by Congress, but by the various states around the nation, and I don't think it is likely it is going to happen. But my observation is, at least in our meetings over the last several Parliamentary Assemblies, that it does have an impact on the U.S. role and is something we need to take into consideration.

Mr. Chairman, I hope you will let Mr. Smith know that I asked that question on his behalf.

Ambassador Barry, let me ask you a question about the OSCE mission, as to what role it plays in helping the war crimes prosecutors in assisting them get information they need to pursue war criminals in Bosnia or Serbia.

Amb. BARRY. Well, we didn't play any role in that because, in the process of division of labor, that fell to the U.N. mission in Bosnia, as the ICTY is a U.N. body, and to SFOR, which collects some information of their own. So we didn't have a role to play there.

Mr. CARDIN. That seems somewhat disappointing in that part of this is intelligence information, and you have many people on the ground. It would seem to me that you would hear things that would become relevant to putting together the information necessary to apprehend or to make the cases necessary for trial involving war criminal activities.

So are you saying that truly there is no preparation for the mission at all to assist in this regard?

Amb. BARRY. That's true, we did not get involved in it, but out of a desire to avoid overlapping activities by international organizations—that is, because it was being done by the U.N., because they had their police mission there, and because they had the mandate to do it—we stayed away from it.

I find that in these situations, even if the cause is extremely worthy, if you get two or three organizations doing the same thing, they tend to step on each other's toes, and it decreases the efficiency of the operation.

Mr. CARDIN. Is it your observation that the United Nations people on the ground have been rather successful in this regard?

Amb. BARRY. No, I don't think they have been, nor have the SFOR people been terribly successful, because after all these people are all still at large 6 years after that period.

Mr. CARDIN. Thank you. I don't think we're stepping on people's toes. I wish we could have some toes to step on. I think part of our problem is that the United States has been the leading country in pursuing the war crimes issue. We've raised this at the United Nations. We've raised this at OSCE. We have raised this at diplomatic levels. The President of the United States made it a major issue in regards to the Dayton Accords.

It would seem to me that the U.S. participation in these missions has to be somewhat contingent upon our priorities being met. Pursuing information concerning war criminals should be a priority. If the United Nations is not doing it, and we have a much more direct role in the OSCE, then we should be using that mechanism.

Amb. BARRY. One positive development recently is that yesterday, I believe, the Parliamentary Assembly of the Republika Srpska did finally pass a law on cooperation with the ICTY which they maintained was a prerequisite for being able to arrest and turn over prisoners to The Hague. I doubt personally that the next step is going to follow soon, but I do know that there is a great deal of pressure brought to bear on them to do so.

In fact, in my farewell discussion with the officials of the Republika Srpska, I said it was my view that if the SDS, Karadzic's party, does not find a way to turn over Karadzic and Mladic in the near future, that they should not be able to participate in the next elections.

Mr. CARDIN. I appreciate that. I raise the issue, Mr. Chairman, because I think maybe we want to raise it at some of our discussions at OSCE: that if the division of labor is that another international organization has a responsibility, we should make sure that they carry out what is a principal responsibility of OSCE.

Thank you, Mr. Chairman.

Sen. CAMPBELL. Congressman Aderholt, do you have questions or a statement?

Mr. ADERHOLT. Just one question for Ambassador Barry: What do you believe is the appropriate role for OSCE in advising its members about relations with countries which are not members? For example, the financial involvement in Angola and its diamond production, and such as that?

Amb. BARRY. That is not something that the OSCE has gotten involved in. We have gotten involved—and this goes back to a previous question about Mediterranean partners and all that kind of thing. For example, the Israeli Ministry of Justice sent a mission to Bosnia to look at what we are doing in terms of trying to bring minorities into the political scene. They saw some of the activities that we were doing, thought that maybe they would like to carry out some of these activities themselves back in Israel, but when it is out of area; that is, when it doesn't deal with Europe or the partnerships that have been created, for example, with Japan, Korea, and so forth, we don't get involved.

Mr. ADERHOLT. Thank you. That's all I have, Mr. Chairman.

Sen. CAMPBELL. Thank you.

I have no further questions, but I appreciate you both being here to testify.

We'll keep the record open for 2 weeks, and you may get individual questions from some of the Commissioners that were not in attendance today. If you could answer those in writing for the Commission, we'd appreciate it.

With that, this Commission hearing is adjourned.

[Whereupon, at 11:34 a.m., the hearing was adjourned.]

APPENDICES

**PREPARED STATEMENT OF
HON. BEN NIGHTHORSE CAMPBELL,
CHAIRMAN, COMMISSION ON SECURITY AND
COOPERATION IN EUROPE**

This hearing has been convened by the Helsinki Commission to review U.S. policy toward the Organization for Security and Cooperation in Europe—the OSCE. The Commission remains keenly interested in the OSCE as a tool for promoting human rights and democratic development and advancing U.S. interests in the expansive OSCE region. The terrorist attacks of September 11 represent an assault on the principles of democracy, human rights and the rule of law—core principles at the heart of the OSCE. It is crucial that we redouble our efforts to advance these fundamental principles throughout the OSCE region even as we pursue practical cooperation aimed at rooting out terrorism.

The OSCE provides an excellent framework for advancing these vital and complementary objectives.

First, the OSCE's comprehensive definition of security recognizes human rights and democracy as a bedrock for peace.

Second, the Helsinki process redefined diplomacy to include the frankest of exchanges on issues of concern, including the human dimension. As a result, the OSCE countries have come to acknowledge that "commitments undertaken in the field of the human dimension ... are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concern."

Third, the OSCE redefined participation to include not only the states officially represented, which have gone from the original 35 to 55 today, but also the relevant and valuable role of private citizens and non-governmental advocacy groups.

These developments remain as relevant today as they were when the Helsinki Final Act was signed in 1975. I would also underscore the importance of the close working relationship that has been forged between the Commission and the Department of State over the past 25 years. As Chairman, I am committed to building upon this cooperative partnership and urge that hearings such as this one be convened on a periodic basis to update the Congress and the American people on the ongoing work of the OSCE and how it advances our national interests across the spectrum of the security, economic and human dimensions.

During my chairmanship, the Commission has paid increasing attention to the multidimensional threats posed by corruption and international crime. Earlier this year I proposed that the Bucharest OSCE Ministerial, scheduled for early December, explore ways to promote practical cooperation among the 55 OSCE countries in combating corruption and international crime, major sources of financing for terrorist groups. I urge the Department to review my proposal as it plans for the Ministerial.

Today's hearing will examine U.S. priorities and human rights concerns in the OSCE region. Hopefully, the discussion will address how to institutionalize the OSCE while avoiding the bureaucracy that plagues so many other international organizations, as well as how the organization can remain faithful to the original Helsinki principles while dealing with the challenges of this new century.

**PREPARED STATEMENT OF
HON. CHRISTOPHER H. SMITH,
CO-CHAIRMAN, COMMISSION ON SECURITY
AND COOPERATION IN EUROPE**

Mr. Chairman, thank you for forging ahead and rescheduling this hearing which had to be postponed due to the tragedies of September 11. The loss of human life, the attack on personal freedom, and the violation of national security strengthen our resolve to stand by the principles which undergird the Helsinki commitments. The principles of freedom, democracy, fundamental human rights, and the rule of law remain the core for civilized societies, and as National Security Advisor Condoleezza Rice noted, we would not be America if we did not continue to press for these values.

As someone who has long been active on human rights issues, I have been a strong supporter of the Helsinki process – the OSCE and its CSCE predecessor. I believe that the OSCE remains an important forum for advancing U.S. interests, including those which contribute to security here and among our friends and allies in the OSCE region.

One of the OSCE's greatest assets has been its ability to remain relevant in the issues addressed by the commitments made by the participating States. In the 1980s, when I first became involved in these issues as a member of this Commission, the focus had been on people languishing in the Soviet gulag or East European prisons for what they said, wrote or believed. We gave attention to the families divided between East and West and denied permission to reunite or even contact each other. In the 1990s, there was heavy emphasis on free and fair elections, the rule of law, conflict prevention and tolerance in society.

Today, the persecution of human rights monitors and religious believers remains relevant, as does the lack of democratic development, yet the OSCE has added to its concerns issues like human trafficking, especially of women and children into sexual slavery, and civilian policing. The challenges have only become greater since September 11.

Unfortunately, while one can point to good work by and through the OSCE which has made the world a better place for tens of millions of people in Europe who can now call themselves free, tens of millions remain repressed by regimes, displaced by paramilitary thugs, tortured by the police, unable to choose their elected representative in a fair contest, harassed for openly expressing their belief in God other than through the religious institutions traditional to their country. As our witnesses address U.S. policy toward the OSCE, I hope they will comment on these specific problems and what more can be done to address them.

Considering the events of three weeks ago, I would hope that human rights will serve as the foundation of the US agenda and remain prominent on the OSCE agenda. Some States had previously sought to lessen this focus, but now the authoritarian allies in our new war on terrorism could easily exploit the current circumstances to further stamp out the fledgling opposition forces which exist. I look forward to hearing from our State Department witnesses how the United States will bolster and not dilute the human dimension of the OSCE.

**PREPARED STATEMENT OF
HON. STENY H. HOYER,
RANKING MEMBER, COMMISSION ON SECURITY
AND COOPERATION IN EUROPE**

Mr. Chairman, we convene this hearing, originally scheduled for September 12, 2001, in a different time and indeed in a different era. We are all deeply aware that the terrible events of September 11 have forever changed our country, our people, our world.

As we build our coalition of nations to combat the scourge of terrorism, the OSCE and its participating States will and should play an important role in this battle. The geographic breadth of the OSCE encompasses North America, Europe, the Caucasus and Central Asia, and includes a special relationship with its Mediterranean Partners for Cooperation. In his recent address to the OSCE Permanent Council, Chairman-in-Office Mircea Geoana called for an OSCE strategy to combat terrorism.

The OSCE – the Organization for Security and Cooperation in Europe – emerged from the signing of the Helsinki Final Act in 1975. In that document, the United States, Canada, the nations of Europe and the former Soviet Union committed themselves first to “ensuring conditions in which our people can live in true and lasting peace, free from any threat to, or attempt against, their security.” These are enduring words, Mr. Chairman.

An equal pillar of The Final Act is respect for human rights and fundamental freedoms. As we and our allies combat terrorism we must all, Mr. Chairman, be ever vigilant in protecting those rights that are the foundation of democracy. True security and peace cannot be achieved in the absence of respect for basic human rights and the rule of law. This will be a particular challenge for the participating States which emerged from the former Soviet Union, many of whom struggle with the very concept of democracy and the rule of law.

Mr. Chairman, the OSCE has evolved and grown as an organization since its creation twenty-five years ago. The fall of the Berlin Wall, the dissolution of the Soviet Union, and the ethnic strife which followed caused the OSCE participating States to develop new strategies to achieve peace and security. The underlying commitments to human rights and fundamental freedoms have not changed, Mr. Chairman, and I submit that it has been the leadership of the United States in ensuring an unrelenting focus on compliance with the human rights commitments of the Final Act that hastened the lifting of the iron curtain of repression from the people of eastern Europe and the former Soviet Union.

Without the United States, the practice of naming names of the persecuted would not have been undertaken, with the profound impact it had on the communist regimes responsible for the persecution. Without the United States, the international community would not have intervened to stop genocide in the Balkans and to bring those responsible to justice. Without the United States, our allies, and later Europe as a whole, would never have taken a stand on human rights.

Indeed, Mr. Chairman, I would suggest that the Commission played no small role in this regard. What the Commission so often pushed eventually became U.S. policy in the OSCE. What the United States pushed would often obtain eventual consensus within OSCE. What the OSCE has done has been of enormous benefit to security and cooperation in Europe. I do not mean this as self-praise, because the strong

human rights component which the Commission had first advocated was the vision of our predecessors, people like the late Dante Fascell and Millicent Fenwick. Those of us who have led the Commission in subsequent years deserve credit for simply continuing their course.

I hope, at today's hearing, not only to hear statements about U.S. policy toward the OSCE, and its role in the battle against terrorism, but statements indicating U.S. willingness to exercise the leadership and example only the United States can provide, particularly in the field of human rights, in OSCE and elsewhere, even when it may not seem easy to do so. In the current crisis our government has led by example in its engagement with our Muslim citizens and their leaders and its condemnation and prosecution of those who have harmed them.

In addition, I hope this hearing will be viewed as an example itself of the kind of cooperation in foreign policy which can develop between the Congress and the Executive branch. This interaction is very useful and important as we seek to address the development of the OSCE in a proper manner. For example, the OSCE has the potential to succeed in promoting positive change in the region, but to do so, it needs to avoid the inefficient and indecisive bureaucracy which has burdened the United Nations. The OSCE must not become an organization for organization's sake.

I have serious concerns in this regard, and I welcome the State Department's willingness to be here today to discuss how to improve OSCE operations. Ever more critical as we face the challenges ahead. I also am grateful that this hearing will provide a forum for the expert analysis of our second panel, which promises to be a source of new ideas and suggestions for maintaining and increasing the OSCE's focus and effectiveness in the field of human rights.

Thank you, Mr. Chairman.

**PREPARED STATEMENT OF HON. A. ELIZABETH JONES,
ASSISTANT SECRETARY FOR EUROPEAN AFFAIRS,
U.S. DEPARTMENT OF STATE**

OPENING

Chairman Nighthorse Campbell and Co-Chairman Smith, thank you for this opportunity to appear, along with Assistant Secretary Craner of the Bureau for Democracy, Human Rights, and Labor, before the Helsinki Commission. I will outline how the Organization for Security and Cooperation in Europe (OSCE) advances important policy goals of the United States and address our priorities for the organization. I will highlight some human dimension issues, but will leave the bulk of that topic to Assistant Secretary Craner.

INTRODUCTION

My testimony today comes in the wake of one of the worst tragedies the United States has suffered. It is therefore somewhat different than what I had planned to say September 12. In addition to summarizing how the OSCE has traditionally advanced the interests of the United States, I will discuss how we believe OSCE can contribute to the war against terrorism. This will be a long campaign.

In the 26 years since the signing of the Helsinki Final Act, OSCE has evolved from a Cold-war discussion forum into an operational body. It has 20 field missions ranging in size from a half-dozen international staff in Tajikistan to nearly 800 in Kosovo. At the same time, the OSCE remains an important political forum in which states have been willing to undertake far-reaching commitments to strengthen rule of law and democratic principles. The OSCE provides valuable assistance to states in meeting commitments and holds periodic reviews of progress.

The OSCE is an important partner in furthering peace and stability across Europe. OSCE remains the most flexible and responsive Euro-Atlantic foreign policy instrument for non-military contingencies. It is the primary instrument for early warning, conflict prevention, crisis management, and post-conflict rehabilitation in its region. It is not the forum for discussion or decision regarding all security issues. However, it offers strong advantages in dealing with intra-state conflict and in addressing trans-national threats to stability.

The OSCE's broad composition, which includes the Russian Federation and all the states of the former Soviet Union among its 55 participating states, provides it with broader participation and geographic reach than NATO, including into the Caucasus and Central Asia. The OSCE's comprehensive approach to security recognizes that human rights and economic and environmental issues are as important as political-military ones. Security is seamless.

OSCE has specific institutions for democracy and human rights, national minorities, and freedom of the media, an important economic dimension, and key political-military activities. By providing support and direction in these areas, we contribute to overall security in the region, and also advance other U.S. national interests by promoting democracy, respect for human rights and fundamental freedoms, arms control and confidence building measures, economic progress, and responsible or sustainable environmental policies.

Our share of OSCE expenses is about 15%, approximately \$55 million. This is reasonable when compared with other international bodies. Americans account for about 15% of OSCE personnel. Were it not for the OSCE, many of its programs likely would be pursued bilaterally—at greater cost to U.S. taxpayers.

U.S. PRIORITIES

The United States traditionally has sought to strengthen respect for and implementation of the Helsinki and other commitments across the OSCE area. This remains the cornerstone of our approach to the OSCE. These commitments to democracy, human rights, religious freedom, the rule of law, and responsible economic and environmental policies are fundamental to addressing the scourge of terrorism as well as to achieving our other goals. These goals include implementation of the adapted CFE Treaty and of related commitments made at the Istanbul Summit in 1999, further progress in addressing post-conflict needs in the Balkans, and strengthening OSCE's capabilities without damage to its inherent flexibility and quickness. We also expect to close the OSCE missions in Estonia and Latvia at the end of the year, as it seems they have met the criteria for closure agreed by OSCE states. To accomplish these priorities, we must engage Russia and continue to work cooperatively with key allies and friends.

COUNTER TERRORISM

OSCE states agreed as far back as the Helsinki Final Act in 1975 that they would refrain from direct or indirect assistance to terrorism. This commitment has been strengthened over the years. The Budapest Summit in 1994 condemned terrorism in all its forms and stated that it could not be justified under any circumstances. The 1999 Istanbul Charter stated that "Whatever its motives, terrorism in all its forms and manifestations is unacceptable. We will enhance our efforts to prevent the preparation and financing of any act of terrorism on our territories and deny terrorists safe havens.

We must now look at how we can best operationalize these declarations. We welcome the initiative of the Chairman-in-Office to create a working group and develop a plan on OSCE's role in fighting terrorism in time for the Ministerial in Bucharest December 3-4. We believe the OSCE can play a valuable role in combating terrorism by exploiting its wide membership, traditional strengths in democratization and rule of law, and valuable operational capabilities. Possible activities the OSCE might undertake would include: urging members to sign relevant international conventions regarding terrorism; reviewing compliance with relevant OSCE commitments; reviewing legislation and assisting with drafting new legislation that meets international norms. In addition, we should explore ways to increase police involvement in countering terrorism. We should appoint a senior police advisor in the Secretariat to coordinate these efforts. These are our initial thoughts. We will continue to develop them in cooperation with our friends and allies.

REGIONAL SURVEY

I will now review our other priorities in a regional context.

ENGAGEMENT WITH RUSSIA

OSCE is an important forum for engaging cooperatively with the Russian Federation. The Russians have sought to elevate the OSCE to be the over-arching trans-Atlantic security organization and a forum for discussion of issues which we believe are more properly addressed elsewhere. They have maintained that OSCE places too much emphasis on human rights at the expense of other issues and is too focused on states to the east of Vienna.

We want to work with Russia as a partner in the OSCE. It can be a valuable means for strengthening democratic development in Russia and other states, as well as their ties with their neighbors and the West. The Russian Federation has indicated a strong interest in utilizing the OSCE to fight terrorism. We will cooperate with them. At the same time, we must not compromise on fulfillment of key commitments or respect for fundamental principles. We will address these issues soon through bilateral consultations with the Russians on the OSCE. These consultations will include Chechnya, reform of the OSCE, efforts in the Balkans, and how we might improve cooperation with the Russian Federation.

OSCE involvement in Chechnya has been a visible and contentious issue with the Russians. Then President Yeltsin committed in 1999 to allow OSCE human rights monitors—the Assistance Group—to return to Chechnya, and the group returned to Chechnya in June after the Secretary secured a commitment from Foreign Minister Ivanov. We have welcomed the decision. The Assistance Group has been active in carrying out its mandate of monitoring the human rights situation and working toward the economic and social rehabilitation of the area. If called upon, it is ready to assist in working toward a political settlement. Central Asia, Caucasus

Throughout Central Asia and the Caucasus, OSCE missions work to support democratic development. They help ensure the independence, sovereignty, and territorial integrity of Armenia, Azerbaijan, and Georgia. An OSCE border-monitoring mission at the Georgian side of the Georgian-Russian (Chechen) border helps defuse tensions caused by the conflict in Chechnya. The head of the OSCE mission in Moldova actively supports efforts to resolve the dispute between Moldova and Transnistria and to facilitate Russia's efforts to fulfill its 1999 commitments on withdrawing troops and destroying or removing military equipment.

The OSCE is also providing a framework for mediation of the Nagorno-Karabakh dispute through the Minsk process. It is preparing for a larger OSCE role in the event of a resolution of the conflict. Should the process bear fruit, this could very well become OSCE's most challenging endeavor. The logistics of deploying a large group as well as ensuring appropriate security, command, control, communications, and logistics, could exceed any previous OSCE undertaking.

In Central Asia and the Caucasus, OSCE continues to look for ways to foster human rights, religious freedom, and democratic development, while at the same time addressing urgent security, environmental, and economic needs. Several of these states face real security threats. How-

ever, if human rights and religious freedoms are not respected, the governments will aggravate the situations they are trying to address and their policies will breed further threats to stability.

BELARUS

OSCE played an active role in attempting to ensure that presidential elections September 9 in Belarus met international standards for free and fair elections. This was not accomplished. The Lukashenko regime failed to meet the four criteria laid down last year by OSCE's parliamentary troika. It harassed opposition leaders, denied fair access to state media, stacked electoral commissions, prohibited activities by domestic monitoring groups, and impeded the work of ODIHR and other international monitors.

We and our friends and allies cannot accept the outcome of elections that failed so clearly to meet accepted international standards, including those in the OSCE Copenhagen Document. We are working with other OSCE participating states, including Russia, to bring Belarus into conformity with the commitments it has accepted.

We remain very concerned about credible reports of a Lukashenko regime organized death squad reportedly responsible for up to 30 murders, including those of 3 opposition members and a journalist, and have called on the GOB to conduct a thorough, independent investigation of public charges made by two former prosecutors and the wives of disappeared and imprisoned Lukashenko opponents. Both groups visited Washington in July. Since then, documents have been published adding more credence to the charges. We take these allegations very seriously.

ARMS CONTROL AND CFE ISSUES

OSCE's role as a venue for effective engagement with Russia is nowhere more apparent than on CFE Treaty-related issues, in particular on implementation of the historic commitments made on withdrawal of Russian forces and equipment from Georgia and Moldova at the 1999 OSCE Summit in Istanbul.

OSCE's role is critical in two ways, political and practical. The international attention these issues have received in OSCE has been vital to achieving progress. Politically, we and our NATO Allies and friends have used the OSCE as a forum for emphasizing the importance of Russia's full and timely fulfillment of the Istanbul commitments and that this is a matter of concern to the entire international community, not just an issue for Russia and Georgia or Russia and Moldova. OSCE has played a critical role in practical terms as well, through establishment of Voluntary Funds to assist in implementation of each of these commitments.

The implementation record to date is mixed and there is more work to be done. However, I am pleased to report that as of today, the withdrawal process is moving forward in both Georgia and Moldova.

Largely through the efforts of the Head of the OSCE Mission in Moldova (who is an American), the Transnistrian leadership has for the first time agreed to cooperate in an international assessment of options for destruction or removal of some 40,000 tons of stored munitions in Moldova. Completion of this task should facilitate Russia's drawdown of forces by December 31, 2001, as agreed at Istanbul. Meanwhile, Rus-

sian forces in Moldova have begun to destroy CFE Treaty-limited equipment and have developed a schedule for eliminating all of Russian CFE TLE by the December 31, 2001 deadline set at Istanbul.

In Georgia, Russia met its undertaking to withdraw CFE Treaty-limited equipment in excess of agreed levels—approximately half of total Russian TLE in Georgia—on time, by December 31, 2001.

But two key commitments relating to Georgia have not yet been fulfilled, and that is a major focus of our diplomatic efforts in OSCE now. The Istanbul commitment required Russia to close two key military bases in Georgia by July 1, 2001. One of those, the Vaziani base near Tbilisi, was transferred on time to Georgia. This was a major priority for the President Shevardnaze Government.

The Gudauta base, located in the Abkhaz region, has not yet been closed and transferred to Georgian control, a fact which was the object of broad international criticism in the OSCE, in the NATO-Russia context, and in U.S.-Russian bilateral exchanges. Working with our OSCE partners we have reminded Russian officials that their failure to meet this commitment jeopardized its standing in the international community; and that message has given heart to Georgia. At this point Russia and Georgia are negotiating on this issue at senior levels.

The United States and other OSCE states are also pressing Russia to fulfill the Istanbul requirement to agree on a deadline for withdrawal of Russian forces from remaining bases in Georgia. At issue here is the basic principle of a nation's sovereignty over its own territory. Through the OSCE we and our Allies have pressed hard for resolution of these basing questions in a manner consistent with the desires of the host state.

THE BALKANS

OSCE continues to play a leading role in the enhancement of peace, stability, and democracy throughout Southeastern Europe in the wake of the conflicts there. OSCE missions in Kosovo, Bosnia, Croatia, the Federal Republic of Yugoslavia, Macedonia, and Albania are key to this effort. The establishment last year of a mission in Belgrade already is paying dividends in helping to support the democratic transition in Yugoslavia.

OSCE is responding energetically to the current crisis in Macedonia. Well before the current crisis, however, the OSCE played an active role in supporting the independence and democratic development of Macedonia. The Spillover Mission was established in 1992 to alert the international community to external threats to Macedonia and to support democratic development. The High Commissioner on National Minorities played the lead role in establishing a private Albanian university. Other OSCE personnel assisted with preparation of a new electoral law. When inter-ethnic tensions increased, OSCE observers provided valuable reporting on sensitive conditions. This continued after fighting broke out and then after a cease-fire was agreed.

The OSCE is now moving to gain agreement to implement measures in support of the recent political agreement reached by the parties. In particular, OSCE will provide monitors to assure a smooth return of Macedonian security forces to conflictive areas, train new recruits for a multi-ethnic police force, and support strengthening of democratic institutions. It will accomplish these tasks in close and effective cooperation with NATO, EU, and other bodies.

In Kosovo, OSCE seeks to decrease the level of violence, promote multiethnic institutions, support the establishment of provisional self-government for Kosovo's citizenry, and safeguard human rights and religious freedom for all residents of Kosovo, including Serbs and other ethnic minorities. The OSCE mission in Kosovo will conduct province-wide elections in November.

In Bosnia, the OSCE continues to support the objectives of the Dayton Agreement through its work in elections support, human rights, and democratization. As a result of its efforts, many activities have been returned to local control and the mission budget reduced commensurately.

In Croatia, it will continue to seek Croatia's compliance with its commitments related to return of refugees and displaced persons, democratization, and implementation of the Dayton Agreement. Again, progress has led to significant downsizing of the OSCE mission.

OSCE also oversees the implementation of the arms control annex to the Dayton Accords, specifically concerning confidence-building within Bosnia and arms reductions among Bosnia, Croatia and the FRY.

DEMOCRATIC DEVELOPMENT

The OSCE, primarily through ODIHR, plays a leading role in supporting democratic development and strengthening rule of law. OSCE implements programs in a variety of areas, from election monitoring to judicial training to the fight against trafficking in human beings. When successful, the OSCE's efforts help to prevent conflict and thus U.S. expenditure for costly military engagement and post-conflict rehabilitation. Working multilaterally to prevent conflict and build democracy can be significantly more cost-effective than full reliance on unilateral efforts.

Two institutions deserve special mention. The High Commissioner on National Minorities, currently Rolf Ekeus, is critical in improving inter-ethnic understanding and cooperation.

The Free Media Representative, Friemut Duve, is a strong factor in promoting policies that support development of free media.

ECONOMIC AND ENVIRONMENTAL ISSUES

OSCE recognizes that economic and environmental issues can be the basis for security concerns, and if not addressed may threaten stability. Its economic dimension seeks to bring states together to address common problems such as water resources, development issues, and corruption.

The United States is a strong advocate of efforts to counter corruption. This was reflected in the 1999 Istanbul Summit Declaration. If not countered, corruption can corrode respect for public institutions as well as undermine efforts to create a positive climate in which economic growth and development can take place. This result can create conditions which play into the hands of extremists. OSCE has implemented several programs aimed at countering corruption or supporting good governance. In the coming years, we will develop further OSCE activities in these areas. One example is establishment is an ombudsman in the Office of the Coordinator for Economic and Environmental Activities.

OPERATIONAL EFFECTIVENESS

Another top priority is to continue to make the OSCE a more effective organization. Political leaders increasingly rely on the OSCE for rapid and effective deployment of human resources to trouble spots in the region, most recently, for example, expanding the OSCE's role in Macedonia. To this end, we have worked vigorously to develop the REACT concept (Rapid Expert Assistance and Cooperation Teams). REACT provides for an international electronic roster of rapidly deployable experts—on human rights, elections, public administration, policing, rule of law. These individuals will be able, on short notice, to serve as an OSCE surge capacity to help address problems before they become crises, or to manage emerging crises. REACT is on line, but so far only a minority of participating states has gotten their systems up and running.

A related issue is general managerial effectiveness. OSCE expanded its activities more rapidly than it created systems to manage them. Secretary-General Kubis noted this situation in his remarks to the Meeting of the Parliamentary Assembly in Paris in July. Significant progress has been made in this area. SYG Kubis announced that the external auditors issued an unqualified audit report for the year 2000. The report noted that great strides had been taken to address earlier shortcomings—many related to the forced hasty departure of the Kosovo Verification Mission—but that some work still remained. We are committed to ensuring that the OSCE implements the necessary procedures and systems to ensure effective managerial control of its operations.

LEGAL STATUS

The question of the legal status of OSCE has come to the fore. Key OSCE states have been pressing for a convention according OSCE international legal personality, which would effectively transform OSCE into an international organization (IO). This matter has arisen in the context of problems in the area of privileges and immunities for the OSCE and its personnel. Many states have been unable to implement the 1993 Rome Ministerial Council decision on that subject. They seek a convention that would both accord international legal personality and provide for privileges and immunities.

As we consider how the OSCE has evolved and how best to address issues that hinder its performance, we need examine how our interests would best be served. We are presently reviewing this matter. As we consider this issue, the OSCE's flexibility, its consensus-based method of operation, and the political nature of OSCE commitments are of fundamental importance to us.

SCALES OF ASSESSMENT

Another issue is the scale of assessment. Last year, it became obvious that the so-called Helsinki Scale for large missions (Bosnia, Croatia, Kosovo) was no longer viable. A new scale was agreed. The U.S. share increased to 13.5% from 12.4%. Part of the agreement was that OSCE might examine the scale for large mission as well as the regular scale in 2004 with an eye toward possibly consolidating them. In that event, a country's total share would be capped at 14%.

Some states now wish to renegotiate the basic scale. We see no reason to move ahead the agreed date for reconsidering the scales of assessment.

POLICE ACTIVITIES

Police training and executive policing are topical issues. They are especially important in the Balkans, but experience gained there might be applicable in other regions, especially Central Asia. OSCE has done a solid job in police training in Kosovo and in Serbia. It is expected to assume this responsibility in Macedonia. In addition to training, there are needs for actual police operations in some situations. OSCE may be best-suited to assume this task. We are looking at what role OSCE might assume in this area and what resources would be required.

CONCLUSION

The immediate challenge is to enlist OSCE in the fight against terrorism. This will be a sustained campaign. Applying OSCE commitments and principles in our common struggle against global terrorism will be crucial to success in this effort.

The challenge in the next several years will be to further develop and fine-tune the OSCE's mission in the evolving Euro-Atlantic security architecture and improve its coordination with NATO, the EU, and other bodies. Engagement with Russia will continue to be a key goal. Development of common policies with the EU and its member states will increase in importance. Success in these areas will better ensure OSCE activities continue to serve U.S. national interests.

**QUESTIONS SUBMITTED FOR THE RECORD
TO HON. A. ELIZABETH JONES,
AND HER RESPONSE**

Question: Some observers have suggested that the OSCE Secretary General should play a more political role, expanding on his largely administrative portfolio. Does the United States share that view?

Answer: The United States is satisfied with the administrative role in support of the Chairman-in-Office (CIO) explicitly given the Secretary General (SYG) when the position was established in 1992. We believe this arrangement allows the CiO to provide effective political direction and leadership to the OSCE while keeping a streamlined administrative support structure.

Question: Since the early 1990s, there has been talk particularly with reference to Nagorno-Karabakh about a possible peacekeeping role for the OSCE. Given current structures and limitations, is the OSCE in a position to undertake peacekeeping operations? What would the implications be for NATO?

Answer: The OSCE is not a source of armed Peacekeeping Operations (PKO). The 1994 cease-fire has remained in force and, while there are occasional violations, these have continued to decline. In 1992, the OSCE established the High Level Planning Group to prepare plans for an unarmed OSCE monitoring mission that would observe and report on compliance with an N-K settlement. The HLPG has refined its planning to correspond with the character and elements of a prospective settlement, as that has evolved. Although armed intervention is not foreseen at this point, the mandate for an OSCE monitoring operation does include the possibility of a brief deployment of armed peacekeepers for limited tasks.

In their mediation efforts the Minsk Group Co-Chairs—U.S., France and Russia—have worked to ensure that any monitoring operation would be manageable for the OSCE. With that in mind, there is broad agreement among the CoChairs and parties that the mission would appropriately include civilian as well as military observers. The OSCE mission would only be deployed in the context of a permissive environment endorsed by all sides. The character and location of the mission, as well as the politics of the region, make the OSCE particularly well suited for such a mission. There are no implications in such an observer mission for NATO.

Question: Corruption stands as a significant obstacle to the development of democratic institutions, independent judiciary systems, as well as market economies in several OSCE participating States. Although the OSCE has held several meetings on the issue, the OSCE has yet to develop any standards or programs to address the problem. Do you plan to make this a priority?

Answer: The United States is a strong advocate of efforts to counter corruption. This was reflected in the 1999 Istanbul Summit Declaration. If not countered, corruption can corrode respect for public institutions as well as undermine efforts to create a positive climate in which economic growth and development can take place.

OSCE has implemented several programs aimed at countering corruption or supporting good governance. A good example is the campaign finance program implemented in Bosnia in 2000. It is now being implemented by other missions. In the coming years, we will develop further OSCE activities in these areas. It is a priority for the United States.

Question: Some observers blame Russia for torpedoing almost the entire final agreement that had been negotiated for last year's Ministerial in Vienna. How would you characterize Russia's posture toward the OSCE at this juncture?

Answer: The attacks of September 11 created a new situation. This new spirit of cooperation was reflected in our ability to work cooperatively at the Ministerial in Bucharest, December 3–4, 2001.

Most significantly, we worked cooperatively to develop an action plan to combat terrorism. There has been significant progress on the Istanbul commitments since the Vienna Ministerial last year. The Assistance Group is back in Chechnya. Russia has withdrawn CFE Treaty-limited equipment from Moldova and Georgia. Russian forces should withdraw from Moldova by the end of 2002. This involves the disposal or withdrawal of tons of munitions and thousands of small arms. The United States is supporting this effort through the Voluntary Fund. The United States is encouraging Russia and Georgia to resolve outstanding issues, including the status of the base at Gudauta.

Russia still maintains that the OSCE needs fundamental reform and is too focused with the countries east of Vienna and human rights. We disagree. We will have differences over the budget. However, we are in a better position to work together constructively than we were a year ago.

Question: You note in your testimony that the Russians have "maintained that the OSCE places too much emphasis on human rights at the expense of other issues and is too focused on states to the east of Vienna." Do you agree with that criticism? If not, how should the United States respond to the Russians' concerns?

Answer: Respect for human rights, democracy, and the rule of law is fundamental to establishing enduring security across the OSCE region and an integral element of the OSCE. We do not neglect the economic and political-military dimensions as part of OSCE's comprehensive approach to security, but we will not dilute support for human dimension matters.

Any participating state in OSCE can raise issues about any other participating state. Russia has frequently commented on conditions in many states. OSCE establishes missions where all members agree they are needed and the host government agrees to establishment of a mission.

We will continue to engage with the Russian Federation on the importance of all dimensions to ensuring stability and countering trans-border threats to stability.

Question: The OSCE Assistance Group to Chechnya was evacuated to Moscow for security reasons in December 1998. In June of this year, the mission returned to Chechnya after the OSCE agreed to pay the Russian government up to \$510,000 for security equipment to protect the Assistance Group. What is the present status of the OSCE's Assistance Group in Chechnya? Have the events of September 11, 2001 had any effect on the work or security situation of the Assistance Group?

Answer: Secretary Powell secured a commitment from Russian Foreign Minister Ivanov for the return of the OSCE Assistance Group when they met in May. The presence of international monitors on the ground in Chechnya was one of Administration's and the OSCE's primary objectives.

The group has been active, visiting villages where Russian troops have conducted security sweeps that resulted in credible reports of human rights violations. It has met with Chechen and Russian officials.

It is also overseeing OSCE-funded humanitarian assistance projects that are focused on children of internally displaced persons.

The September 11 attacks have not affected its operations, although recent intensified fighting in Chechnya has limited its movements.

In December, the OSCE Permanent Council agreed to change the terms of the OSCE missions in Chechnya and Kazakhstan at the request of the host countries. The mandates of these missions will now be reviewed annually, in keeping with current practice for most other missions.

Question: Under the leadership of Ambassador David Johnson, the U.S. Mission in Vienna regularly raises specific human dimension cases in the Permanent Council, as well as bilaterally with other OSCE delegations. Will the United States continue to raise human dimension issues at the Permanent Council?

Answer: The United States will continue to raise human dimension issues at the Permanent Council. Supporting human rights is an integral element of OSCE activities. We will continue to utilize all fora and agencies of the OSCE to the fullest extent.

Question: In 1992 and 1993 respectively, OSCE missions in Estonia and Latvia were established to help those countries deal with the problems of citizenship, and other social and legal issues related to non-Estonian and non-Latvian minorities. Significant progress has been achieved in this specific endeavor. What is the rationale for keeping these missions open? Can we expect to see them closed soon? How much money does the OSCE spend yearly on these missions?

Answer: The heads of the OSCE missions in Estonia and Latvia reported to the Permanent Council in December 2001 that the countries had met the guidelines for closure established by the Chairman-in-Office in 2000. Consequently, the mandates of both missions were allowed to expire effective December 31, 2001.

It is important that Estonia and Latvia continue to work to address the needs of their ethnic Russian minority populations. Both governments have stated they will do so. We expect the OSCE High Commissioner on National Minorities to continue to monitor the situation.

The OSCE 2001 Unified Budget for the mission in Estonia was 637,400 Euro (\$573,000) and 702,600 Euro (\$632,000) for the mission in Latvia.

Question: Some have also suggested not only downsizing but also closing the OSCE mission in Croatia. Is this warranted?

Answer: We welcomed the progress that Croatia made in its mid year review and after the review OSCE reduced the personnel strength of the mission from 125 to 100. There likely will be further smaller reductions in 2002.

We remain concerned about progress in certain areas, however, particularly refugee returns and property restitution. The OSCE and most members of the international community in Croatia believe that greater progress is needed in these areas before the mission can phase out. The mandate for the mission was renewed for 12 months in December 2001. OSCE will review the situation after six months.

Question: OSCE participating States are establishing a pool of skilled resources available for rapid deployment to upcoming and future missions. Individuals who are part of this pool, known as REACT for "Rapid Expert Assistance and Co-operation Teams," must be available for deployment within two, four, or eight weeks upon receipt of selection notification. Is REACT operational and does it work as intended?

Answer: The United States implemented its REACT program in September 2000. OSCE launched its overall Rapid Expert Assistance and Co-operation teams (REACT) program in April 2001. To date, approximately 26 countries have implemented REACT. It is proving to be an effective means of identifying and providing personnel with the necessary skills to OSCE missions. For example, a large number of the nearly 150 additional personnel required to implement the peace agreement in Macedonia were identified through the REACT program. We have made extensive use of the program and found it valuable.

**PREPARED STATEMENT OF HON. LORNE W. CRANER ,
ASSISTANT SECRETARY FOR DEMOCRACY, HUMAN RIGHTS
AND LABOR, U.S. DEPARTMENT OF STATE**

Chairman Campbell and Co-Chairman Smith, it is a pleasure to address you at this hearing on "U.S. Policy Toward the Organization on Security and Cooperation in Europe." I have long been aware of the excellent human rights work of the Commission and am honored that President Bush has named me to be the State Department's representative on the Helsinki Commission. Over the years, Commissioners have been leaders in the struggle for human rights and democracy, and Commission staff has not only proven itself to have a depth of knowledge and experience in this field but has also been very generous and cooperative. So, it is a distinct pleasure to now formally become a part of the Commission process. I look forward to getting to know all of you better and contributing to the important work of the Commission.

In this, my first appearance before the Commission, I am pleased to be joined by Assistant Secretary Jones to discuss the important work of the OSCE. My focus will be on Principle VII of Basket I, Basket III, and democracy and human rights in OSCE-participating states.

But first, I would like to comment on recent events. In the last month the world has changed dramatically. Some people have expressed concern that, as a result of the September 11 attack on America, the Administration will abandon human rights. I welcome this hearing today to say boldly and firmly that this is not the case. Human rights and democracy are central to this Administration's efforts, and are even more essential today than they were before September 11th. They remain in our national interest in promoting a stable and democratic world.

We cannot win a war against terrorism by stopping our work on the universal observance of human rights. To do so would be merely to set the stage for a resurgence of terrorism in another generation. As Thomas Jefferson said: that government is the strongest of which every man feels a part.

Since September 11, Secretary Powell communicated to our posts that "we must continue the normal business of diplomacy." Dr. Condoleezza Rice said only a week after the horrific September 11 attacks, "Civil liberties matter to this President very much, and our values matter to us abroad. We are not going to stop talking about the things that matter to us, human rights, religious freedom and so forth and so on. We're going to continue to press those things; we would not be America if we did not."

The work of the Bureau for Democracy, Human Rights and Labor is more important than ever. We will continue to use the range of tools available to us to advocate for human rights and democracy. We will continue to monitor and report accurately and comprehensively on human rights situations around the globe. We will continue programming work to assist other countries in improving human rights infrastructure and policies. We will continue to work to integrate human rights concerns — such as religious freedom, media plurality, good governance, and combating trafficking of persons — into overall policy and programs. The Commission can be an important part of this work by continuing to cooperate with us to advance liberty and freedom.

OSCE SIGNIFICANCE

We recently marked the 25th anniversary of the Helsinki Final Act and it is heartening to see just how far we've come. The Conference on Security and Cooperation in Europe continues to be of immense importance to hundreds of millions of people. The Helsinki Final Act may well be one of the single most important international instruments of the last half century.

Human Rights provisions were one of the most important sections that the West managed to secure during the drafting of the Helsinki Final Act. One reason for Helsinki's success is that the CSCE did not fold its tents and go home after the Final Act was signed. Indeed, the CSCE, and now the OSCE, stayed active through the early '80s and helped hasten the end of the Cold War. Time and again, human rights violations were spotlighted while the call for human rights standards became the established norm. Since then, the OSCE has transformed itself into a major player in the Balkans and an important component of the European and Eurasian security and human rights infrastructure.

Today, the OSCE has field activities in a dozen and a half participating states, while the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities, and the Special Representative on Freedom of Media play increasingly important roles. And every week, the OSCE permanent representatives meet in Vienna to discuss specific human rights developments. The record of the Helsinki Final Act is proof of how much can be achieved in a quarter century.

These years have been at times quite dramatic and have provided some of the most concrete examples of how a heritage of tyranny and oppression can be overcome: the fall of the Berlin Wall, the democratic resurgence of Central Europe, the downfall of Milosevic. And while no one would argue that the ideals of a Jeffersonian state—democratic in practice, republican in form—and human rights, have been attained throughout all of Western and Central Europe, one can still see tremendous progress and a sincere attempt to struggle forward.

Yet as one moves further eastward in the OSCE, one sees a far different, less upbeat story. Ten years ago, the USSR collapsed under its own weight, giving birth to independent republics in Central Asia, eastern Europe and the Caucasus. These were years of promise and expectation, as people hoped that the democratic traditions and economic prosperity of the West would sweep their way. Sadly, this has not been the case.

Even as we move to greatly increase our cooperation on counterterrorism with many NIS states, we must continue to push for improvements on such areas as rule of law, religious tolerance and other basic human freedoms, since democracy and respect for human rights will help enhance the stability of the region.

As they approach their tenth anniversary of independence, the republics of the former Soviet Union continue to present some of the greatest challenges of the OSCE. For this reason, I would like to spend much of my testimony on this region.

THE DISAPPOINTMENTS OF THE NIS STATES

Despite their proclaimed commitment to democratic ideals and human rights, progress has been uneven at best, and in some cases almost non-existent. Equally, if not more disturbing, has been the varying degrees of backsliding in other countries.

The fate of the independent media is disturbing. Many independent newspapers, magazines, radio and TV stations sprang up over the last decade, some with broad news coverage and some with narrow target audiences. In some places, independent outlets flourished in the early years. However, they have come under increasing pressure of late, as their respective governments have conducted campaigns designed to eliminate and/or take over any news media that criticize or differ publicly with government policies. The governments have used various tactics: restrictive registration, frivolous or trumped-up tax investigations, criminal libel proceedings and withholding airwave frequencies or printing services, and orchestrating hostile buyouts of publishers or broadcasters by government surrogates. Particularly disturbing have been the murders of independent journalists such as Heorhy Gongadze of Ukraine, Giorgi Sanaia of Georgia, and the presumed murder of Dmitry Zavadsky of Belarus.

In the area of political accountability, the Central Asian republics in particular have performed poorly since gaining their independence. Each country recently has held two rounds of what they claim are elections, and all have been judged by the international community to be badly flawed. They have run the gamut from the problematic to one troubling election restricted to hand-picked government candidates that resulted in a Soviet-style turnout of nearly 99 percent.

In Kazakhstan, President Nazarbayev was elected to a 7-year term in a 1999 election that fell far short of international standards. ODIHR decided not to send an observation mission, citing concerns about the exclusion of opposition candidates, unequal access to the media, and coerced support for President Nazarbayev. It instead sent a small election assessment team, which concluded that the elections fell “far short” of Kazakhstan’s commitments as an OSCE-participating state. Outside Central Asia, elections have also been problematic at times, such as in Azerbaijan, where last year’s vote counting, among other things, was deemed “completely flawed” by ODIHR. Assistance from the OSCE and others has helped improve election laws throughout the NIS and provided for reasonably clean balloting on election day; most governments, however, continue to harass opposition parties and prevent key opposition candidates from running, as they retain control of election commissions to manipulate the final vote tabulation.

Yet against all odds and despite the best efforts of these governments to suppress it, there are signs of a nascent democracy in much of Central Asia. Democracies require more than hollow institutions claiming to represent the people; democracies need governments that are responsive to civil society and the demands of all people, including minorities. Opposition parties proliferated throughout Central Asia in the aftermath of the break-up of the Soviet Union, and they continue to function in all but Turkmenistan, albeit under extreme pressure in some cases. Courageous political figures continue to speak out against government repression and corruption, facing personal risk of harassment, incar-

ceration, and expulsion, not to mention the risk to their families, friends and associates. Nevertheless, such personal bravery can only go so far, and these democratic movements are in a vulnerable position.

Country after country of the former USSR has pulled back on religious freedom in the last several years, creating restrictive legislation that can be used to discriminate against certain religious groups. Harassment of minority religious groups by extremists and some officials continues to be a concern in many states.

NGO activity has been perhaps the most impressive sign that while governments often cling to autocratic traditions of the past, their people are truly beginning to understand the meaning of civil society. Many of these organizations operate not only at the grass roots, but also take a leading role in advancing their chosen cause at a national level. They span such issues as health care & HIV/AIDS, environmental protection & resource conservation, women's and children's rights and faith-based organizations. NGO activities are not limited just to providing social services, but are increasingly taking on riskier issues, such as documenting human rights abuses and advocating peaceful political change and greater accountability of governments. For the most part, governments do not harass NGOs which do not engage in political activity and which avoid criticizing official policies. In places like Kazakhstan and Uzbekistan, governments crack down on those NGOs that are politically active. NGOs involved in electoral education, election monitoring, and support for political party formation in such countries often suffer badly under government restrictions.

Perhaps the greatest obstacle has been the lack of political will by these governments to implement structural reforms. The legacy of communism and the lack of pre-Soviet democratic tradition continues to hinder the transition to democracy. Several of the NIS are still controlled by those who were in power before the breakup of the Soviet Union or who are unrepentantly authoritarian, such as Lukashenko in Belarus. Their lack of commitment to democratization and human rights has proven to be a considerable obstacle to reform. This inaction has led to a lack of public confidence in the legislature and judiciary, continued widespread corruption, and an ongoing effort to repress freedom of speech. Elsewhere, there are questions over which direction the government is headed. In the long run, only true commitment to and action on democratic reform and respect for human rights, coupled with the rule of law, can guarantee peace and prosperity in the region.

THE NEED FOR THE OSCE

Against this backdrop, we cannot turn our backs on the people of these troubled countries in these important regions, who strive to achieve the dream of individual liberties and democracy and create for themselves a truly civil society, one where political activists, independent journalists, and NGOs can operate freely and without risk to their livelihoods.

This is why the work of the OSCE is so vitally important. It provides a vital lifeline for those nascent democratic elements who believe in international human rights standards. In Russia, after considerable delay, the OSCE is again present in Chechnya, where it will resume conducting human rights monitoring. Last year in Serbia, the ODIHR promptly launched a project with the Belgrade Center for Human Rights to train representatives of opposition political parties who served as elec-

tion observers. In Uzbekistan, it has helped train local human rights NGOs on how to prepare reliable, comprehensive reports and to develop better cooperation among local human rights monitors. In Kyrgyzstan, it has worked with the Polish Border Guards to implement institutional reform of the Border Guards, including training on human rights and the law. In Azerbaijan, Kyrgyzstan and Kazakhstan, it has brought in experts to examine proposed laws on religion, prevailing upon the governments of Azerbaijan and Kazakhstan to drop certain restrictive amendments to their laws on religion.

In addition, the OSCE covers many transnational issues that would otherwise fall through the cracks and be ignored. A prime example is the Contact Point for Roma and Sinti Issues (CPRSI), which was established at the Budapest Summit in 1994. It acts as a clearinghouse for information on these issues, including on the implementation of commitments pertaining to the Roma and Sinti, and helps develop and maintain contacts among the participating states of the OSCE, NGOs and others. In Romania, for example, the CPRSI organized a roundtable between government representatives and Roma NGOs to discuss ways of addressing such issues as education for Roma children. The OSCE also takes a comprehensive, regional approach to combating trafficking in persons, which the USG supports by providing an expert who plays a lead role in developing programs to combat trafficking in the OSCE region. Field missions are actively engaged in efforts to prevent trafficking as well as assisting the victims of trafficking. They also work with governments to improve their ability to investigate, arrest and prosecute traffickers, and encourage countries to cooperate and coordinate on repatriation of trafficking victims and investigation of traffickers.

THE EXAMPLE OF THE OSCE IN BELARUS

Such missions need to be strengthened to improve the effectiveness of the OSCE overall. A model for the future could be the OSCE Advisory and Monitoring Group (AMG) in Belarus.

Belarus as the last dictatorship in Europe would appear to be an odd example of a success story for the OSCE. Though the September 9 elections were anything but free and fair, the AMG has contributed enormously to Belarusian democratization efforts. Established in 1997, the AMG has provided support for the development of democratic political parties. It has monitored the legal proceedings of the political opposition forces charged with politically motivated crimes, while providing legal support for the defendants. It has raised with Belarusian authorities the issue of discrimination of independent media and established an independent countrywide election observation network.

In an important milestone in the development of an active civil society, 14,000 Belarusians defied official intimidation to receive OSCE-supported training in order to serve as independent observers in the presidential election. Without the OSCE presence on the ground in Belarus, it is highly doubtful any of these important democracy-building initiatives could have been accomplished. This modest gains notwithstanding, we watch with great concern the disturbing events unfold in Belarus, a situation which both the OSCE and the United States will closely monitor.

CONCLUSION

The OSCE remains an important partner in furthering peace, stability, and democratic reform in this area. Over the past decade, the OSCE has given participating states advice on constitutional and legislative reforms to create freely elected democratic political institutions. The OSCE has trained government officials on human rights and rule of law. In partnership with the OSCE, we have helped them create electoral commissions and the infrastructure necessary to administer free and fair elections. We regularly remind them of their commitments, as OSCE participating states and members of the international community of nations, to respect and guarantee the human rights and fundamental freedoms of their citizens. We have raised these issues at every level, from sessions of the Permanent Council in Vienna and in the OSCE missions abroad.

Such efforts are often fraught with frustration, but sometimes they do succeed. We must always bear in mind that despite the many setbacks we encounter, we are trying to help these countries integrate into the Euro-Atlantic community of nations, to deepen their commitment to democratization, the rule of law and the principles of the Helsinki Final Act, the Copenhagen Document and other OSCE documents they have all signed. We know these countries are capable of doing more and we want to help their societies make that leap to democracy. We need to help them build the foundation essential for a flourishing democracy.

We must continue our resolve to press important human rights violation concerns at every level, especially at sessions of the Permanent Council in Vienna, in the OSCE missions abroad and, of course, at the Human Dimension Meetings in Warsaw. Our goals this year have been to continue raising such pressing issues as good governance, religious liberty, anti-trafficking, follow-through on ODIHR election recommendations, prevention of torture, strengthening the human rights mandate of the field missions and addressing structural censorship of independent media. These are areas where we would like to work further with the OSCE to improve. In addition, we will continue to work with the OSCE to ensure that the resources available address the most serious human rights problems.

Mr. Chairman, I want to re-emphasize that the Helsinki Commission is an important part of the U.S. team. The knowledge and commitment of your Members and staff to the human rights cause is well known. This hearing is yet another example of your important role. I very much look forward to working with you in the OSCE process. We need to make sure that the OSCE is a results-oriented organization that is long on expertise and positive action, with a minimum of bureaucracy and overlap. I appreciate knowing that we can call on you for assistance.

Thank you, again, for holding this timely hearing which provides me with an opportunity to restate the importance of human rights and democracy.

QUESTIONS SUBMITTED FOR THE RECORD
TO HON. LORNE W. CRANER
AND HIS RESPONSE

BELARUS

Question: Following last month's presidential elections in Belarus, which failed to meet international standards, will the U.S. approach towards Belarus change: What role should the OSCE play—through the Assistance Group and through the Officer for Democratic Institutions and Human Rights—in addressing the problem of retarded democratization and lack of respect for basic human rights in that country?

Answer: The OSCE is the best mechanism for addressing the present situation in Belarus. Though the elections failed miserably to meet international standards, we still see hope for the creation and encouragement of real civic groups. The OSCE Assistance Group should support and follow closely the growth of these non-partisan groups of mostly young activists. They represent a true challenge to the authoritarian regime now holding power. This does not represent a change in U.S. policy. We have always pressed the role of civil society in the creation of lasting political structures.

We support the work that the OSCE AMG has been doing in Belarus and believe that it is important that they continue as it is vital that they maintain a dialogue with the GOB about the implementation of the four OSCE criteria. The current mandate should not change, and the Government of Belarus should not be given veto power over AMG Mission projects.

KAZAKHSTAN/KAZHEGELDIN

Question: On September 6, Kazakhstan's Supreme Court convicted former Prime Minister Akezhan Kazhegeldin in absentia on charges that clearly appear politically motivated and sentenced him to ten years imprisonment and confiscation of all of his property. The allegations dated back to Mr. Kazhegeldin's term as Prime Minister from 1994-97, but only surfaced a few weeks ago amid speculation that President Nursultan Nazarbayev will call a snap presidential election in December and wants to eliminate any strong contender, especially Mr. Kazhegeldin. Mr. Kazhegeldin could not return to Kazakhstan to refute the charges against him, because he feared for his life and knew he could not get a fair trial.

The OSCE office in Kazakhstan has expressed strong concern about how the trial was conducted and questioned the fairness of the outcome. What should the OSCE and the United States do next in an effort to expose this conviction as an anti-opposition move and promote democratization in Kazakhstan?

Answer: We have been concerned for some time regarding the government of Kazakhstan's harassment of former Prime Minister Akezhan Kazhegeldin and his followers. We have raised this issue often with the GOK and have noted these incidents in the Country Reports on Human Rights Practices.

We will continue to speak out against such abuses in the future. Responsible public pressure has served well in the past to secure justice for those unjustly convicted. OSCE offices should also be given additional resources to work with press and civil society so that such cases are brought to the attention of the public.

In addition, we have a wide range of programs aimed at promoting democratization and civil society in Kazakhstan. The Department's Democracy Fund Small Grants Program has awarded grants to local NGOs in such areas as human rights, women's political leadership and prison reform. USAID continues to assist independent media with direct technical assistance to non-state TV and radio broadcasters and has expanded its civic education programs as well. Other programs are geared to promote citizen participation, provide help to the Parliament on drafting legislation and offer internet access sites to a variety of users.

AZERBAIJAN

Question: In your testimony, you describe, in general terms, some of the tactics that have been used to restrict the media in post-Soviet Republics and you mentioned Belarus and Ukraine in particular. There also appears to be a significant deterioration of respect for free speech and independent media taking place in Azerbaijan. Virtually all the tactics you describe—short of murder—have been used in Azerbaijan with alarming frequency since the beginning of September. Specifically, journalists Shahbaz Khuduoglu, Gulnaz Gamberli, Eynulla Fatullayev, Elmar Huseynov, and Bella Zakirova have all been convicted in recent weeks under “insult” laws that violate OSCE norms that Azerbaijan has committed itself to uphold.

In addition to your on-going dialogue with many governments, in which you seek to persuade them of the benefits of “good governance,” has the United States raised these specific cases with Azerbaijani officials? Has the United States urged the repeal of the prohibition on “defamation” and “insult” from the criminal code (articles 147, 148, 323)?

Answer: Embassy Baku continued to focus on a wide range of issues concerning the status of press freedom throughout the year. We raised the issue of the arrest of journalists and the closures of their newspapers under the defamation provisions of the Azerbaijani Criminal Code. When the climate for some journalists deteriorated, the ambassador met with a group of human rights activists to discuss (among other things) the arrests of Messrs. Khudologhu, Huseynov and the closures of their respective papers. The Embassy followed up with a press release urging the government to comply with its international commitments regarding press freedom.

Following the release of those individuals, the Embassy held subsequent meetings with other journalists and editors as it became clear that the government was increasing its pressure. During a December 6 meeting with the ambassador, President Aliyev gave his assurances on media freedom issues and proclaimed himself the “guarantor of freedom of speech and press” in the country. Following a meeting between the president and opposition and independent media representatives on December 16, government restrictions against the press have begun to decrease and some specific positive steps have been taken.

The Embassy is closely monitoring whether commitments made by the president to ease restrictions are being implemented properly. We have raised these issues with the Government of Azerbaijan in the OSCE permanent council meetings and other fora and along with other OSCE members, we will continue to press for changes to press laws in Azerbaijan and elsewhere.

HDIM

Question: In your testimony, you said that the important thing about the Human Dimension Implementation Meetings (HDIMs)—which have been consistently cut back in length over the past decade—is not how long they are, but what they produce. Do you believe the most recent HDIM, held in Warsaw in September, was successful? What would you consider indicia of success for future HDIMs?

Answer: As in all fora, we measure success by the degree to which U.S. policy goals were met. We traveled to Warsaw still in the shadow of September 11. We were greeted by an overwhelming show of solidarity and support from the 54 member states. Working with like-minded countries, we made the fight against terrorism a priority for the OSCE. These meetings furthered other efforts we had already undertaken to build our coalition.

On other human rights issues, we presented the U.S. position on key topics in the plenary. In the bilateral meetings on the margins, we raised specific human rights cases with governments in a way to display the continued U.S. commitment to the human dimension. An important indicator for the future is participation by NGOs from throughout the OSCE region and the level official participation. We have been disappointed in this area for several years.

OTHER OSCE COMMITMENTS

Question: Are there areas where the OSCE could usefully develop additional human rights or other commitments?

Answer: The virtue of the OSCE is that there are no limits on its possibilities. The human dimension covers the whole field of human interaction and has room to expand as nations and our lives change. The stance on terrorism, which took form in the Ministerial in Bucharest and then at the conference in Bishkek last December, is an example of how the organization can respond to a changing world. We should pursue a policy that preserves the OSCE's flexibility and its possibilities.

As democracy develops, so too will efforts to retard its growth. We must be ready to respond with innovative and timely interventions to these yet unimagined challenges.

STANDARDS FOR FREE AND FAIR ELECTIONS

Question: The OSCE is known for its work in election observations. Most comment positively on OSCE experience in this regard. Still, there is some concern that observation missions are subject to political pressure in carrying out their duties, and that sometimes the common OSCE standard for “free and fair” elections are replaced by other criteria, like

improvements over previous elections or those in neighboring countries. What is the Department's thinking with respect to OSCE standards for free and fair elections?

Answer: OSCE standards for free and fair elections closely parallel our own. We are satisfied that the guidelines are consistent enough to be clear, without being too rigid to consider the unique conditions within a country. Certainly, there is no boilerplate for determining election fairness. But the OSCE has been successful in establishing a baseline by which member states can be measured.

MOSCOW MECHANISM

Question: The Moscow Human Dimension Mechanism—through which human rights concerns can be raised bilaterally in the OSCE with an obligation of a response and the possibility of escalating the discussion if the response proves inadequate—has not been used very much, especially in recent years. Would you support using the Moscow Mechanism on this and other human rights issues of concern?

Answer: The Moscow mechanism, an amplification of the Vienna mechanism, is a useful tool. It allows the OSCE to send an expert mission into a participating state to explore matters of interest to the organization. For example, the United States sought consensus to evoke the Moscow mechanism out of concern over the deterioration of the human rights situation in Belarus. This would have charged the Secretariat, upon securing consensus, to form a group of impartial observers to go to Belarus and make a report on its return. Under this mechanism the permission of the concerned state is not required. But because of the intrusive and aggressive nature of this process, we must use it sparingly. We must also ensure it does not become a means of ax grinding in international disputes.

**PREPARED STATEMENT OF P. TERRENCE HOPMANN,
PROFESSOR AND RESEARCH DIRECTOR, BROWN UNIVERSITY**

INTRODUCTION: THE SPECIAL ROLE OF THE OSCE

Since the end of the Cold War, conflict prevention and resolution have moved to the forefront of OSCE activities. Yet these roles performed by the OSCE and its missions and field activities have gone largely unnoticed in governments and especially in the general public, not only in the United States but in much of Europe as well. We are all painfully aware of the failures of conflict prevention in the former communist regions of Central and Eastern Europe and Eurasia: Croatia, Bosnia-Herzegovina, Kosovo, and Chechnya. We have also learned that intra-state conflict and the resulting regional instability can create a breeding ground for terrorist and criminal networks to organize and operate. Yet when the OSCE is most successful at conflict prevention, it generally receives little attention or credit. This is in part because its most effective roles are performed in thousands of small-scale interventions in remote parts of the world, far away from the attention of the international media. Further, when conflicts are prevented, “nothing happens,” and the media, public officials, and even scholars seldom pay much attention to “non-events.” Therefore, when the “dogs don’t bark”—when a potential conflict does not erupt into violence or when an old conflict remains dormant for many years—we may easily overlook the fact that this may be the result of patient efforts by skilled diplomats working outside of the glare of public scrutiny in an effort to achieve concrete results.

In fact, I would submit that patient, but often overlooked preventive diplomacy and conflict management activities by OSCE missions and field operations have frequently made a significant contribution to the avoidance of violence in a number of potentially dangerous situations in the OSCE region, and that other conflicts have been moderated or prevented from escalating further due to the rapid, but often unseen work of these OSCE field missions and officials.

Drawing upon an analogy with the field of medicine, the principle that “an ounce of prevention is worth a pound of cure” has long been accepted by our colleagues in the health field. The United States government and private sources devote billions of dollars every year to research on preventive medicine, because we know that the best way to deal with the most deadly killers of our population such as cancer and heart disease is by preventing their occurrence in the first place. Unfortunately, this simple truism has not yet been widely accepted in the field of foreign policy. For whatever reason, it seems to be easier to achieve a political consensus behind the deployment of large and expensive military peacemaking and peacekeeping operations than to provide the much smaller resources generally needed to carry on the activity of multilateral preventive diplomacy. Thus, for example, the entire annual U.S. assessment for all OSCE activities, including its missions, amounts to only about \$20 million in the current fiscal year. At the

This written statement is submitted to supplement my oral presentation to the Commission about the performance and potential of the Organization for Security and Cooperation in Europe in the fields of conflict prevention and resolution.

same time we are spending over \$4 billion each year to pay for the cost of US forces stationed with SFOR in Bosnia-Herzegovina and with KFOR in Kosovo. Thus the U.S. contribution to conflict prevention in the OSCE region is approximately equivalent to what we spend in just two days to maintain our military presence in those two regions where violence occurred. As budgetary pressures become more stringent, and political opposition grows against the large-scale deployment of US troops overseas, perhaps we will learn that the need for such interventions might be averted if we invested even a small fraction of those resources into the less visible, but often more important work of conflict prevention. But this too requires a shift in our institutional focus: while it is NATO that implements peacekeeping operations, the North Atlantic alliance has little or no capacity to engage in conflict prevention. That vital role in conflict prevention, management, and resolution represents the comparative advantage of the OSCE, and it is to the OSCE that we should give our country's support to perform this role more effectively.

It is interesting to speculate about how much we might have saved if we had only devoted more resources, attention, and effort to conflict prevention before either of the conflicts in Bosnia-Herzegovina and Kosovo exploded into violence. At this critical point in the history of Macedonia, it is also appropriate to consider how much we might save if we redouble our efforts to find a political solution to the current crisis in that troubled country before widespread violence breaks out. The deployment agreed to just last week of 210 unarmed OSCE monitors in Macedonia, protected by a force of 1000 NATO soldiers from Germany, France, and Italy under Operation Amber Fox, is illustrative of the kind of joint cooperation among security institutions that is necessary to prevent the further outbreak of violent conflicts in this fragile region. This is not just a matter of saving budgetary resources, however important that is, or of avoiding politically difficult choices about deploying US troops in yet one more overseas operation, although that too is an important consideration. But it is mostly about preventing the tragic consequences of war for the innocent people who are its inevitable victims. Before the NATO-led deployments took place in Bosnia and Kosovo, thousands of residents of these regions lost their lives; physical infrastructure, homes, farms, schools, and factories were destroyed; the bare rudiments of social connections across different ethnic groups were severed; and the human spirit of the peoples surviving in all of these regions was crushed by the violence that swept across their societies.

Rebuilding from the physical damage is the easy part; re-establishing mutual trust among peoples who have lived alongside one another for centuries and who must inevitably continue to do so for the foreseeable future will be far more difficult. Yet this is essential if the foundations of a functioning civil society are to be constructed, if individual human rights and the rights of persons belonging to minorities are to be respected, and if democratic governance is to be established. For all of these reasons, one clear lesson that emerges from our recent experience in Bosnia-Herzegovina and Kosovo (and for that matter from the Russian experience in Chechnya) is that it is a lot harder to "put Humpty Dumpty back together again" than it would have been to prevent him from falling off the wall in the first place.

President Franklin D. Roosevelt once observed that, "more than an end to war, we want an end of the beginnings of all wars." Preventing the outbreak of war throughout the entire OSCE region is the principal

challenge that faces the OSCE today. Furthermore, there is no other multilateral institution or individual country at present that can perform this role. Even before the end of the Cold War, Europe was crisscrossed with a wide variety of multilateral security institutions. Since 1990, most of these have expanded their functions, and the web of institutions has become even thicker: NATO has been enlarged and transformed, the European Union has expanded and adopted a “common foreign and security policy,” and the OSCE has created institutions such as the Conflict Prevention Center, the Office of Democratic Institutions and Human Rights, and the High Commissioner on National Minorities. The United Nations continues to have an important role to play in European security, as does the Council of Europe and the Western European Union. Yet within this region only the OSCE has a clear mandate, an organizational structure, and significant acquired experience in the field of conflict prevention and resolution.

NATO has long been an important institution for deterring aggression against its members by promising a collective response in defense of its member states if they are attacked from outside. In the past decade, it has also developed a significant peacekeeping capability as well. By its very nature, NATO is a military organization that can support but not supplant diplomatic institutions in preventing the outbreak of violence and promoting the resolution of existing conflicts. Almost by definition, the introduction of NATO troops into a country experiencing conflict means that the point of no return is about to be, or already has been, crossed. At this point, efforts to achieve political solutions have usually been abandoned in favor of providing some form of “temporary” military security. The role of the OSCE missions and of the High Commissioner on National Minorities, by contrast, is ideally to enter into a situation long before it reaches the violent stage. By trying to assure full rights for all citizens in multinational states and by providing facilities for mediation and conflict resolution at the grassroots level, they seek to head off incidents before they reach the boiling point.

A further limitation of NATO is that it is still viewed with considerable skepticism in many of the regions of Eurasia most threatened with conflict, a legacy of the cold war and of the fact that some countries, especially Russia, are not members and are not likely to become so within the foreseeable future. To be effective in conflict resolution at the local level, it is necessary that outsiders not be perceived to be injecting global political issues onto the already complex set of local issues. Once again the OSCE has a comparative advantage over other institutions due to the universal participation of all states in the region where it operates.

The European Union has also sought to play a major role in some conflicts in the OSCE region, and the adoption at Maastricht in 1991 of a “common foreign and security policy” was supposed to signal a more active collective diplomatic effort on the part of the EU. However, so far European Union efforts have been plagued with considerable inconsistency and policy differences among its member states, and the outlines and priorities of the common foreign and security policy have emerged slowly, if at all. Furthermore, there has been a tendency for the European Union to try to demonstrate its bona fides in the field of conflict prevention and resolution by intervening in situations where other institutions and NGOs were already at work, often causing confusion, “institution shopping” on the part of disputants, and at times even un-

dermining other efforts that might have promoted a successful resolution of disputes. The EU also suffers from the fact that two states whose contribution to European security is absolutely essential are not among its members—namely the United States and the Russian Federation. In short, I believe that the European Union has an essential role to play in contributing to the economic recovery and development of its neighbors to the east; the prospect of eventual membership provides a beacon for those states to undertake the difficult tasks required by democratization and economic reform. But its role in conflict prevention, resolution, and peacekeeping has yet to be established or validated on the basis of its record to date. Many of the same limitations apply as well to the Council of Europe and the Western European Union.

This leaves the OSCE as the only multilateral institution in the broad European region with a mandate and capacity to carry out the functions of conflict prevention and resolution in areas of tension within the region it covers. Furthermore, this capacity has grown considerably throughout the past decade and, as I will argue below, its potential for further growth is great. When the Conflict Prevention Center was first created by the Charter of Paris in 1990, it had a very limited mandate and a minute budget and staff. After the sad experience in the former Yugoslavia in 1991, its capacity has gradually grown to the point where today there are OSCE missions and other field activities in some 20 countries and regions of the former Soviet Union and the former Yugoslavia. In the cases of Bosnia-Herzegovina, Croatia, and Kosovo those missions have also grown quite large, as the OSCE has been charged with significant political roles in rebuilding those war-torn regions, operating in two of those venues alongside the NATO-led forces of SFOR and KFOR. The missions have also been supported by two OSCE organs based outside of the country, namely the Office of Democratic Institutions and Human Rights (ODIHR), which supports missions activities in areas such as democratization, elections, the rule of law, and human rights, and the High Commissioner on National Minorities, who works with missions in conflict prevention and resolution activities in conflicts involving ethno-national groups or between central governments and persons belonging to minority groups. Further high-level political support is frequently provided by the Chairperson-in-Office and other member governments serving in the OSCE Troika, as well as by officials of the OSCE Secretariat and Conflict Prevention Center in Vienna.

SPECIFIC OSCE CONFLICT PREVENTION AND RESOLUTION ACTIVITIES SINCE 1991:

Over the past decade, I have engaged in a research project attempting to evaluate the effectiveness of OSCE missions and field activities. I have done considerable research on the activities of a substantial number of these missions, including extensive interviews with Heads of Missions, review of their regular detailed activity reports to the Conflict Prevention Center, attendance at numerous meetings of the OSCE Permanent Council and informal meetings with Heads of Mission in Vienna, and on-site visits to several missions in the field. I have been assisted in this endeavor by a Fulbright Fellowship to the OSCE based in Vienna in 1997 and a Jennings Randolph Senior Fellowship at the U.S. Institute for Peace in Washington in 1998. As a consequence of this research, I have categorized OSCE field activities into five different

functions that they perform in countries experiencing potential or actual violent conflict. Most missions and field activities perform multiple functions, but for purposes of my report here I will focus on prominent examples that illustrate each of these different functions. My statement will thus highlight each of these functions and present a brief evaluation of the major accomplishments and shortcomings of the OSCE in performing each of these functions:

1) Long-term conflict prevention through democratization, election monitoring, support for the rule of law, and respect for individual human rights and the rights of persons belonging to minority groups: It has become a generally established finding of social science research that democracies generally do not go to war with other democracies; furthermore, intra-state or civil conflicts are less likely to occur in societies that have well established procedures for the nonviolent resolution of conflicts of interest among their citizens. Therefore, the establishment of democratic processes, the creation of governments of laws and not of individuals, and processes to integrate persons belonging to minorities fully into the institutions of the state are together the best long-run guarantors of peace. Examples where the OSCE has played an important role in this regard include Estonia and Latvia, where the OSCE played a significant role on behalf of large minorities of ethnic Russian denied citizenship rights in these Baltic states. Furthermore, the OSCE has recently embarked upon an effort to defend democracy in Belarus against an authoritarian government that has reversed that country's early post-Soviet progress in the field of democratization. As one of a very few international institutions operating in Belarus, the OSCE Advisory and Monitoring Group has played a vital role in providing international protection for non-governmental organizations and a severely restricted political opposition within that country.

However, it is important to realize that democratization is an extremely difficult and long-term task even in the best of circumstances. Centuries of authoritarian rule throughout the region have created a climate in which few persons if any were alive in 1990 who had ever lived in a democratic state. As a result, the transition to a fully democratic society, in which more than the outward appearance of democracy is established and in which democratic values are truly internalized throughout the population, is unlikely to take place rapidly. Democracy is inherently fragile in all transitional societies, and more immediate measures of conflict prevention and resolution will frequently be required in order to avoid an outbreak of violence that might set back the democratization process by a decade or more. The linkage of security to political and humanitarian concerns epitomizes the special role that the OSCE missions have come to play in societies undergoing radical transformation since the collapse of communism.

2) The prevention of violent outcomes in potential conflict situations: As noted above, a major function of the OSCE has been to prevent "Humpty Dumpty" from falling off of his wall. The organization's record in this case is mixed. In my opinion, however, the OSCE has often been blamed unfairly for failing to prevent conflicts. Too often OSCE inaction was the result of the refusal by one or more of its participating states to take action recommended by OSCE mission heads or other officials such as the High Commissioner on National Minorities, i.e., by the failure to obtain the consensus that is required to take decisive action. Furthermore, in the early post-cold war years the OSCE did not

have a sufficient structural capacity to respond to brewing conflicts. Thus the conflicts in Croatia and Bosnia-Herzegovina were well underway by the time the first CSCE mission of long-duration was sent into the field in late 1992, following the Helsinki Follow-on Meeting that summer. In the case of Kosovo, the OSCE was hamstrung by the fact that it had suspended the Federal Republic of Yugoslavia from participation in May 1992. Although there were many good reasons for this action, it also had the perverse effect of preventing the OSCE from having any access on the ground in the Kosovo region until tensions had passed the point of no return. By the time the United States, led by Ambassador Holbrooke, persuaded the parties to accept an OSCE Kosovo Verification Mission on the ground in October 1998, it was a case of too little being done much too late. In my opinion, a similar decision a year or more earlier, however, might have prevented the bloody war and subsequent international occupation of Kosovo, although of course it is always impossible to prove “what might have happened if...” But it is very clear that the OSCE and especially the special representative of the Chairman-in-Office, Ambassador Max van der Stoel, provided substantial “early warning” of impending disaster in Kosovo, and it was failure of key participating states—including the United States—to take “early action” that in my opinion was largely responsible for the violent outcome in Kosovo.

Looking at the other side of the coin, the OSCE has contributed to the successful resolution of potentially violent conflicts in several regions of Eurasia. Perhaps most notable is the role played by the OSCE in mediating between nationalistic ethnic Russian politicians in Crimea and the central government of Ukraine that was critical in reaching a solution to that volatile conflict that could have easily exploded into violence. Russian nationalists wanted to separate Crimea from Ukraine and perhaps return it to its pre-1954 status as a part of the Russian Federation, and the Ukrainian government was prepared to do anything necessary to prevent this from happening. Special credit here goes to the OSCE’s High Commissioner on National Minorities, Ambassador Max van der Stoel, whose continuing intercession, often using a process known as “seminar diplomacy” or “problem-solving workshops,” played a major role in promoting a nonviolent outcome in this potentially grave situation. Ambassador van der Stoel’s work was also backed up by continuous efforts of the OSCE mission members in both Kyiv and Simferopol to broker a solution guaranteeing substantial Crimean autonomy while preserving the territorial integrity of Ukraine. Furthermore, this effort was especially important due to the strategic significance of the region. Needless to say, a war in the mid-1990s between Russia and Ukraine would have created a severe international crisis that would have affected the vital interests of the entire West, including the United States. Even if this were the only accomplishment of the OSCE in the past decade, I would argue that this alone was worth all of the effort and resources that have been put into the entire organization by the United States and our European allies.

But this is, of course, not the only significant accomplishment of the OSCE during the past decade. At least until recently, I would argue that the OSCE mission to Skopje (the former Yugoslav Republic of Macedonia) has played an instrumental role in preventing that former Yugoslav republic from falling into the kind of violence that has swept across Croatia, Bosnia-Herzegovina, and Kosovo. Of course, the results of those

efforts have recently been placed in doubt as violence has expanded in regions of Macedonia inhabited by large ethnic Albanian populations. Several factors largely beyond the control of the OSCE have conspired to push the situation in Macedonia toward the brink of violence, including the collapse of the government of Albania in 1997 and the looting of large supplies of light weapons and munitions from its storehouses that made their way into Kosovo and subsequently into Macedonia, the removal of UNPREDEP from the northern border regions due to Chinese opposition in the UN, and the growing ambitions of some ethnic Albanian politicians to follow-up their "success" in Kosovo with a similar effort to split heavily Albanian-populated regions of Macedonia off from the rest of the country, perhaps eventually creating a "greater Albania." Through all of this, the OSCE mission has remained on the ground and the High Commissioner on National Minorities has not slacked off in his efforts to try to hold this fragile society together before it follows the path taken by Bosnia and Kosovo in the recent past. It is clearly in the direct and immediate interest of the United States to see that these efforts are successful. Further instability in Macedonia will potentially undermine all of our efforts to date to bring stability to the Balkans region, and this may also require additional costly and politically unpopular deployments of US troops in the region. At this critical juncture, the OSCE deserves the full support of the United States government, because preventive action NOW is our only hope to avoid difficult and unpopular choices in the months ahead.

3) Cease-fire Mediation: Once violence breaks out in a country, the OSCE role has generally been limited. One exception, however, was the first war in Chechnya that started with the Russian military assault in December 1994. Shortly afterwards the OSCE Permanent Council created the OSCE Assistance Group, which set up operation in Grozny in 1995. Russia, as a country that still clings to its self-image as a great power, was of course reluctant to permit any presence by a multilateral organization on its soil. Therefore, it was somewhat surprising when the Russian government permitted a small OSCE "assistance group" to be established in the very vortex of the fighting. Under the able leadership of the second Head of Mission, Ambassador Tim Guldemann of Switzerland, the OSCE expanded its activity beyond monitoring human rights violations and war crimes and assumed a role as an active mediator between the Chechen leaders and officials in Moscow. Guldemann's shuttle diplomacy, involving more than 50 trips between Grozny and Moscow, was largely responsible for setting up the meeting at Khasavyurt between Alexander Lebed and Zelimkhan Yanderbiev that brought an end to fighting and a withdrawal of Russian troops from Chechnya in August 1996.

Subsequently, the OSCE assumed the major role in preparing, conducting, and monitoring the presidential elections in Chechnya in January 1997, in which Aslan Maskhadov was elected. Sadly, the internal situation in Chechnya degenerated into anarchy, with frequent violence directed at outsiders, even those representing international humanitarian organizations. This was followed by a renewal of Russian military action against Chechnya in 1999, after the OSCE Assistance Group had moved its offices to Moscow due to fear about the safety of mission members if they remained in Chechnya. Tragically, this also resulted in a decline of OSCE influence over the parties, and extensive efforts to re-establish a mediating role for the OSCE, undertaken at the Istanbul

Summit in November 1999 by the United States and several other countries, failed to bring results; indeed, only this past June did the OSCE Assistance group finally return to Chechnya. This tragic outcome, however, should not cause us to overlook completely the potential for the OSCE to play an important mediating role, even in the midst of violent conflict, as it did in Chechnya in 1995-96.

4) Conflict resolution after a cease-fire is in place: Since the major OSCE conflict prevention functions were created after the spate of post-cold war violence in the early 1990's, a major focus for OSCE missions has been to try to broker longer-term resolution of the conflicts that had produced the previous chain of violence. In addition, the OSCE has sought to prevent the renewal of violence in situations where serious tensions remain. This has been the major focus of the OSCE missions in Moldova (regarding Transdnistria), Georgia (especially regarding South Ossetia and to a lesser degree Abkhazia where the UN has taken the lead role), Tajikistan, and the so-called Minsk Group dealing with the conflict in Nagorno-Karabakh.

In this area, the OSCE record is clearly mixed, and there is probably no single aspect of the work of the OSCE where so far performance has failed to meet expectations. On the positive side of the ledger, in none of these regions has large-scale violence reappeared since the OSCE missions entered. In most cases, the OSCE has played a useful role in monitoring the performance of peacekeeping forces, especially those of the CIS, mostly from Russia. In addition, OSCE activities in democratization, human rights, the rule of law, refugee resettlement, and support for the rights of persons belonging to minorities has assisted local authorities in keeping tensions below the boiling point. Perhaps of greatest importance, in each case the OSCE has played a third party role in keeping lines of communications open and negotiations underway between former belligerent factions to try to resolve some of the important issues underlying these conflicts. Most of these conflicts have become frozen in place: there is no settlement, but also no return to mass violence. This is no small accomplishment, but it also leaves open the potential for the OSCE to improve its effectiveness at managing negotiations to enhance its ability to bring about long-term settlement of frozen conflicts so that life in these divided states may return to some state of normalcy.

5) Post-conflict reconstruction and security-building: After episodes of significant violence, social relations within society are usually badly broken. Hatred, anger, and the desire for revenge become dominant emotions that often reinforce the differences that produced conflict in the first place. Rebuilding war-torn societies is often a long and difficult task. It would not be appropriate to expect Serbs, Croats, and Bosniaks to forget about their long and bitter struggle in a few short years. Thus one of the major challenges facing the OSCE has been to try to assist societies torn by conflict in their efforts to rebuild. NATO can help by providing security, both for international personnel and to prevent opposing sides from resuming violence. The European Union and other international financial institutions can assist by contributing desperately needed economic aid to rebuild infrastructure and jump start economies so that they can begin to grow on their own and thus reduce the poverty that so often becomes a breeding ground for violence. But in virtually all cases of violence in the European region, the primary responsibility for reconstructing political institutions and developing a

democratic political framework for resolving differences peacefully—the most difficult task these regions face—has fallen overwhelmingly to the OSCE.

This activity has been the major focus of some of the largest of the OSCE missions, including the missions in Croatia, Bosnia-Herzegovina, and Kosovo. It has also been the primary task of the OSCE Presence in Albania, as well as an important function of the missions in Georgia and Moldova as well. In many ways, OSCE activities in this category resemble those of the long-term democracy building activities mentioned in the first category above, only here these activities face the especially difficult challenge of operating in a post-conflict situation. OSCE's close cooperation with other security institutions, especially with the UN, NATO, and the EU, is especially necessary in these regions. In the effort to revive these war-torn societies, the OSCE cannot succeed alone, but its contribution is nonetheless essential to the successful accomplishment of this task.

EVALUATION AND RECOMMENDATIONS: THE OSCE BALANCE SHEET AND PROPOSALS FOR STRENGTHENING THE OSCE

In summary, when one surveys all of the myriad activities that the OSCE has undertaken during the past decade in the field of conflict prevention and resolution, one cannot escape the conclusion that, in spite of all its shortcomings and failures, it plays a much more significant role than it is generally credited with. In my opinion, it deserves a place of at least equal status with NATO when we in the United States evaluate the role that multilateral institutions play in contributing to security in the North Atlantic and pan-Eurasian region. Its role often goes unrecognized in part because it works in so many relatively obscure locations, and most of its successes are the consequence of thousands of small accomplishments achieved day-by-day, village-by-village, rather than any single, dramatic result that can readily be pointed to. Furthermore, as I noted previously, when it is most successful, very few people notice and thus very little credit is given where credit is due. The failures—Bosnia-Herzegovina, Chechnya, and Kosovo—make headlines. The successes can be uncovered by outsiders only with painstaking and difficult research about potential crises that never materialized. The many accomplishments on a daily basis, often small achievements individually but of great importance collectively, are easily overlooked. The men and women who serve in OSCE missions in the staff in Vienna, the Hague, and Warsaw, and in national delegations to the OSCE institutions are often making significant accomplishments in keeping us out of crises for which they seldom, if ever, receive the credit they deserve. The OSCE is certainly not a panacea and cannot bring peace to Eurasia alone, but without its steadfast work throughout the region it is extremely likely that violence, violation of human rights, and degradation of the human spirit would be far more widespread than they are today.

That having been said, the next question that naturally arises is, can the OSCE do better at its conflict prevention and resolution functions? And if so, what needs to be done to strengthen it? My answer to the first questions is definitely “yes.” The question of how to strengthen the OSCE is somewhat more complex. One of the strengths of the OSCE is that it is a relatively small, non-bureaucratic and flexible body, in notable contrast to many other multilateral organizations. Any effort to strengthen

the organization must also be careful not to undermine its flexibility and resilience that are essential to its ability to respond in a timely fashion to brewing conflicts.

Nonetheless, there are several modest steps that might strengthen the OSCE's capacity to work effectively in conflict prevention and resolution without entailing great costs or the creation of a large, cumbersome bureaucracy:

First, the OSCE needs a more professionally competent, well-trained staff, especially in its missions. At present, it depends too much on short-term volunteers and personnel seconded to the OSCE by the participating states. Many of these people go into the field with little or no knowledge about the region where they are being sent, and little or no training about the process, skills, and techniques of conflict resolution. They are usually on short-term contracts that too often expire just as they are beginning to get a grasp of the issues with which they are supposed to be dealing. Many people are selected to serve on missions either because they are available for short-term assignments or they are seconded by governments since they are not needed elsewhere. In spite of these limitations, many OSCE personnel have done an excellent job. Yet they could do much better with proper training and enough time in the field to really learn their job and how to perform it effectively. The REACT Program has improved training somewhat, but this program still depends on each participating state to train its own volunteers, and the results are inconsistent at best. Heads of Missions are generally very qualified senior diplomats, but they too often have to work with very limited resources and inexperienced, inadequately trained personnel.

Similarly, the OSCE could benefit from a strengthened analytical office and information resources in the Conflict Prevention Center in Vienna. A small group of highly trained specialists in each of the major mission functions—elections, human rights, rights of persons belonging to minorities, democratization, freedom of the media, conflict prevention, mediation and conflict resolution—could provide extensive support to each of the missions when needed. A better library and access to internet resources could provide an enhanced capacity to support the work of missions in the field, which often work in isolated locations cut off from access to the vast stores of knowledge and information available in major global centers. Furthermore, this analytical center might assist the OSCE missions in getting “early warning” messages about incipient conflicts rapidly into the hands of those capable of developing an early response, so that action may be initiated prior to crossing the point of no return in the cycle of violence, when effective preventive action is no longer sufficient to head off an escalatory spiral.

Second, the OSCE also needs to develop a greater capacity to engage proactively in order to mediate series conflicts that appear to be on the brink of violence or that have become frozen in the aftermath of violence. The High Commissioner on National Minorities represents a model of an OSCE official who can enter into disputes rapidly and without any special mandate, enabling him to respond on the spur of the moment. Many other OSCE institutions, however, remain mired in potential paralysis created by the need to find consensus (or approximate consensus) within the Permanent Council where all 55 participating states are represented. Moving from the recognition that a problem is brewing to a political decision to initiate a timely response remains the Achilles

heel of almost all international organizations. In order to begin to overcome these obstacles to timely response, there are several things the OSCE might do:

1) It could create a greater institutional capacity to bring “eminent persons” to intervene on their own initiative in extremely sensitive or urgent situations. This can be done in part by upgrading the status of the OSCE’s Secretary General, who now plays primarily an administrative role; as a consequence, the Secretary General is not generally available to play the kind of role played by the UN Secretary General in many severe crises where his personal intervention may produce positive results when all other efforts have failed. Political leadership for the OSCE is provided by the Chairperson-in-Office, but this position rotates every year so that there is not sufficient continuity or consistency from one individual to the next to enable this person to play a long-term role as ombudsman or mediator. Until recently the best known personality in the OSCE was the High Commissioner on National Minorities, Max van der Stoep, who retired this past summer. It will be essential that Ambassador Rolf Ekeus, who succeeded van der Stoep, be given comparable support by the participating states so that he can carry on the important role that the High Commissioner has played since the office was created, namely to intervene, often on very short notice, into potential conflicts to try to resolve them before they escalate out of control.

At the same time the OSCE needs to broaden its institutional capacity to react in a timely fashion on issues that do not fall under the mandate of the High Commissioner. Sometimes, of course, the OSCE can rely on eminent persons coming from among its participating states, as was the case when Richard Holbrooke assumed an important mediating role in the conflicts in both Bosnia-Herzegovina and Kosovo. However, it is far better in principle to have such individuals operate within the OSCE framework, except in extraordinary circumstances, since the representative of a multilateral institution will generally be accorded greater legitimacy by disputing parties than will the representative of any single participating state.

2) OSCE’s participating states must accord the organization the attention and support that it deserves within the overall framework of European security institutions. Although the OSCE is by no means the only or the primary European security institution, it definitely has a comparative advantage in many important areas, especially in the “human dimension” as a result of its cold war legacy and in the conflict prevention domain due to its newly developed capacity since the end of the cold war. Only if its unique strengths are recognized and utilized can it be effective in converting “early warning” into “early action,” the essential ingredient for preventing the “beginnings of all wars.”

This means that the United States government should give OSCE priority in dealing with broad European security issues of at least equal importance as NATO, while recognizing the different strengths of each. Unless the United States can help enhance the OSCE’s capacity to prevent new violent conflicts and to resolve conflicts that recently produced violence, we are likely to be faced with a continuing series of hard choices: either we will have to send more US troops abroad in politically unpopular missions or we will be forced to stand by while violence and instability spread across regions of Europe and Eurasia, causing greater humanitarian tragedies and possibly threatening vital national interests.

Similarly, we cannot count on European institutions like the European Union or the Council of Europe to deal with all crises that arise on their own continent. Our European friends also need to give the OSCE significant priority alongside their efforts to enlarge and strengthen the European Union. They need to be realistic about the ability of an expanding EU to reach a consensus about foreign and security policy. Even if they are successful in that endeavor, their capacity to implement effective action is likely to be limited without the close cooperation of the United States and/or Russia. And such cooperation can best be achieved when they work within the framework of the one European security institution in which those two countries are represented, that is, the OSCE.

Finally, we need to encourage the Russians to take their own rhetoric about the potential for the OSCE seriously. In the early post-cold war years, Russian rhetoric emphasized the primacy of the OSCE among European security institutions. They seem to have largely abandoned that effort following their failure to block the enlargement of NATO. But that doesn't mean that we should give up encouraging them to make more effective use of the OSCE to deal with the many and serious security threats that surround them on all sides, threats in which NATO has no effect on Russian security one way or the other. Furthermore, we can best convince the Russians to take the OSCE seriously by taking it seriously ourselves. Russia is naturally reluctant to accept a significant OSCE role of intervention in conflicts within its own borders and throughout its "near abroad," while the OSCE assiduously avoids any involvement in any Western country, even those experiencing problems comparable to some that have arisen in the former Soviet republics. In short, we need to convince Russia that an effective OSCE will serve their own long-term security interests by providing greater stability in regions of vital interest to them, and that it can do so in an even-handed way.

In the process, we might also come to realize that the OSCE also serves long-term US interests by helping to create a more stable, peaceful, and democratic regime in those regions formerly ruled by communist governments. Indeed, this is a vital interest that all OSCE participating states share, even though they do not always fully recognize this convergence of interest. Promoting collective action to support these goals of common security throughout the OSCE region thus ought to be a high priority goal for U.S. foreign policy as we enter the 21st century.

**QUESTIONS SUBMITTED FOR THE RECORD
TO P. TERRENCE HOPMANN,
AND HIS RESPONSE**

Question: The OSCE has established a Working Group on Terrorism. How do you view the possible engagement of the OSCE on this subject?

Answer: After September 11, 2001, it is inevitable that a major focus of U.S. foreign policy in multilateral institutions such as the OSCE will be on coping with international terrorist networks. Terrorist networks, and the criminal networks with which they are often linked, have frequently operated within OSCE participating states. The regions most affected are, of course, those states of Central Asia such as Tajikistan and Uzbekistan, of the Caucasus such as Georgia, and the Russian Federation (especially Chechnya). But these networks have also penetrated throughout much of Western Europe and North America.

Therefore, the OSCE will inevitably have to confront directly the role of terrorist and related criminal organizations in promoting violence in some of those regions where OSCE missions have long worked to avert violence. This is especially true in Chechnya, where US and other OSCE countries have sometimes failed to distinguish adequately between their justified condemnation of the methods used by Russian troops in combating the combined secessionist and terrorist/criminal movements operating in Chechnya, on the one hand, and, on the other hand, the legitimate rights of the Russian Federation to try to establish law and order in Chechnya, still internationally recognized as an integral part of the Russian Federation. The United States may also be criticized for holding a double standard if we do not exercise great care in avoiding the death of innocent civilians in Afghanistan, just as we urged the Russians to exercise such care in prosecuting their war in Chechnya.

At the same time, we need to be careful not to assume that, because of the events of September 11, all other foreign policy issues have disappeared altogether. And we need to be careful about burdening multilateral institutions with responsibilities with which they do not have the resources to cope adequately. The thrust of my testimony has been to emphasize that the OSCE should be strengthened to perform more effectively those functions that it already has a demonstrated capacity to fulfill, while other organizations should assume responsibility for those issues where they can be most effective. In my view, the United Nations—not the OSCE—is best positioned to respond to the global threat of terrorism. This is so largely because it has previous experience in this area, and especially because its global membership gives it a legitimacy to act in those regions that fall outside of the boundaries of the OSCE or any other regional security organization. Above all, the United States should be working through the United Nations to assure global condemnation of all “crimes against humanity,” including the systematic and massive terrorist attacks directed against innocent civilians from some 80 countries that took place in New York, northern Virginia, and Pennsylvania. The international community can be most effectively heard in its condemnation of all forms of mass terrorism—wherever it originates and against whomever it may be directed—if those condemnations originate from the most universal of multilateral institutions, the United Nations.

Of course, the OSCE, as a regional security organization, can cooperate in this effort, especially by strengthening its work to prevent terrorism from gaining a significant foothold in Central Asia and the Caucasus. But this effort should be intimately linked with those activities that represent the OSCE's comparative advantage relative to other multilateral organizations—namely its capacity in the fields of conflict management, democratization, and human and minority rights. We must be careful not to undermine the OSCE's capacity to perform its most important functions, which are also fundamental to the long-term struggle against terrorism, namely providing for political stability, democratic development, and respect for the rights of all peoples within a framework where differences are settled by political means rather than by violence. The OSCE needs to improve its capability to perform these vital functions before too many additional tasks are given to it that could eventually undermine its lean and flexible organizational structure that has been the cornerstone of its success to date.

Question: There have been suggestions to broaden the mandate of the OSCE, to include additional specific commissioners (e.g., focusing on gender issues, rights of children, and displaced persons) as well as to broaden its security focus, such as to enhance its role in the fight against terrorism. Do you believe that this expansion of the OSCE functions is a good idea, or should it continue to focus on the areas of its traditional strength?

Answer: As my answer to the previous question suggested, I believe that the OSCE should focus first and foremost on doing even better those things it already does fairly well. I do not believe that it should become a bloated bureaucracy, attempting to duplicate the United Nations, the Council of Europe, or other institutions that already work in some of the areas referred to in your question. We must be very careful not to reduce the OSCE to a simple "talking shop," as some critics already incorrectly label it. The multiplication of functions runs the risk of turning the OSCE away from focused efforts to deal with conflict management into a forum for discussion of a wide range of social issues where it has no record of accomplishment and where other institutions already exist that could and should be performing many of these functions.

Insofar as there are to be modest increases in the infrastructure of the OSCE, I believe that those resources should go to strengthening those institutions already performing the most essential OSCE functions: the Conflict Prevention Center, the High Commissioner on National Minorities, and the Office of Democratic Institutions and Human Rights.

If we take the long view rather than simply reacting to the events of the day, then I think it will become apparent that democratic development with respect for the rights of individuals and ethnic, religious, linguistic, and national communities is also one of the best ways to assure that the rights of women and children will also be respected. If we can prevent widespread violence, we remove some of the conditions that breed misery, terrorism, and abuses of the rights of women and children. Refugees and internally displaced persons are generally a consequence of societal violence that uproots people from their homes on the basis of ethnicity, religion, language, or nationality.

In short, the OSCE has a demonstrated record in conflict prevention, although that record is far from perfect. I believe that the focus of the United States, along with other major powers bearing their fair share of the burden, should be to strengthen the OSCE's capacity in those areas of its traditional strength. If we do so, I believe that over the long run we will also discover that it will also play an important role in removing the underlying conditions that breed terrorism and injustice.

Question: The OSCE has both a Secretary-General and a Chairperson-in-Office: How effective are these two posts? Might one or both of these positions be strengthened, especially in terms of enhancing the capacity of the OSCE leadership in the field of conflict management?

Answer: I am generally in agreement with those who believe that the position of the OSCE Secretary-General should be strengthened. I am reluctant to disagree with anything said in Ambassador. Barry's brilliant statement to the Committee, but in this single instance I must beg to differ.

One of the most difficult problems facing the OSCE over the past decade, as I emphasized in my written statement to the Commission, has been the tendency for some conflicts in the OSCE region to become frozen in place. In these situations sometimes the intervention of an eminent person, one who is perceived as neutral but also as representing a large segment of international opinion, can reinvigorate stalemated conflict resolution efforts. At the same time, intervention by representatives of one of the great powers, especially by the United States or Russia, may not be warranted, either because one or more of the disputing parties does not see that great power as neutral, or because the dispute does not affect the vital interests of a great power sufficiently to cause it to mobilize its diplomatic efforts to push hard for a resolution.

In situations such as these, the OSCE Secretary-General could be brought in to reinforce the efforts of the OSCE mission to resolve the conflict on the ground. For example, such an intervention might stimulate the frozen negotiation process regarding the Transnistria region of Moldova or the Nagorno-Karabakh region of Azerbaijan. A similar role has been played successfully on occasion at the global level by the UN Secretary-General. But to expect the OSCE Secretary-General to perform such a role would require that the status of the office be upgraded, and that the selection of the Secretary-General would include among the criteria the individual's familiarity and experience in conflict mediation. Similarly, we should seek an individual with a charismatic personality and someone of high international reputation. In short, the individual needs more than the ability to administer the OSCE Secretariat efficiently; that task could be entrusted to a qualified Under Secretary General for Administration. Beyond possibly adding one individual to fulfill that administrative role, I do not envision any need for additional staffing to support the Secretary-General. What the OSCE needs is a dynamic and respected leader who can be brought in at those rare but critical moments in negotiations when an outside stimulus may break a longstanding logjam and move the process forward towards resolution.

This role cannot generally be played effectively by the chairperson-in-office for several reasons. Most importantly, while the chairperson serves in the Troika for three years, the term as chair lasts only one year,

usually insufficient to be able to perform this conflict resolution role effectively. In addition, the OSCE chairperson-in-office has generally come from a European “middle power,” and thus no single country performing this function is likely to possess the resources to be able to move frozen conflicts forward to resolution. Ambassador Barry’s suggestion to back the chairperson-in-office up with a “directorate” drawn from the major powers—the US, the European Union, and Russia—is an intriguing one. But I fear that this would perhaps weaken the legitimacy of the office in the eyes of many participating states, since they might feel that the OSCE, perhaps like the UN Security Council, had been captured by the great powers. The ability of less powerful states to create and articulate consensus, one of the major functions of the chairperson, would be weakened. And the vast majority of OSCE participating states would probably feel that the efforts to empower smaller and middle-sized states within the OSCE had been undermined, and this might seriously dampen their crucial support for the OSCE. In short, I fear that this proposal might actually weaken the position of the chairperson-in-office, while producing few concrete results in conflict resolution.

Question: You also suggest that the OSCE works best when it is working cooperatively with other international organizations—for example, NATO and the UN. What is your perspective on the role of the European Union countries in the OSCE? In particular, do you foresee continuing or perhaps even greater complications as the EU continues to expand but, at least for now, hasn’t really succeeded in forging a truly effective common foreign policy?

Answer: In my testimony today, I have emphasized that security in the OSCE region cannot be provided by any one of the presently existing multilateral security organizations operating alone. Each one of the institutions has established its own comparative advantage, and we are likely to be most successful in preventing conflicts when there is a clear division of labor combined with broad cooperation among them. We must avoid, on the one hand, duplication of effort or competition to perform the same task, while, on the other hand, we need to be sure that no essential functions fall through the cracks. That is why coordination between the OSCE and other institutions such as NATO, the UN, the EU, and the Council of Europe is so important.

The European Union countries are, of course, among the most active participants in the work of the OSCE, and their contributions have frequently been very valuable. The fact that they, like other coalitions, often act in unison within the OSCE, I also view as a generally positive development, since this reduces significantly the number of parties who need to be consulted to develop a consensus necessary for the OSCE to make fundamental decisions.

At the same time, we should be cautious about assuming that the European Union can assume a leadership role on security issues just because it proclaims to have a common foreign and security policy. We saw tragically in the Balkans in the early 1990’s how the myth of European unity created expectations that the EU could perform conflict prevention roles that far exceeded its true capabilities. When the CSCE abdicated responsibility for dealing with the collapse of Yugoslavia to the EU, a long sequence of crises ensued that the EU was clearly unprepared to handle, and the tragic results are all too clear throughout the

entire Balkan region today. While some aspects of the common foreign and security policy have been strengthened since that time, the continued enlargement of the EU is likely to dilute rather than strengthen the ability of the European Union to pursue a consistent foreign policy at anything but the most general, superficial level.

In my opinion, the comparative advantage of the European Union lies in its traditional strength, namely the dynamism of economic integration. Although the CSCE also considered economic issues to constitute one of three central “baskets” of the Helsinki Final Act in 1975, there can be little doubt that today the OSCE is not a major institutional player in the economic realm on the European continent and that the role of economic leadership on the continent has fallen appropriately to the European Union. Therefore, in general I would prefer to see the OSCE take the lead in matters of conflict prevention and management, with active participation by the individual European Union member states. Whenever economic problems underlie conflicts, however, then the OSCE ought to be able to call on the European Union and other prosperous individual states and multilateral financial institutions to provide the necessary economic support for its efforts, just as it may need to call on NATO whenever military forces are required for peace operations. But the OSCE has an advantage over the EU in conflict management, if for no other reason than that the participation of the United States and Russia in the OSCE provides the necessary backing for the management of conflict in those regions where the involvement of these two important states is essential.

Question: How do you view Russia’s interests in the OSCE?

Answer: After the end of the cold war, the Russian Federation frequently argued that the OSCE should emerge as the primary multilateral security institution within Europe, in large part because of the universal participation of all states throughout the region. The West, including the United States, largely rebuffed this appeal and gave priority to NATO and the European Union. As both of these institutions have enlarged or prepared to do so, admitting former Warsaw Pact states, Russian enthusiasm for European security cooperation, including within the OSCE, has waned.

This is unfortunate, since it is in the interest of the United States and Western European countries to tie Russia as closely as possible to European security structures, where norms of international behavior can be created and spread, and where dialogue can take place in a multilateral setting about issues that affect Russian security interests. Therefore, it is in the interest of the United States to try to strengthen the security-building capacity of the OSCE in ways that Russians perceive as serving their long-term interests.

As for any major state in the world, Russia’s enthusiasm for the OSCE will be largely a function of the degree to which Russia’s political leaders perceive that the OSCE serves Russian interests. The United States can engage Russia within the OSCE framework only by taking the OSCE seriously itself and utilizing it as an institutional framework for dialogue and norm-building through which values based on democratic processes and the non-violent resolution of conflicts can be shared.

Furthermore, it is important that some concrete and immediate Russian interests also be served in the work of the OSCE. For example, the Russian government and public have generally viewed favorably the role of the High Commissioner on National Minorities and of the OSCE Missions in Estonia and Latvia in defending the rights of ethnic Russians residing in those two countries. In my opinion, it is important that those efforts continue as long as ethnic Russians are deprived of full rights of participation in democratic governance, which sadly still remains the case today. It is, therefore, essential that the United States Government reject the pleas of the governments of those two countries to close down those two OSCE missions prematurely. The continuation of those missions is necessary both because it is the right thing to do in terms of our own national values, and because it reminds Russians that the OSCE is not a one-sided institution that only criticizes Russia, but also supports its national interests in specific instances when they are adversely affected by the actions of other participating states.

But beyond these specific issues, Russia must be engaged within the OSCE to seek solutions to the many conflicts in its “near abroad” and even within the Russian Federation itself (that is, in Chechnya) where OSCE missions are already playing an important role. In the past, Russian attitudes towards these conflicts appeared to have been ambivalent: at times they seemed to be contributing to their resolution and at other times they appeared to be exacerbating the conflicts. But, in light of recent events, it should be clear to all Russian political elites that a settlement of these conflicts would bring stability to tense regions along their southern border. Such stability is very much in the interest of both Russia and the West, and this could become the foundation on which we could begin to build a more constructive relationship with the Putin government within the framework of the OSCE.

**PREPARED STATEMENT OF AMBASSADOR ROBERT BARRY,
FORMER HEAD OF MISSION TO BOSNIA-HERZEGOVINA, OSCE**

Thank you for the invitation to testify today on U.S. policy towards the OSCE. I had prepared a statement before September 11 but, as with so much else in our lives, we need to look at OSCE through a new prism. OSCE Chairman-in-Office, Romanian Foreign Minister Geona, has already announced that fighting terrorism will be a central priority for OSCE, but how can the OSCE contribute? How does the OSCE fit into the alphabet soup of international organizations active in Europe – the UN, NATO, EU, EC, Council of Europe, the Office of the High Representative, the Stability Pact – to name just a few. The tendency of each of these organizations is to claim that it is the best at everything, and to launch duplicative programs to demonstrate relevance to the issue of the day. The OSCE, like others, has tended to bite off more than it can chew and to waste time and energy in competition with supposed rivals. The United States should have a clear vision of what it wants the OSCE and others to do, and should be vigilant in preventing duplication of effort.

Since terrorism is a universal problem, efforts to create international conventions and model laws to deal with terrorists should remain in the hands of the UN. Much good work has been done there already but, unfortunately, the United States and many other member states have paid little attention. The OSCE, the EU, NATO and others should work with the UN to bring these conventions into force and to insist on their implementation rather than by starting new drafting exercises.

As my recent experience with the OSCE has been as head of one of its large missions, I see the OSCE field presence throughout the region as a unique asset. OSCE field missions can be extremely agile and quick to adjust to changing priorities in areas of competence. The United States ought to encourage these field missions to take on more responsibilities and discourage others, such as the Council of Europe, the EU, or the Office of the High Representative in Bosnia, from developing parallel and redundant field structures.

Policing and the administration of justice are key elements in the battle on terrorism, and I am convinced that the OSCE field missions can play a central role here. Last month several witnesses testified before the Commission concerning the OSCE role in police training and executive policing. With its requirement of universality, the UN must call upon police who are unable or unwilling to deal with terrorism or human rights violations at home. We cannot expect them to be much help, for example, in dealing with mujahedin fighters in Bosnia or Macedonia. Therefore I believe the OSCE ought to be the instrument of choice for both police training and executive policing. In order to fill the latter role the OSCE should change its policy on arming executive police. Unarmed international police have no leverage in societies where every taxi driver packs a gun.

A more crucial element in the fight against terrorism and organized crime is judicial reform. No police force will have a deterrent effect unless arrests are followed by prosecution and, where warranted, conviction. Six years of half-hearted measures have yet to produce judicial reform in Bosnia and, as a result, a culture of impunity continues to this day. Elsewhere in the OSCE area of responsibility, the situation is similar. The United States should urge a more aggressive role for OSCE field missions in judicial reform, and insist that this is a central issue

in the war on terrorism. Depoliticizing the judiciary will require a confrontational stance by the international community and a mandate to remove judges who will not enforce the law with an even hand.

OSCE's regional presence in twenty-one countries of Europe and Eurasia is a unique asset in dealing with terrorism and organized crime. In a report to the Istanbul OSCE summit in 1999, I urged that the OSCE's regional dimension be strengthened. Unfortunately, little has been accomplished, because field missions shy away from regional efforts and the Chairman in Office focuses more on the crisis of the moment than on regional efforts. A major emphasis should now be put on regional measures to combat terror and organized crime, perhaps patterned on the successful efforts of the Baltic Council and its subsidiary bodies.

It is time to involve the Russian Federation more closely with OSCE, especially given their current cooperative stance in the battle against terrorism. Too often in the past, we have marginalized Russia by making decisions in NATO and then asking OSCE to implement the decisions. Macedonia is only the most recent example. The Russians have often responded by blocking consensus. This has weakened the OSCE, and the Russians have contributed to this situation by pursuing an unimaginative, nitpicking stance towards the OSCE.

Solving this problem will require new efforts, both by the United States and Russia. Part of the current U.S. effort at coalition building must be to de-marginalize Russia which, since the 1970's, has seen the OSCE as the only European security forum where their voice can be heard. The United States and Canada have similarly valued OSCE as insurance against de-linkage of Europe from North America. If we are to keep OSCE alive for these purposes we will have to resist the temptation to pre-cook decisions in NATO for the OSCE to execute.

One possible way of encouraging more creative and active Russian involvement in OSCE is through strengthening the Chair-in-Office. As the complexity of the OSCE agenda and the scale of the OSCE field presence have grown, the ability of any country to act effectively during a one-year term as Chair-in-Office has shrunk proportionally. This is especially true of smaller countries, which are dealing simultaneously with such priorities as joining NATO or the EU and thus have few resources to devote to the OSCE chairmanship. If OSCE is going to develop a stronger regional dimension and play a larger role in the fight against terrorism, the Chairmanship needs to be strengthened, perhaps by the permanent assignment to the Chairmanship of two or three senior officials, including a Russian, an American and a European. Their role would be supportive, and they would supply a needed element of continuity.

If the OSCE is to play a larger role, more attention needs to be paid to the quality of field staff. Too many heads of missions are selected on the basis solely of equitable geographic distribution, and many member states nominate candidates who are not well qualified. The organization also lacks an experienced corps of mid-level managers. To remedy this problem, the OSCE should create an elite career track for a small number of those who have proven themselves in positions of increasing responsibility, as seconded staff. These individuals would provide a needed element of maturity and experience in supervisory positions.

In sum, I believe the tragedy of September 11 requires that we have a new look at the OSCE as a tool for building democracy and the rule of law. In many areas, such as judicial reform and policing, it should be the instrument of choice for the US. But we should take care that we do not overload it and cause it to lose focus and become bureaucratized. The United States needs to have a clear vision of what it wants the OSCE to be, what tasks it wants field missions to take on, and where it wants the organization to “Just say, No.” This hearing provides an excellent opportunity for the Congress and the Executive Branch to consider these issues

**QUESTIONS SUBMITTED FOR THE RECORD
TO AMB. ROBERT BARRY,
AND HIS RESPONSE**

Question: The OSCE has established a Working Group on Terrorism. How do you view the possible engagement of the OSCE on this subject?

Answer: There are very useful contributions the OSCE can make, and an action plan will be presented to the Bucharest summit in December.

The OSCE and the Stability Pact have been looking at ways to improve coordination among member states in combating terrorism and the related issue of organized crime. What is needed is closer cooperation among ministries of the interior and police. This requires that information be shared and protected and that investigations be carried out in several countries at once. We have in the past looked at the model of the Baltic Council, which has developed a task force on organized crime which works well. Setting up such coordination mechanisms and reaching understandings about extradition are not easy, and OSCE should be careful not to duplicate what is going on in the UN or among the Stability Pact membership.

The OSCE can make a major contribution by working on policing and judicial reform in the transitional countries. De-politicizing the judiciary is a key issue in the battle on terrorism and organized crime, and this is particularly crucial in the former Yugoslav successor states.

At the same time OSCE field missions have to be vigilant to prevent human rights abuses under the guise of fighting terrorism. The organization has already spoken out against efforts to equate Islam and terrorism.

The OSCE can play a major role in public diplomacy, particularly through its field missions. The organization's efforts to turn the spotlight on corruption have been effective, and similar campaigns against terrorism can support what the US and its allies are trying to do individually.

Question: Do you think that reducing the number of seconded persons working on missions would improve the work of the OSCE, or do seconded staff help ensure political accountability? What insurance is there that "an elite career track for a small number" of proven individuals won't evolve into a permanent class of civil servants more interested in protecting their own jobs than completing their missions?

Answer: Most of the seconded staff at my mission had no connection with the seconding state's government, and their accountability was to the mission and not to the government that seconded them. Reducing the number of secondments is first and foremost a budgetary issue, and it would greatly increase the cost of field missions if the OSCE had to pay a salary as well as per diem.

Our major personnel problem was the difficulty in recruiting experienced mid level managers with field experience. This is what led me to recommend that a few career slots be provided for those qualified to be department heads in large field missions. I believe this would contribute to effectiveness and efficiency. As a lifelong civil servant myself, I do not accept the argument that having a career appointment adversely affects one's interest in accomplishing missions.

Question: You have commented on the duplication of efforts between various international organizations active in the region and argued that the OSCE has sometimes bitten off more than it can chew. How should the United States decide what to pursue through the OSCE versus through other international organizations?

Answer: We need to have a vision ourselves of what role we want to have the OSCE play, and where we believe it should be active. To form that vision we should have a clear view of where the comparative advantage of the OSCE lies. I have testified that our field missions are more effective than the field presence of other international organizations and that the OSCE presence in the region gives it an advantage over one-off organizations such as the Office of the High Representative in Bosnia. I also believe that for such tasks as police training, executive policing and judicial reform, the OSCE is better equipped than, for instance, the UN.

I fear, however, that there is a tendency in the organization to try to do too much in too many places. We have no comparative advantage in the field of the economy or environment, and we should not mistake holding a seminar with resolving a problem. I doubt that the OSCE has the capability to influence events in Belarus, or in Chechnya, and until the events of September 11 I would have urged that we spend less time and energy on Central Asia - but I have certainly changed my mind on that.

The short answer to the question is that this Administration ought to think through its vision of the role of the OSCE and pursue it as befits the leadership role of the US.

**PREPARED STATEMENT SUBMITTED BY
VLADISLAV BEVC, PH.D.,
AMERICAN OWNERS OF PROPERTY IN SLOVENIA**

Mr Chairman and members of the Commission, thank you for convening this important hearing to day. American Owners of Property in Slovenia hereby submits this testimony for the record.

INTRODUCTION

American Owners of Property in Slovenia is a group of United States citizens with property interests in the Republic of Slovenia who are trying to obtain restitution of or compensation for their expropriated property under the restitution legislation enacted in Slovenia in 1991. Its executive officers are Dr. Vladislav Bevc (Danville, California), Dr. Edi Gobetz, Slovenian Research Center of America (Willoughby Hills, Ohio), Mr. Borut Prah (Oakland, California) and Mrs. Vida Ribnikar (San Francisco, California).

American Owners of Property in Slovenia is affiliated with the Association of Owners of Expropriated Property with headquarters in Ljubljana (Združenje Lastnikov Razlaščenega Premoženja at Adamić Lundrovo Nabrežje 2, Ljubljana, Sloveni). The Slovenian Association represents the interests of approximately 10 percent of the Slovenian population, or about 200,000 people. Its Executive Officers are Professor Inka Stritar, President, Zdenka Gorjup and Peter Logar, Vice Presidents. The Association's objective is to secure the restitution of or compensation for expropriated properties. It also seeks recognition of property rights as a basic human right under Article 17 of the Universal Declaration of Human Rights (adopted by the General Assembly of the United Nations on December 10, 1948) and Resolution of the Council of Europe No.1096, "On Measures to Dismantle the Heritage of Former Communist Totalitarian Systems," approved June 27, 1996.

American Owners of Property in Slovenia cooperates with the following organizations:

Savez Udruženja za Zaštitu I Unapredenje Vlasništva I Vlasničkih Prava u Republici Hrvatskoj [Croatia]; Hrvatska udruga vlasnika otudene imovine za vrijeme fašističkog I komunističkog režima [Croatia]; Lega Nazionale D'Istria Fiume Dalmazia [Italy]; Združenje Lastnikov Razlaščenega Premoženja [Slovenia]; Focus Group [USA and Canada]; Committee for Private Property Inc.[USA]; The Czech Coordinating Office [Canada], International Democracy Action Council [USA]; Aktionsgemeinschaft Recht und Eigentum e.V.; Bund enteigneter/arisierter Juden durch die Bundesrepublik Deutschland; Schutzgemeinschaft Eigentum in Deutschland [Germany]; Te Dehna The Shkurtera Te Aktivitetit Te Shoqates Kombetare Te Te Shpronesuarve "Pronesi Me Drejtesi" [Albania]; Lietuvos Zemes Savininku Sajunga [Lithuania], Association for Restitution of Private Property in Macedonia [USA].

**HUMAN RIGHTS ARE A CORNERSTONE OF
THE AMERICAN FOREIGN POLICY**

This hearing examines whether the commitment of the United States to Democracy and Human Rights, declared to be a cornerstone of the American foreign policy by President Jimmy Carter, may be eroded under the impact of recent events. National Security Advisor Condolezza Rice has reaffirmed this policy in her statement of September 19, 2001.

In securing its liberties both at home and abroad the United States will of necessity have to seek assistance and make alliance with foreign countries, notably those of Eastern Europe, which do not share its commitment to democracy and respect for human rights. To gain such assistance—or a semblance of such assistance—concessions may have to be made by toning down American insistence on the observance of human rights. History has shown that alliances with unsavory regimes result in insignificant benefits to the United States or no benefits at all. It is therefore important to consider carefully whether alliances with regimes that do not respect human rights and do not share America's values may be too costly both materially and in terms of America's moral prestige as a leader of the free world.

PROPERTY RIGHTS ARE THE MAINSTAY OF HUMAN RIGHTS

Human Rights, as we understand them, have been defined in the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948. The Bureau of Democracy, Human Rights and Labor in the Department of State has been set up to promote democracy and human rights throughout the world. The Bureau evaluates the status of human rights in various countries and publishes annual reports of its evaluations.

Property rights are the mainstay of all other human rights. People whose property can be taken away at the whim of a government can never be politically independent and do not have the resources to assert their other human rights. The ability of a government to seize under any pretext private property provides an incentive for its officials to violate human rights of persons whose property they covet by charging them with offenses against the regime such as the exercise of the freedom of speech, religion, association, press, travel, and the like. Governments would be reluctant to carry out expropriations if they knew that there would be an international outcry.

POLICY OF THE BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR

In its annual reports on human rights for the various countries the Bureau of Democracy, Human Rights, and Labor of the Department of State for the various countries does not consider the property rights at all. This is the case, for example, with Slovenia, a small communist enclave in the western part of the Balkans whose government has never been truly freed from the communists. [See: Testimony of Vladislav Bevc, Hearing before the Commission on Security and Cooperation in Europe, 106th Congress, 1st Session, March 25, 1999 and Testimony of Franc Izgoršek, Slovenian Association of Former Owners of Expropriated Property, before the Committee on International Relations, House of Representatives, 105th Congress, 2d Session, August 6, 1998.] Notwithstanding the frequent and numerous reminders by high ranking American officials made to the highest levels of the Slovenian government that the restitution of United States citizen property confiscated by the communists remains a key bilateral concern between the two countries [Letter of James Swigert, Director, North Central European Affairs, Department of State, November 17, 1998], the human rights reports on Slovenia prepared by the Bureau of Democracy, Human Rights and Labor are silent about the violation of property rights by Slovenia.

I have taken this matter up with the Bureau of Democracy, Human Rights and labor on June 5, 1996 and inquired as to the reasons for this omission. The Bureau was then under the supervision of Assistant Secretary of State John Shattuck who was also a member of Commission on Security and Cooperation in Europe. I spoke with Mr. Jim Bigus, Deputy Office Director in the Bureau. Mr. Bigus said that the reports on human rights are prepared in response to a Congressional mandate and that Congress did not specifically require that the matter of the human right to own and enjoy property be included in the Department of State reports. He further stated that the Bureau does not consider property rights to be among the basic human rights. Rather, he said, they were "economic rights" not included among the human rights. Yet the reports do address working conditions and labor relations which are indeed economic rights as well as the status of women but, for example, the Department of State reports on Slovenia do not mention that demanding sexual favors from subordinate female employees is a widespread practice in Slovenia.

It appears that 22 USC 2304(b) is the statutory authority to which Mr. Bigus referred. That statute, however, calls for a "full and complete report... with respect to practices regarding the observance and respect for internationally recognized human rights in each country proposed as a recipient of security assistance." Because the Universal Declaration of Human Rights, Article 17 states "(1) Everyone has the right to own property alone as well as in association with others, and (2) No one shall be arbitrarily deprived of his property," it would seem that the reports on human rights practices should include a description on how this fundamental human right is observed.

In case of the Republic of Slovenia, serious complaints have been lodged against its governments failure to implement its law on restitution of property confiscated by the former communist regime. The Republic of Slovenia continues to hold property of American citizens valued by its own estimates at \$31.3 million and Slovenian government has recently issued instructions directing the processing offices to expedite the denial of as many of the claims for restitution as possible. (It should be noted that most of these properties are land which is for purposes of restitution valued at about 10 percent of the actual market value.) It is deplorable that the Bureau of Democracy, Human Rights, and Labor shows no interest in reporting on this issue particularly because there is ample evidence of discriminatory treatment of those claimants who are now citizens of the United States and who are entitled to restitution of their property under the Slovenian property restitution law of 1992. Former American Ambassador to Slovenia, Nancy Halliday Ely-Raphel, who used to be a high ranking official in the Bureau of Democracy, Human Rights and Labor, showed little interest in pressuring the Slovenian government to compensate American citizens for the property that was taken from them by the communists.

RESOLUTIONS BY CONGRESS AND COUNCIL OF EUROPE

House Resolution 562, 105th Congress, 2d Session, Adopted on October 13, 1998 calls on Croatia, the Czech Republic, Lithuania, Romania, Slovakia and any other nations to remove restrictions on restitution of properties confiscated by the communist regimes. I urge the Commis-

sion and Congress to follow up this resolution by requiring the Bureau of Democracy, Human Rights and labor to faithfully report examine the status of property rights in its future reports.

Resolution 1096 (1996) On Measures to Dismantle the Heritage of Former Communist Totalitarian Systems adopted by the Assembly of the Council of Europe on June 27, 1996 (23rd sitting) states unequivocally that property unjustly seized by the state should be returned to its original owners as a prerequisite for establishing a truly democratic system. The Council of Europe also set forth the legal procedures required to re-establish democracy and rule of law in the formerly communist countries. I hope that the United States foreign policy will continue to support the recommended removal of communists from key government positions in Eastern Europe.

The Department of State has achieved recovery of Jewish property confiscated by the Nazis in a monumental effort that set a precedent in international relations. Most of the property confiscated by the communist regimes in Eastern Europe, however, still remains in the hands of the communists and their heirs. In contrast with the way in which the Allies dealt with the Nazis, the communists, in the countries where their absolute power was limited, were able to walk away with virtually all the financial and economic resources through which they can still control the government. It is essential, if those countries are ever expected to become truly democratic and respecting the rule of law, that a large scale effort be instituted for recovering the properties confiscated by the communists.

COMPROMISES AND CONCESSIONS TO TOTALITARIANS

In a recent statement President Bush compared the atrocities of the terrorists to those perpetrated by the fascists and Nazis but he avoided mentioning those of the communists. Yet, communism and the doctrine of Marx and Lenin are the archetype and original paradigm of all totalitarian systems. It is well known that China is a country where human rights are violated in a most savage and barbarous way as a matter of national policy.

Undue deference to totalitarian governments in the hope that they will provide assistance, however small, to the United States, is a pitfall which should be avoided. Thus, for example, it is believed in some circles that Slovenia will provide the United States with information and insight in the affairs of the Balkans because of the prominent role and associations Slovenian leaders had with the former communist Yugoslavia. But close association of the United States with Slovenian leaders may in turn allow them some day to give the insights they glean in the process to America's enemies. On the other hand, accepting a Marxist oriented country into the NATO alliance will not transform it into a real democracy.

It was probably expectation of such favors that led to Senate Concurrent Resolution 117, 106th Congress, 2d Session, adopted by the Senate on June 23, 2000. The resolution, supporting Slovenian government's desire to be included in the North Atlantic Treaty Organization because this would enhance the prestige of the regime both at home and abroad and bring financial benefits the United States, finds that "accession of Slovenia to NATO and full membership in European Institutions would be an important step toward a Europe that is undivided,

whole and free." I only wish that the authors of that resolution had the opportunity to read the reactions in the Slovenian press to the tragic events in New York and Washington which showed once again that—official statements notwithstanding—there is a deeply entrenched hostility to American values and way of life in that country—a heritage of 50 years of communist indoctrination which endures.

CONCLUSION

In the defense of liberty and democratic way of life may the United States persevere in its respect of the values that are the essence of its greatness. Whatever is needed to achieve victory over the dark forces of terror and totalitarianism must be done. In this process the United States does not have to compromise its principles by alliances with unsavory regimes and should make it clear, in words as well as in deeds, that temporary cooperation with such regimes does not imply support of their undemocratic agendas.

Thank you, Mr. Chairman, for the opportunity to discuss these important issues.

OCTOBER 2, 2001
VLADISLAV BEVC

**LETTER TO U.S. SECRETARY OF STATE COLIN POWELL FROM
HUMAN RIGHTS WATCH, DATED SEPTEMBER 24, 2001**

September 24, 2001

The Honorable Colin Powell
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Mr. Secretary:

For the foreseeable future, the United States will understandably be focused on efforts to bring those responsible for the atrocity of September 11 to justice. The danger is that some governments may cynically take advantage of this cause to justify their own internal crackdowns on perceived political opponents, "separatists" or religious activists, in the expectation that the United States will now be silent. We urge you to send a strong signal to those seeking to join the coalition against terrorism that the United States will not tolerate opportunism in the face of this tragedy.

If an American-led counter-terrorism effort becomes associated with attacks on peaceful dissent and religious expression, it will undermine everything the United States and its allies are trying to achieve. Yet in many of the countries Human Rights Watch monitors, there already is a sense that the United States may condone actions committed in the name of fighting terrorism that it would have condemned just a short time ago.

For example, immediately following the attacks, Russian President Vladimir Putin pointed to alleged links between Osama bin Laden and rebels in Chechnya and declared that the United States and Russia now have "a common foe" - implying that Russia expects U.S. acquiescence in a campaign that has indiscriminately targeted civilians. The Chinese foreign ministry said that the United States should give its "support and understanding in [China's] fight against terrorists and separatists" - a reference to Tibet as well as to the Muslim region of Xinjiang, where Chinese authorities are engaged in a campaign of arrests and summary executions, with little or no due process.

In Malaysia, authorities seized on the attacks to justify their Internal Security Act, which restricts peaceful dissent. In Israel, before the current efforts to restore a cease fire, Defense Minister Binyamin Ben Eliezer bragged that on the Thursday after the attacks his forces had killed fourteen Palestinians, "with the world remaining absolutely silent." In Kyrgyzstan, the government trumpeted a sweep for "pro-Islamic" activists. During her visit to Washington last week, Indonesian President Megawati Sukarnoputri sought to justify Jakarta's abusive crackdown in Aceh, Irian Jaya, and other regions as a campaign against "terrorists and separatists." Egyptian Prime Minister Atef Abeid lashed out at the United States and United Kingdom for "calling on us to give these terrorists their 'human rights,'" referring to criticism of torture and unfair trials. "After these horrible crimes committed in New York and Virginia," he added, "maybe Western countries should begin to think of Egypt's own fight against terror as their new model." In Macedonia,

Prime Minister Georgievski said NATO should now be more supportive of his government's campaign against its Muslim and Albanian opponents. (We applaud U.S. Special Envoy James Pardew for immediately condemning this statement).

The danger of such a response may be particularly acute in Central Asia, which the United States will be using as a staging area for operations in Afghanistan. This region faces a genuine armed threat from the Islamic Movement of Uzbekistan, which President Bush has said is linked to Osama Bin Laden's organization. But it is also home to brutal dictatorships that use tools of repression they inherited from the Soviet Union against any political or religious group they cannot control. Since 1997, for example, Uzbekistan has arrested thousands of non-violent, pious Muslims for offenses such as praying at the wrong mosques, reading the wrong religious literature and listening to the wrong sermons, sentencing many to terms of up to 20 years in prison.

President Bush has eloquently stated that the global struggle against terrorism must not become a war on Islam. Uzbekistan's indiscriminate repression of Muslims who worship outside state controls directly undermines the President's message. If the United States is seen as aligning itself with Uzbekistan in the coming weeks, it will be all the more urgent that it actively discourage the Uzbek government's abusive policies. A good way to do so would be to designate Uzbekistan as a Country of Particular Concern under the International Religious Freedom Act, a designation that is clearly merited under the law - and which we understand must be decided soon.

We hope you and the President will ensure that the response to the horrendous acts of September 11th will affirm the values that came under attack that day. That is the best way to defeat terrorism. In particular, we hope that you will:

- Refuse to provide assistance to the military, paramilitary, law enforcement, and intelligence forces of abusive governments unless credible safeguards are in place to ensure it is not used against peaceful opponents or to commit human rights violations. Maintain and use all such safeguards currently provided under U.S. law, including the Leahy Amendment.
- Make clear in public statements, in testimony before Congress, and in private diplomacy that the United States will expect from its allies what it will demand of itself: that counter-terrorism efforts respect civilian life, and that they distinguish between those who commit atrocities like the attacks of September 11th and those who simply share their religious beliefs, ethnicity or national origin.
- Instruct U.S. Ambassadors around the world to watch for statements or actions by governments that take advantage of these tragic events to advance domestic campaigns of repression — and publicly condemn them wherever they occur.

- Continue to report fully and candidly any human rights violations committed by allies in the coalition against terrorism, and use available legal instruments such the International Religious Freedom Act without regard to a country's place in that coalition. The Country Reports on Human Rights Practices sent to Congress next year should highlight any attempts to justify abuses carried out in late 2001 on anti-terrorism grounds.
- Avoid cooperative activities that will be read by abusive governments—and their innocent victims—as implying support for abusive practices.

Taking such steps would not require ruling out cooperation with any country. It would simply send a message that how the coalition fights will be as important as what it is fighting. It is far better to send that message at the outset than to wait until abuses occur, and then to hear countries assert that the United States had given them the green light.

We look forward to addressing these critical issues with you and your colleagues in the weeks and months ahead.

Respectfully,

Jonathan Fanton
Chair

Kenneth Roth
Executive Director

**U.S. SHOULD OPPOSE ALLIES' MISUSE OF "ANTI-TERROR"
HUMAN RIGHTS WATCH PRESS RELEASE**

(*New York, September 25, 2001*) — The Bush Administration should signal its allies not to use the fight against terrorism as cover for their own domestic campaigns against political opponents, Human Rights Watch urged today in a letter to U.S. Secretary of State Colin Powell.

In recent days, a number of governments around the world have taken advantage of the attacks of September 11 to justify internal crackdowns against those they deem to be terrorists and "separatists." Russia has compared the U.S. war on terrorism to its own brutal campaign against Chechen rebels. China has requested support for its repressive policies in Tibet and the Muslim region of Xinjiang. Egypt has lashed out against outside criticism of its human rights record, saying that the world should now adopt its fight against terrorism as a model.

"If an American-led counter-terrorism effort becomes associated with attacks on peaceful dissent and religious expression, it will undermine everything the United States is trying to achieve," said Kenneth Roth, Executive Director of Human Rights Watch. "Many countries are sensing that the United States will condone actions committed in the name of anti-terrorism that it would have condemned a short time ago."

The danger of this kind of opportunism is particularly acute in Central Asia, Human Rights Watch said. Uzbekistan, which U.S. military forces will be using as a staging ground for operations in Afghanistan, has in recent years imprisoned thousands of non-violent Muslims for worshiping outside state controls or joining unregistered religious organizations.

"President Bush has rightly said this can't become a war on Islam," Roth said. "Uzbekistan's indiscriminate persecution of non-violent Muslims is directly undermining his message."

Human Rights Watch called on the U.S. administration to continue denying U.S. security assistance to those who might use it to commit human rights abuses, to avoid cooperative activities that will be read by abusive governments as condoning their practices, and to publicly condemn efforts by repressive governments to take advantage of the recent attack.

HUMAN RIGHTS ABUSE IN UZBEKISTAN
HUMAN RIGHTS WATCH PRESS BACKGROUNDER
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INTRODUCTION

In his national address on September 20, 2001, U.S. President George W. Bush linked the Islamic Movement of Uzbekistan (IMU) to Osama bin Laden, suggesting the IMU may be a target of U.S. counterterrorism efforts in the wake of the September 11 attacks. In 2000, the U.S. government included the IMU on its list of terrorist organizations.

The IMU is an armed group based primarily in Afghanistan that seeks the establishment of Shari'a (Islamic law) in Uzbekistan and the release of Muslim prisoners. It conducted a cross-border incursion from Tajikistan into Kyrgyzstan in 1999, and in 2000 conducted incursions from Tajikistan into Kyrgyzstan and Uzbekistan.

The government of Uzbekistan has targeted the IMU as part of its own counterterrorism efforts. But since late 1997 the Uzbek government has used the terrorism issue to justify a far broader crackdown on peaceful "independent" Muslims—persons who practice Islam beyond oppressive state restrictions. They pray at home, study the Koran in small groups, belong to Islamic organizations not registered with or approved of by the state, and disseminate literature not sanctioned by the state. Having branded them "extremists," the government has sentenced thousands of independent Muslims to long prison terms without connecting them to the IMU or to any acts recognized as crimes under international law.

The campaign against independent Muslims intensified after February 16, 1999, when a series of bombs exploded near government buildings in Tashkent, the capital, killing sixteen people. No one claimed responsibility for the attacks.

HUMAN RIGHTS IN UZBEKISTAN

The Republic of Uzbekistan, the most populous country of Central Asia, with the largest standing army in the immediate region, gained its independence from the Soviet Union in 1991. The government of President Islam Karimov, who came to power in the Soviet period, employs many of the repressive methods of political and social control it inherited from that era.

In the early 1990s, the government decimated Uzbekistan's secular political opposition, arresting and harassing its leaders and prominent members and forcing others into exile. The Uzbek government will not officially register any political parties other than those aligned with the president, and organized political opposition is not tolerated. The state exercises tight control over the media, including through pre-publication censorship. There are no independent news outlets. Journalists critical of the government are routinely threatened by state authorities and have been driven out of the country under threat of arrest. There is no freedom of assembly; police violently disband any attempts at public demonstrations, and arrest the participants. In the past two years, the government has hounded human rights activists who have attempted to expose abuses, subjecting them to threats, beatings, and prison terms. In July 2001 one rights activist died in custody as a result of torture.

Torture is systematic in Uzbekistan. Human Rights Watch has documented how police and agents from the National Security Service (the successor to the Uzbek KGB) hang criminal suspects and political detainees by their feet or wrists, beat them with batons or bottles filled with water, apply electroshock to their bodies, and rape or threaten to rape them. Police torture has resulted in at least fifteen deaths in custody in the past two years alone. The torture often takes place while detainees are held in isolated basement cells for months on end, without access to legal counsel or family. Police frequently torture detainees, or threaten to harm their family members, to coerce self-incriminating statements from detainees or simply to punish them for their suspected activities, particularly in cases of torture of religious Muslim detainees.

Repression of Independent Muslims Local human rights activists estimate that 7,000 independent Muslims are currently serving terms in Uzbekistan's prisons. Those arrested are typically accused of having religious affiliations-or of having participated in activities-that are tantamount to "anti-state activity" or "attempted subversion of the constitutional order." The state offers no material evidence of subversion, and the grounds for conviction is routinely a defendant's own self-incriminating statement, coerced under torture in police detention and then regularly recanted by the defendant in the courtroom. Those convicted usually receive sentences of fifteen to twenty years of imprisonment.

The campaign against independent Muslims involves all levels of government, down to the community level. Local officials throughout the country closely monitor the religious practices and affiliations of community members.

In a throwback to the darkest days of the Soviet Union, local authorities regularly organize public "hate rallies" to mobilize community pressure against and to intimidate detainees' families. Local government and law-enforcement officials, together with religious leaders from the government-run religious board, gather hundreds of residents and then forcibly bring in the family member, usually the wife or mother of a man accused of "anti-state activity" or "religious extremism." Speakers at the rallies will denounce those targeted as "enemies of the people," demand that they ask for the forgiveness of the president and the people, and call for their arrest or execution.

The Uzbek government has targeted Hizb ut-Tahrir (Party of Liberation), an Islamic group that supports the reestablishment of the Caliphate, or Islamic state, by peaceful means. Activities of the group include study of the Koran and privately published Hizb ut-Tahrir texts; group prayer; and dissemination of Hizb ut-Tahrir materials that address religious themes and commentary on the political situation, particularly the arrest of Muslims, in Uzbekistan. Any of these activities, from membership in the group to possession of one of its pamphlets is deemed grounds for arrest and is punishable by up to twenty years in prison. Some estimate that at least 4,000 people affiliated with or accused of being affiliated with the group are currently in prison in Uzbekistan.

Religious prisoners in Uzbekistan also include independent imams and their followers. The imams had been appointed by Uzbekistan's government-run religious board, but later ran afoul of the authorities for preaching without deference to the religious board, for refusing to praise the Karimov government in their sermons, refusing to serve as government informants, and the like. Several have been "disappeared"; others were thrown in jail on accusations that their sermons and les-

sons on Islam and the Koran were really “calls for jihad.” One local activist estimated that thousands of students of these imams and people who attended their prayer services are also in prison.

Independent religious leaders, their followers, and anyone, particularly youth, who overtly displays his or her piety, e.g. by sporting a beard or wearing certain kinds of headscarves, is viewed by the state as suspicious and may be labeled a “Wahhabi.” In the Uzbek context, the term is used pejoratively to connote “fundamentalism” or “extremism.” Few of these people in fact adhere to Wahhabism, a branch of Islam practiced in Saudi Arabia.

Increasingly, police arrest relatives of independent Muslims, including suspected members of unregistered Islamic groups. President Karimov declared in April 1999 that fathers would be punished for the supposed wrongs of their sons. Brothers too are often arrested together and even tortured in each other’s presence, again, both as a form of coercion, but also as punishment. Women are not exempt from the relentless state campaign. Female relatives of independent Muslim men are subjected to “hate rallies,” detained and interrogated by police, and sometimes themselves are arrested. One woman, Rahima Akhmedalieva, was unlawfully taken into police custody in March 2001, held hostage by police who insisted they would not release her until her husband, an imam, returns to Uzbekistan where he is wanted on charges of “anti-state activities.” She was later sentenced to seven years of imprisonment on charges of undermining the constitutional order.

THE ISLAMIC MOVEMENT OF UZBEKISTAN

The IMU reportedly has headquarters in Afghanistan and may have training camps in Tajikistan or Afghanistan. The IMU is led by its field commander, Jumaboi Khojiev (now known as Namangani), an ethnic Uzbek who fled Uzbekistan in the early 1990s and joined the United Tajik Opposition to fight in the civil war in Tajikistan. He established his own camps and fighters, who became the militants of the IMU. The spokesperson or political leader of the IMU is Tohir Yuldashev, also from Uzbekistan. In the early 1990s Yuldashev led an opposition movement with an Islamic platform, which included a call for the establishment of Shari’a. He later fled the country under threat of arrest.

The government of Uzbekistan has alleged that the Taliban and Osama bin Laden give the IMU financial support.

The Uzbek government held IMU leaders, among others, responsible for the February 1999 bombings. In March 2000 they were tried in absentia, found guilty, and sentenced to death. Nearly a year earlier, Uzbek courts had convicted more than 100 people for the bombings; eighteen were sentenced to death and executed. The state attempted to link those accused to Namangani and Yuldashev. No material evidence was brought forward.

In August 1999, armed men believed to be associated with the IMU invaded Kyrgyzstan from Tajikistan and took hostage a group of Japanese geologists and several members of the Kyrgyz military. The hostage-takers demanded that the government of Uzbekistan allow them safe passage home, release what they claimed were 50,000 religious Muslim prisoners, and allow the observance of Shari’a. Uzbekistan did not comply. The hostages were subsequently released, reportedly in return for a large ransom, and the insurgents were eventually repelled.

The government of Uzbekistan responded to the incident by bombing Kyrgyz territory where it believed IMU members to be hiding. Several Kyrgyz civilians were killed and hundreds were wounded.

In August 2000, IMU insurgents gained access to border areas in Uzbekistan and Kyrgyzstan and engaged in heavy and protracted battles with the military forces of both states. Several foreign nationals hiking in the battle zone were taken hostage by the IMU forces, but escaped. Uzbek military assaults involving aerial bombardments, mortar fire, and ground troops pushed back the insurgents. There were casualties on all sides. Prior to and after the hostilities, Uzbekistan also forcibly displaced some 3,500 Uzbek civilians living near the border. Seventy-three displaced villagers were accused of having conspired with and aided the militants and, in a series of closed court hearings without material evidence, were sentenced to prison.

U.S. POLICY

U.S. policy toward Uzbekistan has not addressed these problems effectively, largely because the message it conveyed to the Uzbek government has been inconsistent. The U.S. government has been willing to engage in a dialogue with the government to improve human rights practices in the country. However, Washington has failed to back up its policies with concrete action.

When Secretary of State Madeleine Albright visited Uzbekistan in 2000 she awarded the government U.S. \$3 million in counterterrorism and border assistance, while urging it to distinguish “very carefully between peaceful devout believers and those who advocate terrorism.” Yet the U.S. government has proved unwilling to use effective tools to ensure that the Uzbek government makes this very distinction. In 2000, the U.S. government failed to name Uzbekistan as a country of particular concern in the area of religious freedom under the 1998 International Religious Freedom Act, characterizing the crackdown on Muslims as political, rather than religious repression. This signaled to the Uzbek government that the U.S. was not likely to take any action to stop the repression of pious Muslim believers. In August 2001, the U.S. Commission on International Religious Freedom failed to recommend to the Bush administration that Uzbekistan be included in its list of countries of particular concern for religious freedom. The administration is due to make its decision in late September.

As a recent positive example, in the context of the 2000 decision to certify that Cooperative Threat Reduction (CTR) assistance to Uzbekistan satisfied legal requirements that the recipient country demonstrates a commitment to human rights, the U.S. government effectively persuaded the Uzbek government to give the International Committee of the Red Cross access to its prisons. The certification process also yielded the release of human rights activist Mahbuba Kasymova.

On September 24, U.S. aircraft arrived in Uzbekistan for possible operations in Afghanistan.