

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

102d Congress
1st Session



THE OSLO SEMINAR OF EXPERTS ON DEMOCRATIC INSTITUTIONS

A REPORT PREPARED BY THE STAFF
OF THE COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

1991

Commission on Security and Cooperation in Europe
237 Ford House Office Building
Washington, DC 20515

STENY H. HOYER, Maryland, *Chairman*
DENNIS DECONCINI, Arizona, *Co-Chairman*

DANTE B. FASCELL, Florida
EDWARD J. MARKEY, Massachusetts
BILL RICHARDSON, New Mexico
EDWARD FEIGHAN, Ohio
DON RITTER, Pennsylvania
CHRISTOPHER H. SMITH, New Jersey
JOHN EDWARD PORTER, Illinois
FRANK R. WOLF, Virginia

FRANK LAUTENBERG, New Jersey
TIMOTHY WIRTH, Colorado
WYCHE FOWLER, Georgia
HARRY REID, Nevada
ALFONSE M. D'AMATO, New York
LARRY E. CRAIG, Idaho
MALCOLM WALLOP, Wyoming
(Senate Vacancy)

Executive Branch

RICHARD SCHIFTER, *Department of State*
STEPHEN J. HADLEY, *Department of Defense*
WILLIAM D. FRITTS, JR., *Department of Commerce*

SAMUEL G. WISE, *Staff Director*
MARY SUE HAFNER, *Deputy Staff Director and General Counsel*
JANE S. FISHER, *Deputy Staff Director*

DAVID M. EVANS, *Senior Advisor for Soviet and East European Affairs*
R. SPENCER OLIVER, *Consultant*

MIKE AMITAY, *Staff Member*
PATRICIA CARLEY, *Staff Member*
BRENDA COLLIER, *Receptionist*
OREST DEYCHAKIWSKY, *Staff Member*
JOHN FINERTY, *Staff Member*
ROBERT HAND, *Staff Member*
HEATHER HURLBURT, *Staff Member*
JESSE JACOBS, *Staff Member*

RONALD MCNAMARA, *Staff Member*
JEANNE MCNAUGHTON, *Staff Member*
TOM MURPHY, *Technical Editor*
MICHAEL OCHS, *Staff Member*
JAMES S. RIDGE, *Press Secretary*
ERIKA B. SCHLAGER, *Staff Member*
TOM WARNER, *Printing Clerk*
VINCA SHOWALTER, *Staff Member*

CORINNE ZACCAGNINI, *Office Administrator*

TABLE OF CONTENTS

REPORT ON THE OSLO SEMINAR OF EXPERTS ON DEMOCRATIC INSTITUTIONS	1
Summary	1
U.S. Delegation to the Meeting	2
Commission Participation	2
Background to and Organization of the Meeting	3
U.S. Objectives for the Meeting	3
Proposals, Negotiations, and a Document	6
Conclusions	8
 STATEMENTS OF THE U.S. DELEGATION	11
Opening Statement, Assistant Secretary Richard Schifter, November 4, 1991	11
Organization of Free Elections in Democratic States, Ambassador J. Kenneth Blackwell, November 6, 1991	14
Plenary Statement, Representative Steny H. Hoyer, November 11, 1991 ...	17
The Role of an Independent Media, Ms. Joan Benziger, November 13, 1991	21
Closing Statement, U.S. Delegation to the Oslo Seminar of Experts on Democratic Institutions, November 15, 1991	23

REPORT ON THE OSLO SEMINAR OF EXPERTS ON DEMOCRATIC INSTITUTIONS

Summary

From November 4-15, the CSCE Seminar of Experts on Democratic Institutions met in Oslo, Norway, pursuant to a mandate contained in the 1991 Charter of Paris for a New Europe. Accordingly, experts discussed means and ways for "consolidating and strengthening viable democratic institutions."

During the course of the Seminar, participants met in three closed study groups in which they considered constitutional and electoral frameworks, as well as comparative human rights legislation. In this context, numerous experts participated in the Oslo Seminar, contributing expositions on the differences among their various democratic traditions and often describing their national experiences in these areas. In addition, contacts among experts, non-governmental organizations, and government representatives in the margins of the meeting contributed to the overall work of the Seminar.

Nevertheless, most discussions took place among Western delegates and focused on Western experiences; there was little attempt to apply the often theoretical observations of experts to the real-life dilemmas which many countries in transition face. Westerners, for their part, often seemed to expect the Eastern delegates to be able to clearly identify their needs, including specific programs that would aid in the strengthening of democratic institutions. Easterners, in turn, seemed to expect their counterparts to be able to provide them with a ready-made recipe for democracy. Neither expectation was fulfilled. This state of events was particularly regrettable given that agreement to hold such a meeting was based on a common view that Eastern Europe, the Soviet Union, and the Baltic States were at an historic crossroads and that these emerging democracies were intended to be the beneficiaries of this meeting.

In fact, the meeting as a whole seemed to have no ultimate objective for its work. As a consequence, delegations arrived in Norway without a common sense of how to direct their work, pursuing a variety of often conflicting national goals. In the end, a final report was drafted which merely provided a superficial summary of the work of the experts. As such, the document failed to contain any new substantive commitments; failed to reflect the complexity and sophistication of many of the experts' interventions; and failed to elaborate or coordinate concrete democracy-building programs that might be pursued jointly or separately by the CSCE participating States. Although this report was not adopted by the CSCE participating States, agreement was reached to forward the report to the next meeting of the CSCE Council of Foreign Ministers, scheduled to meet in January 1992.

U.S. Delegation to the Meeting

The U.S. delegation to the meeting was headed by Richard Schifter, Assistant Secretary of State for Human Rights and Humanitarian Affairs and its representative on the Helsinki Commission. Mr. J. Sherwood McGinnis, from the Bureau of European and Canadian Affairs, served as Principal Deputy Head of Delegation; Deputy Assistant Secretary of State for Human Rights and Humanitarian Affairs Nancy Ely-Raphel and Mr. David Evans, the Helsinki Commission's Senior Advisor for Soviet and East European Affairs, served as Deputy Heads of Delegation. Other members of the delegation included Ambassador J. Kenneth Blackwell, U.S. Representative to the United Nations Human Rights Committee.

In line with past meetings of the CSCE, the U.S. delegation also included several Public Members--prominent individuals with expertise in the subject matter of the particular meeting. The presence of these individuals, who contributed to both the formal and informal work of the meeting, underscores the importance of democratic institution building to both the U.S. Government and the American people. The Public Members in Oslo were:

- o Thomas Buergenthal, Lobingier Professor of Comparative and International Law at George Washington University and judge on the Inter-American Court of Human Rights;
 - o John Elliott, Senior principal, Baskin, Flaherty, Elliott & Mannino, P.C. (Philadelphia);
- and
- o Elspeth Rostow, Professor of Government and Stiles Professor Emeritus in American Studies at the University of Texas and Acting Chairman of the United States Institute of Peace.

Commission Participation

Representative Steny H. Hoyer (D-MD), Chairman of the Helsinki Commission, led a Congressional delegation to the Oslo Seminar. He was joined by Representatives Glenn M. Anderson (D-CA), Martin Olav Sabo (D-MN), Helen Delich Bentley (R-MD), Ben Jones (D-GA), Collin C. Peterson (D-MN), and Commissioner William Fritts (Department of Commerce). During the visit, the delegation held bilateral meetings with the Turkish and Yugoslav delegations; with parliamentarians from the Council of Europe; and with Norwegian Prime Minister Gro Harlem Brundtland as well as other Norwegian officials from the Ministry of Foreign Affairs and the Norwegian parliament.

In addition, the delegation attended an open house at the Norwegian Institute for Human Rights, the primary organizer of the parallel activities for non-governmental organizations, and hosted a reception for the heads and deputy heads of all delegations to the Oslo Seminar as well as representatives from non-governmental organizations and the

media. Chairman Hoyer delivered a plenary statement at the opening of the second week of the meeting.

Background to and Organization of the Meeting

By the time the Copenhagen Meeting of the Conference on the Human Dimension was held in June 1990, most of Eastern Europe's hard-liners had fallen, the two Germanies were moving toward unification, and the CSCE had agreed to hold an historic summit in Paris that November. In this context, agreement was reached in the Copenhagen Document on language recognizing the need for cooperation in the establishment and promotion of democratic institutions which would, in turn, encourage democratic values and practices.

Subsequently, the Paris Summit of CSCE Heads of State or Government agreed in November 1990 to convene a supplemental, 2-week inter-sessional meeting (in addition to the many meetings already mandated by the 1989 Vienna Concluding Document) devoted exclusively to the subject of "consolidating and strengthening viable democratic institutions." Agreement to hold such a meeting reflected the common view that Eastern Europe, the Soviet Union, and the Baltic States were at an historic crossroads; a failure to entrench fully democratic institutions might lead to the ultimate reversal of the tremendous gains reflected in the 1990 Paris Charter.

The agenda called for the first two sessions of the Seminar to be plenary meetings, open to the public, followed by 7 days of consecutive, closed meetings of working groups. These sessions in turn were broken down into three segments to examine the following subjects: constitutional reforms, the rule of law and independent courts, and the division of power among the three branches of government (working group A); the organization of elections, political parties and non-governmental organizations (working group B); and comparative aspects of legislation in the area of human rights and fundamental freedoms (working group C).

U.S. Objectives for the Meeting

Just a few weeks prior to the opening of the Oslo Seminar, the CSCE participating States convened in Moscow for the third of three human dimension meetings mandated by the Vienna Concluding Document. That meeting, which concluded with a substantive document, overlapped to some degree with the subject matter of the Oslo Seminar. The United States, like most delegations, believed that it was unlikely that further progress in negotiating additional substantive commitments could be made so soon after Moscow and in the short amount of time available in Oslo.

Consequently, the United States believed that the Oslo Seminar could best be used as an opportunity to hold further consultations regarding the idea advanced by Secretary

Baker for transforming the Warsaw-based CSCE Office for Free Elections (OFE) into an Office for Democratic Institutions (ODI)--an idea generally endorsed in the 1991 Moscow Document as well as the NATO Summit communique issued in Rome during the Oslo Seminar. Although it was not expected that the Oslo meeting would take specific steps to that end, consultations in Oslo could help pave the way for the adoption of concrete measures by the CSCE Council of Ministers (scheduled to meet in January 1992) or at the Helsinki Follow-up Meeting (scheduled to convene in March 1992).

Opening Plenaries, Working Bodies, and Expert Participation

Gro Harlem Brundtland, the Prime Minister of Norway, opened the first plenary session with an address in which she asserted that the "new security order must be built on existing CSCE principles." She also expressed her belief that the Seminar would, through its discussion of practical ideas and contacts between people, make a lasting contribution to the future of democracy. Like many speakers to follow, she endorsed the suggestion to expand the Warsaw Office for Free Elections into a "center for democracy and human rights."

In addition, Prime Minister Brundtland called for an end to the violence in Yugoslavia, noting that CSCE standards should be upheld not only by participating States, but "aspiring states" as well. In this context, she urged that CSCE must have the means to respond to emerging conflicts as well as acute crises; CSCE peace-keeping options deserve careful consideration. Many delegations, including the U.S. delegation, echoed the Prime Minister's concerns over the on-going war. The Yugoslav representative, in a frank if somewhat bleak statement, attributed the current tragedy in his country to an historic lack of democratic institutions.

Many of the presentations made at the opening plenary, including that of Assistant Secretary Schifter, emphasized the idea of transforming the Warsaw Office of Free Elections into an Office of Democratic Institutions that would serve as a clearinghouse for information and activities designed to promote democratic institution-building in the newly-free states of Europe. While most plenary speakers supported this concept, many also expressed the belief that there must be coordination with the Council of Europe in this area.

In a procedural first, the representative from the Netherlands--the country currently holding the European Community presidency--made a single opening statement on behalf of all the EC member states; accordingly, the other eleven members waived their rights to make individual opening statements. The EC address underscored the need for a practical approach to the rest of the meeting, and called for the study groups to work in an informal mode as much as possible to facilitate the exchange of views.

Commission Chairman Steny H. Hoyer addressed the November 11 plenary session, which fell mid-way through the Seminar. While imploring the participating States to ensure that the newly-independent countries of Europe do not falter in their pursuit of democracy, he noted that in places such as Tbilisi, Nagorno-Karabakh, and Yugoslavia, political and social turmoil can prevent the very foundation of democratic institutions from ever being built. When fundamental conflicts are not addressed and resolved, Hoyer noted, constitutional order is undermined, free and fair elections are compromised, and basic human rights are at risk.

After the opening plenaries, agreement was reached that the working groups would meet formally for whatever period of time experts and delegates wished; then, the formal working group would be gaveled close, country nameplates would be turned over (a gesture designed to signify that speakers were no longer purporting to represent national views), and participants would be able to engage in a more spirited informal exchange of views. In fact, the distinction between formal and informal sessions was discernable only to the trained observer; during some "informal" sessions, experts read lengthy prepared statements. By the end of the Seminar it was clear that spontaneous, informal discussion is difficult if not impossible among 38 interlocutors, with interpretation into six languages, and with few if any rules governing their choice of topics or the duration of their interventions.

In both the formal and informal working group sessions, both of which were closed to the public, experts and other delegates described their national experiences. In this context, participants presented statements reflecting the divergent experiences of the participating States, some of which aspire to consolidate democratic gains while others seek to preserve their more deeply entrenched democracies. Not surprisingly, a wide variety of views were expressed. Often experts noted seemingly contradictory needs in emerging democracies: for example, it was noted that the need for stability and order in society may be difficult to reconcile with the desire for rapid political, legal, and economic transition.

As a rule, experts and other delegates did not make specific and concrete judgments regarding how the essential elements for building democratic institutions, previously elaborated in the Copenhagen, Geneva, and Moscow Documents, were being implemented. Perhaps the one notable exception to this practice regarded the new Bulgarian constitution: several speakers voiced the conclusion that provisions of the Bulgarian constitution which prohibit ethnically based political parties are inconsistent with fundamental notions of democracy, including freedom of association.

In addition to the presentations and discussion among experts and delegates, representatives from the Council of Europe and the European Commission on Democracy through Law answered questions or requests for information made to them. Often, these were of less theoretical nature, and described practical programs that the Council already

has in place. Written contributions on the full range of subjects embraced by the Oslo mandate were also circulated during the meeting. These contributions enhanced the overall work of the Seminar and, ultimately, may help with longer-term efforts to implement democracy-building hypotheses.

Throughout the Seminar many experts made themselves available for further discussions with interested colleagues. In one case, in the margins of working group A, a relatively smaller group of experts met at their own initiative to continue discussions on constitutional reform. That group drafted 2 pages of its own conclusions, which, in turn, were circulated among the various delegations. Parallel activities, organized by the Norwegian Human Rights Institute, also complemented the work of the Seminar and featured discussions addressing a broad range of topics, from general subjects such as emergency legislation to specific countries of concern such as the Soviet Union, Cyprus, or Northern Ireland. Contacts in the margins of the meeting among the various experts, government representatives, and non-governmental representatives contributed greatly to the overall work of the Seminar.

Although there was a provision in the agenda for two sessions of closing statements to be made at the end of the Seminar, delegations chose not to make them when last minute haggling over the document delayed the end of the meeting. H.E. Thorvald Stoltenberg, Foreign Minister of Norway, delivered a closing address to the Seminar before it was gaveled closed.

Proposals, Negotiations, and a Document

Most delegations seemed to approach the Oslo meeting with a sense that it would best be used as a forum for experts' discussions, and that a parallel effort by diplomats to negotiate a document would detract from that endeavor. This view was expressed most strongly by the Canadian Head of delegation who, in his opening statement, argued that Oslo "need not enter into detailed negotiations," recalling that such drafting could be done in Helsinki--scheduled to open in March of next year--and that "diplomats [in Oslo] should be seen and not heard." In short, he concluded, the Oslo Seminar would be most successful if it proceeded "without a documentary target," and focused instead on a real exchange of views.

To some degree, this statement may reflect a general dissatisfaction with some other, relatively recent CSCE inter-sessional meetings--notably the Cracow Cultural Symposium and the Geneva Meeting of Experts on National Minorities--where some experts asserted that the behind-the-scenes negotiations shifted time and attention from substance to form. But perhaps more significantly, the statement illustrates a growing sentiment that the CSCE is "running out of words," or has, at least for the moment, exhausted the rush of political momentum unleashed after 1989 and needs to digest what it has produced.

Indeed, during the course of the meeting, only two proposals were formally introduced, a number that stands in sharp relief compared with the large number of proposals introduced at other CSCE meetings this year: 35 at the Cracow Cultural Symposium, 19 at the Geneva Meeting of Experts on National Minorities, and 47 at the Moscow Human Dimension Meeting. Moreover, both proposals were introduced by the Soviet Union and both touched on themes which had been raised by the Soviet delegation at the Moscow Human Dimension Meeting: one called for the establishment of national centers for democratic institution; the other for the participating States to accept the supremacy of international law over domestic law.

Nevertheless, the mandate for the Oslo Seminar required a "summing up," and during the second week of the meeting differences of opinion regarding the nature and form of that "summing up" only underscored the lack of a common understanding among delegations regarding the ultimate goal of the Oslo Seminar. Some delegations took the position that a lengthy chronicle of the working group discussions was absolutely essential to the success of the meeting. The United States, among others, advocated a concise account of the meeting, arguing that any attempt to condense the views expressed by the experts in, by a conservative estimate, more than 40 hours of debate would not do justice to the sophisticated, complex, and often contradictory nature of their deliberations. Moreover, the United States argued that a long document which would neither elaborate new commitments nor establish a program of action would undermine the credibility of the CSCE process. The United States also noted the contradictions associated with trying to draft a summary of the working group sessions before they were in fact complete. In the end, however, the arguments of the U.S. delegation were supported by only a very few delegations--most notably Germany. As the final week passed, the mandate for a "summing up" drew delegations inexorably toward a text that only became progressively longer.

On the last day of the meeting, delegates met until 4:30 am, finally finishing their work with the understanding that an acceptable text had been worked out (pursuant to acceptance in respective capitals) that would be taken up at the final plenary later that morning. Although much of this last-minute haggling was spent nuancing aspects of the summary, the most contentious issues were the characterizations of the (as yet non-existent) Office for Democratic Institutions, the Council of Europe, and their relations with each other in the field of democracy building. Throughout the Oslo Seminar, the French delegation, acting as the self-proclaimed champion of the Council of Europe (often to the visible embarrassment of individual Council representatives), had maintained that the Oslo meeting did not have the authority to take any action on the idea of transforming the Office for Free Elections into an Office for Democratic Institutions.

At the eleventh hour, French delegates informed their colleagues that the text was unacceptable in Paris, necessitating that the clock be stopped while delegates attempted

to hurdle this additional obstacle. Reportedly, Paris protested the lack of optical parity between the provisions mentioning the Council of Europe and the provisions mentioning the Office for Democratic Institutions, and insisted on having the word "essential" inserted before the recognition of the "character of the role of the Council of Europe in the areas of rule of law and the defense of human rights." However, some delegates suspected that France's real objective was to ensure that purely European, rather than transatlantic, institutions, constitute the bedrock of the CSCE. This view took into account France's long-standing reticence towards NATO, France's efforts earlier this year to establish a "Confederation of Europe" which would exclude the North American democracies from its framework, and the fact that of the Council of Europe's 26 member states only France insisted on these specific wording changes. Further confusion ensued when the Austrian delegation suggested the proposed new title for the CSCE Warsaw office ("the Office for Democratic Institutions") also be reconsidered. After failing to obtain its desired modifications, the French delegation submitted a lengthy interpretative statement largely disavowing the report.

In fact, the document already contained a statement specifically indicating that it reflected only the views of experts and "does not purport to express any new commitments on the part of participating States." Although on the last day of the meeting the Norwegian delegation formally introduced this report as a proposal, no delegation formally proposed that the participating States adopt the report by consensus. Instead, the participating States merely agreed that the summary be sent to the Council of Foreign Ministers, scheduled to meet next in January 1992.

Conclusions

During the months leading up to the Oslo Seminar, an increasing number of CSCE countries expressed doubt that additional substantive commitments could be wrung out of the record number of CSCE inter-sessional meetings mandated by the 1989 Vienna Follow-up Meeting and the 1990 Charter of Paris. At the same time, it has become clear that, in the new Europe, the appetite for a vigorous implementation debate--the very thing which has historically fed the process of elaborating new commitments--has also abated. But while the old *modus operandi* of the CSCE is disappearing, no alternative vision of what the CSCE process *should be* has taken its place, at least at Oslo.

Not surprisingly, then, the Oslo Seminar as a whole seemed to lack a clear objective for its work and delegations lacked a common sense of how to direct their energies. In the end, its final report merely provided a superficial summary of the work of the experts: it failed to contain any new substantive commitments; failed to reflect the complexity and sophistication of many of the experts' interventions; and failed to elaborate or coordinate concrete democracy-building programs that might be pursued jointly or separately by the CSCE participating States.

Indeed, if the Seminar was successful anywhere it was simply in bringing together scores of experts, government officials, and non-governmental representatives, providing an opportunity to develop informal contacts as well as longer-term professional relationships. The experts had every opportunity to take and hold the floor and utilize the meeting for a full and frank exchange of views. In that sense, the Oslo Seminar was more of an actual experts meeting than has been the case at most previous CSCE experts meetings.

In the margins of the Oslo Seminar, many delegates wondered what could be learned from the difficulties encountered at this experts meeting and what might be avoided in the future. Certainly any country proposing a future CSCE experts meeting would bear the burden of crafting a mandate that would avoid the sort of problems confronted in Norway. In fact, the limitations of the Oslo framework may suggest how future experts meetings should be structured--if they are to be held within the CSCE framework at all. Among the specific difficulties evidenced at the Oslo Seminar, the following are instructive.

- Although Eastern countries in transition were intended to be the beneficiaries of this meeting, most discussions took place among Western delegates and focused on Western experiences; there was little attempt to apply the often theoretical observations of experts to the real-life dilemmas which many countries in transition face. Some Eastern delegates expressed the view that they were taking home little of operational use. In that sense, the meeting failed its purpose.
- The Oslo Seminar dealt with many issues that had been previously taken up at the Copenhagen and Moscow human dimension meetings--constitutions, elections, public participation in democracy. The plethora of CSCE meetings has created a certain amount of ambiguity regarding where and when issues should properly and efficiently be raised and addressed.
- Some experts seemed unfamiliar with the full range of CSCE commitments already undertaken; there was little attempt to relate those existing commitments to programs that might help implement them.
- The scope of the meeting was overly broad. Although the work was divided into more digestible pieces for the three working groups, even these proved too complex to be addressed effectively in the course of a 2-week meeting.
- There was an insufficient distinction between formal and informal working groups. It was questioned whether real give and take can take place among 38 interlocutors, whether the setting is dubbed informal or not, in the absence of procedural rules specifically designed to facilitate discussion.
- Working groups were closed to the public arguably to facilitate an open, spirited debate; in fact, there was little said in the working groups of a particularly sensitive nature. Members of the public wondered why they were excluded from listening to discussions that, in essence, dealt with the nature of a state's relationship with the public.

- o Some delegations argued that their experts were truly independent from government control and therefore could say whatever they wanted with impunity. These delegations also tended to argue that a summary of the experts views would not be binding in any way on the governments. Other delegations recognized that their experts, while not formally government representatives, reflected in some way the governments that chose them. A Norwegian expert, for example, suggested that his country's monarchy should be abolished; a representative from his government distanced his delegation from those remarks and ensured they would not be reflected in the summary of experts' views. Thus, the "experts" reflected various degrees of independence.
- o Some delegations, particularly those from smaller countries with more limited resources, had no "experts" at all and, in some cases, not even the government representatives were able to stay for the second week of the meeting.
- o Although one group of experts came up with their own (albeit limited) conclusions, there was no structure for those views to be transmitted to governments or translated into action.

While crafting a better mandate might help address many of these problems, the mandate for the Oslo Seminar was not, in fact, any more vague or ambiguous than most CSCE mandates. What made Oslo different was the lack of coherent sense, either at the time the Seminar was proposed or at the time it was held, of *what the meeting could realistically achieve when all was said and done*. At the upcoming Helsinki Follow-up Meeting, scheduled to open in March 1992, the participating States should squarely address questions regarding the nature and purpose of any proposed future experts meetings.

The experts at the Oslo Seminar reflected a high degree of dedication, experience and professionalism and should be commended for attempting to meet the challenges that the mandate for their work created. Many of them came at considerable personal expense and effort, taking time from demanding schedules at home. The ability of the Oslo Seminar to engage such highly qualified authorities is a credit to the high regard in which the CSCE process is generally held. If the CSCE is to continue to earn that respect, it must find a better way to identify its goals and organize its work in order to achieve them in the changing world conditions that now exist.

STATEMENTS OF THE U.S. DELEGATION

**Opening Statement
Assistant Secretary Richard Schifter
Head of the U.S. Delegation to
the Oslo Seminar of Experts on Democratic Institutions
November 4, 1991**

We, too, want to express our appreciation to the government of Norway for its organizational work on this conference and for its hospitality. As others have noted, it is particularly fitting for Norway, with its long democratic tradition, to host this meeting on the democratic future of our region. And we are indeed grateful to Prime Minister Brundtland for the important and highly constructive statement which she delivered to us.

Permit me to start with a few reminiscences. I attended, in the spring of 1985, the first CSCE meeting devoted purely to the issue of human rights, the Ottawa meeting. It was a meeting at which discussions of human rights did not differ from previous discussions of that issue in the CSCE framework. By that I mean that we divided sharply along ideological lines: John Locke's idea of the role of the state versus that of Vladimir Lenin.

But I also recall what the head of the Hungarian delegation told us in Ottawa. There is a new spirit hovering over us all, he claimed. It is the spirit of the new Soviet leader, Mikhail Gorbachev, who will change everything. Our delegation watched and listened and did not notice any change. We, therefore, did not give a great deal of credence to the observations of our Hungarian colleague.

Let me add at this point that I was happy to see in this hall a short while ago my Soviet colleague at the Ottawa meeting, Ambassador Vsevolod Sofinsky. I believe it can be revealed today that Ambassador Sofinsky favored perestroika before it became Soviet policy, but his instructions at Ottawa, as he then pointed out to me, then came from Andrei Gromyko and he had to abide by them.

Now we know, of course, that our Hungarian colleague was right. Profound change did not occur immediately, but it came in due time. As we meet today, at a gathering dedicated specifically to the issue of democracy, all of us define that term in the same manner. We all share a common understanding of the concept that a government in

order to be legitimate must obtain its mandate from the people in a free and fair election, that it must respect the fundamental rights of all persons under its jurisdiction.

Regrettably this is, however, not a time for expressions of self-satisfaction. Just as years passed before Western Europe recovered from the devastation of world war ii, so years are likely to pass before Eastern Europe will recover from the distortions of the economy created by the command system, the social devastation wrought by totalitarianism. And just as there was concern about the survival of democracy in some parts of Western Europe 45 years ago, so are there concerns about the survival of democracy in parts of Eastern Europe today.

Quite understandably people whose hopes for an immediate rise in their standard of living have been dashed, who, in fact see a decline in that standard, who feel insecure, are the prey of demagogues who might promise quick cures of economic ills at the price of a surrender of democratic freedoms. That danger is particularly acute in a region which has for centuries been beset by inter-ethnic disputes and where passions can be aroused by appeals to extreme nationalism. Beyond that, we need to recognize the dangers to democracy in societies in which the people have had little experience with that form of government and where institutions designed to protect the rights of the individual and the right of the people to choose their government are still in their infancy.

None of these problems are unique or unprecedented. In my own country we often recite the words of one of our early presidents who, when told of the decision of the Supreme Court that a person who was serving a prison term was to be freed, said: "the Chief Justice has made his decision. Now let him enforce it." It is clear that it takes time before the rule of law matures in any society.

Having stated the problem, we need also to look for a solution. Let us keep in mind that it was the CSCE process which for the last 16 years has served to define human rights standards for the participating states and has drawn attention to transgressions against these standards. The question before all of us is whether the CSCE process can now do more, help those who want to strengthen their democratic institutions to do just that.

Accidents of history and geography have bestowed on some of us the good fortune of living in societies which are long-established democracies. Others are democracies of more recent vintage and some have made their commitment to democracy only during the last 2 1/2 years. Those who fall into the last of these categories are today led by and large by people who have the political will to identify themselves with democracy but who need the support of institutions which can assure the realization of the democratic goal. So as to be able to build these institutions without undue delay they need technical know-how.

To provide such know-how and to channel it effectively, I submit, is a challenge now before us in the CSCE process. The task, to develop a multitude of cooperative programs within the CSCE system, is vast. The resources will, necessarily, be limited. It is vitally important that they be deployed as effectively and efficiently as possible. Unnecessary duplication should be avoided. That is why a coordinated effort is required.

It is to coordinate our efforts of democratic institution building that the United States concurs in the recommendation recently discussed by the Committee of Senior Officials to transform the present Office for Free Elections into an Office of Democratic Institutions. In offering this suggestion we do not recommend the creation of a new, substantially enlarged bureaucracy. What we recommend is that we create a clearing house, an office to which governments needing specific forms of technical help can turn and which would then identify the individuals or organizations that can provide the help, sponsored, as they may be, by governments, intergovernmental organizations, or non-governmental organizations. This office can then coordinate our cooperative work in advancing the cause of democracy and human rights in the CSCE area.

As important as this organizational innovation may be, it should not be the only objective of this gathering. We must constantly examine conditions in our region and, where there are serious shortcomings. We must ask ourselves how we can help solve the problems which deny to some people in the CSCE area the benefits of the Helsinki Final Act. We can not let this meeting pass without paying particular attention to the tragedy that is Yugoslavia, the oppression in Kosovo, the death and destruction wrought by a struggle between Serbs and Croats over issues that should have been resolved at the conference table. What is wrong, we must ask ourselves. How can the CSCE bring its resources to bear to bring these killings to an end? We are encouraged by the agreement reached at the last Committee of Senior Officials meeting to send a rapporteur mission to Yugoslavia. We ask that parties involved take full advantage of this opportunity to end the bloodshed and work toward a peaceful solution to their differences.

We should also take note of the difficulties which the twelve republics which constituted the USSR will encounter on the road to democracy. The world was truly amazed by the fortitude demonstrated by the people of Russia when confronted by a coup led by the heads of the country's security forces. But as we all know, overcoming the coup was only a first step. The adverse effect of the legacy of more than seven decades of totalitarianism will be felt for years to come, more so in some republics, in some regions, than in others. And just as in Yugoslavia, there is concern about inter-ethnic violence, again more so in some republics than in others.

We must view it as a responsibility of all of us to help those who must confront these problems directly. We must help them find solutions to these problems in a democratic order, respectful of human rights. What the signatures of our leaders on the Helsinki Final Act should remind us of is that we are indeed our brothers' keepers.

will be long-term costs. My government, like the European Community, has clearly indicated that it will not recognize any outcome of the Yugoslav crisis that is based on the use of force. Continued use of aggressive force by any of the parties in Yugoslavia must be universally condemned; those who seek to achieve their goals through such brute force will only ensure their exile from the new Europe.

As we know, of course, not every crisis and not every dispute results in such a massive conflagration as to necessarily draw in other countries. But one thing is certain: when fundamental conflicts are not addressed and resolved, whether they take place in Yugoslavia or Cyprus or Northern Ireland, people cannot effectively proceed with the creation and promotion of democratic institutions: constitutional order is undermined, free and fair elections are compromised, and basic human rights are at risk.

* * * * *

Over the years, the CSCE has alternately kindled hopes, left disappointments, inspired, and provoked. And while it has been marred by setbacks and stalemates, there is, we trust, unequivocal commitment today among its 38 participating States to a vision of a justice and freedom, spanning the globe from North America to the distant edge of the Eurasian continent. There is little doubt that the end of the Cold War and the collapse of communism are fundamentally and irreversibly transforming international relations in our time. Indeed, we are all witnesses to--and, to varying degrees, participants in--historical changes of the greatest magnitude: what we have witnessed is nothing short of a revolution.

Barely a year ago, in the Paris Charter, we recognized that "the destiny of our nations is linked to that of all other nations." The Persian Gulf War and the Madrid Middle East conference confirm that vision and suggest that we have entered a new era of multilateral cooperation. But the cooperation that we have achieved in the CSCE will not only accrue to our benefit; I believe that the process we sought, the promises we made, and the goals we continue to strive for will ultimately have a profound impact on the rest of the world. For democracy, like Nansen's "right-minded people," is an irresistible force.

Mr. Chairman, I sit here with the U.S. Ambassador to Norway, Ambassador Ruppe. We are most happy with the hospitality and friendship that has been accorded to her and to my delegation at this critical conference.

Thank you, Mr. Chairman.

The Role of an Independent Media
Ms. Joan Benziger
U.S. Delegation to
the Oslo Seminar of Experts on Democratic Institutions
Study Group B
November 13, 1991

During our discussions, we have had an opportunity to share information and insights on a number of approaches to the development, nurturing and protection of democratic institutions. It is clear there is no one formula which accommodates all member States in exactly the same way. The enduring quality of a democracy, however, is its ability to meet unique needs flexibly and resiliently.

To date, within this Study Group, we have explored the importance and characteristics of elections, political parties, and non-governmental organizations in democratic societies. Last, but surely not least, we have turned our attention to the role independent media play within democratic societies.

In a month's time my country will mark the 200th anniversary of the ratification of the Bill of Rights--the First Ten Amendments to the U.S. Constitution, which protect--not grant--such basic human rights as freedom of speech, freedom of expression, and freedom of the press. We are proud of our long history of an open and free press, but recognize it is but one of many forms which flourish within democratic societies.

Despite varying formats, however, democratic governments neither control, dictate nor judge the content of written and verbal speech. Democracy depends upon a literate, knowledgeable citizenry whose access to the broadest possible range of information enables them to participate as fully as possible in the public life of their society.

As part of the concluding document of the Moscow Human Dimension Meeting, States "further recognize that independent media are essential to a free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms."

Since 1989, the U.S. Government and many representatives from our private sector have provided substantive and technical expertise to assist Central and Eastern Europe in its efforts to establish and strengthen independent media. Through workshops, seminars, professional exchanges, and academic opportunities we have worked within the region to encourage independent newspapers, journals, and radio and television stations. Recently, American clearinghouses on available press and broadcast expertise have been instituted to provide assistance to Central and East European media.

In addition to such programs, resources have been devoted to what we would call the "tools of the trade" -- desktop publishing equipment, software, newsprint, broadcast equipment, printing presses, and fax machines.

We hail the efforts of our colleagues in Central and Eastern Europe to ensure independent media, and pledge our continued support for this vital work. We are well aware our commitment is not unique. We welcome the opportunity at the 1992 CSCE Helsinki Review Meeting to work with others in addressing the practical and substantive needs of those who risked everything for democratic principles.

**Closing Statement
U.S. Delegation to
the Oslo Seminar of Experts on Democratic Institutions
November 15, 1991**

The following statement was not delivered, but was distributed to the public at the close of the Oslo Seminar.

Mr. Chairman:

The delegation of the United States would first of all like to express its deep appreciation to our host government for their splendid hospitality during the past 2 weeks. We would like especially to express our thanks to our capable executive secretary, Ambassador Geir Grung, and his colleagues, for their very able assistance in the myriad of organization tasks connected with such a large meeting. We thank the people of Norway and their representatives for their warm welcome, and for this opportunity to become acquainted with them. The members of this delegation, and I am sure many others, look forward to returning here, perhaps as tourists, in the future.

We would also like to take the opportunity to give special thanks to the experts on our several delegations, who have taken time from very busy professional schedules to come to Oslo to contribute to our discussions. Their involvement in this seminar has been invaluable, and illustrates the very useful role that non-governmental entities can play in the work of the CSCE.

This seminar has reflected the many changes that have taken place in the CSCE in recent years. The stage of setting standards in the human dimension field has essentially been completed: our challenge today and in the future is for all of us to implement those standards fully.

It is our deepest hope for that from this meeting, and from future CSCE meetings, delegations will take home the materials they need for solid achievements in this field.

Mr. Chairman, let me also be quite frank for a moment. We have here in this seminar seen some significant improvements in the way in which such meetings can be organized. In particular, we have, as our distinguished colleague from France noted yesterday, seen more open discussion and a greater variety of views expressed than at many previous CSCE gatherings. We have benefited from the written and oral contributions of our experts and our interaction with the non-governmental organizations has furthered the goals for which we came to Oslo--to provide information as fully as possible to those states requesting it. However, we must admit that the structure and mandate of this meeting has its limitations as well. We believe the work of experts'

seminars merit our review when we meet again at Helsinki, and we look forward to consulting with our colleagues in the other participating States as we prepare for that meeting.

Aside from our very useful discussions on specific democratic institutions, we have here also established that the CSCE can very usefully fill the pressing need for more effective cooperation in providing technical assistance in the field of democratic institutions to those participating States who request it. We have learned a good deal about the various programs in this area. For example, we have learned that the Council of Europe has a program for judicial training, as does the United States. In this very active field of bilateral and multilateral programs, systematic information exchange would permit us all to combine our resources to better effect. We are therefore very heartened by the very wide support expressed for the proposal to transform the mandate of the Office for Free Elections. An expanded Office of Democratic Institutions can play a very positive role in the CSCE's efforts in the human dimension field, and we look forward to action on this issue at the earliest opportunity.

Mr. Chairman, we Americans are known as pragmatists, as "can-do" people. We freely acknowledge a national preference to deal with the concrete over the theoretical. After many years of dealing with the frustrations that have accompanied the solid accomplishments of the CSCE since 1975, of the many long hours debating language of final documents, today we are more than ready to put down our pens and roll up our sleeves to help accomplish the concrete tasks of implementing the human dimension provisions of the Helsinki, Geneva, Copenhagen, and Moscow Documents.

The tasks facing some of the participating States at this stage of their history are mammoth. Restructuring the political and social life of a society is a formidable job, and more than daunting given the need to simultaneously make massive and painful reforms in the economic field. We cannot minimize the difficulties ahead--but on the other hand, we should not minimize the great progress that has been made against very significant odds. We would like to salute the courage and perseverance of the people who have struggled and still struggle to make democracy work.

At this critical juncture, the CSCE must continue to play its essential role in promoting peaceful and democratic changes, but must now look for ways to do so in more than just words.