Memorandum from the NHC on the Dutch Chairmanship of the OSCE (April 2002)

“A new international challenge for the Netherlands:  
The Dutch Chairmanship of the OSCE in 2003”

With its 55 participating States the OSCE is the world’s largest security organization after the United Nations (UN). The participants in the OSCE are comprised of all European countries, the United States of America, Canada, and the former republics of the Soviet Union in Central Asia. In a region which extends from Vancouver to Vladivostok the OSCE perceives the Organization as possessing important duties with respect to early warning, conflict prevention, crisis management, and the reconstruction of societies after a conflict. The Organization also contributes to peace and security in the form of disarmament agreements and the implementation of confidence-building measures.

However the OSCE is not the only organization to perceive itself as being responsible for duties of this nature. The United Nations, NATO, Commonwealth of Independent States (CIS), Council of Europe, Organization for Economic Co-operation and Development and the European Union also have responsibilities and carry out operations in the field of security and co-operation in (parts of) the Euro-Atlantic and Euro-Asian regions.

However differences in a number of significant principles distinguish the OSCE from the aforementioned organizations. The OSCE does not possess an international legal status, nor is it based on a convention; it is instead a political community of shared standards and values in which agreements are not legally binding. Consequently the OSCE cannot force agreements on the participants, and reaches its decisions by consensus. The OSCE is focused on bridging the (old) demarcation line between East and West, and is based on the indivisibility of security – i.e. the participating States endorse the principle that the security and stability of one country is of direct importance to other countries. In conclusion, the OSCE adopts a comprehensive approach to security. Compliance with and the promotion of human rights, fundamental freedoms and co-operation in economic and environmental fields are considered to be issues with an importance to peace and stability equal to that of politico-military issues. This perception is manifested in the form of the OSCE operations designed to prevent or control conflicts, which integrate the aforementioned security issues in the approach adopted by the Organization. Nevertheless human-rights issues and the transition to democracy play a prominent role in the Organization, both in terms of the attention they receive and their implementation in tangible OSCE operations.

The broad approach to security and the principles of the OSCE are not the only areas in which the Organization distinguished itself from other security organizations. The OSCE has tools at its disposal that may be described as very special, if not unique. The Organization’s toolbox contains tools such as fact-finding and reporting missions, permanent missions, and other field operations. In addition, the OSCE has also instituted personal representatives of the Chairman-in-Office, ad hoc steering groups and other mechanisms for a peaceful resolution of (violent) conflicts. The ‘unique’ – and most successful – of the Organization’s instruments are the OSCE field operations and the High Commissioner on National Minorities (HCNM). The field operations and the work of the HCNM are focused on the prevention or control of conflicts, and on the provision of a contribution towards the (re)construction of the democracy and the constitutional state subsequent to a conflict. During the past decade both the field operations and the activities of the HCNM have exhibited an enormous growth, both in terms of the number of operations and the available financial resources. However in spite of this growth and the increased political weight of the Organization the OSCE is currently in the midst of a political crisis. According to the Russian Federation and a number of other Eastern-
European States this crisis is due both to the excessive emphasis placed on humanitarian and human-rights issues and to the biased concentration of the OSCE missions in the countries of the former Soviet Union. The Netherlands’ Minister of Foreign Affairs primarily attributes the stagnation to the imperfect compliance with obligations exhibited by some participating States, a lack of transparency in the decision-making, an occasional inadequate capacity (for reasons such as the excessive burden imposed on the Chairmanship) and the failure to provide for sufficient political discussion in the Permanent Council.

1. The Netherlands and the OSCE

From its very beginnings the Netherlands has always been closely involved in the Conference on Security and Co-operation in Europe (CSCE), and the governments of the Netherlands have usually adopted a pioneering role within the CSCE and the later OSCE. During the Vienna Follow-Up meeting (1986-1989) the Netherlands was one of the States at the cradle of the Vienna Mechanism, a procedure whereby one or more States can call attention to violations of human rights in another country. This procedure was expanded during a meeting in Moscow in 1991. Since then delegates from the Netherlands have regularly placed alleged shortcomings of Eastern-European governments in human-rights issues on the agenda. Freedom of religion, the participation of groups and individuals in the CSCE process, and opportunities for citizens to travel have all always been important themes broached by the Netherlands. At the meeting held in Moscow the Netherlands made a strong case for the formulation of a code of conduct for CSCE participating States that proclaim a state of emergency. The Netherlands also made a contribution to a number of special sessions of the Conference on the Human Dimension. During the second Session in Copenhagen, in 1990, the delegation from the Netherlands played an active role in the formulation of the rights of national minorities. Two years later in Prague the then Minister for Foreign Affairs, Hans van den Broek, successfully launched the proposal for the creation of the post of High Commissioner on National Minorities (HCNM). The first Commissioner was the Dutchman Max van der Stoel, who fulfilled this office from his office in The Hague.

In Budapest (1994) the Netherlands dedicated itself to the position of the Roma and Sinti (gypsies) and, once again, to freedom of religion. In addition, in the past few years the Netherlands has regularly advocated the further reinforcement of the OSCE as an organization. During the Copenhagen Ministerial Council of December 1997 the OSCE participating States adopted two proposals submitted in an initiative taken by the Netherlands. The first of these proposals focused on the enhancement of the Secretariat, in particular the Conflict Prevention Centre located in Vienna and involved in duties such as the field operations. The second proposal was comprised of an argument for the improvement of the OSCE’s funding system.

The Netherlands was involved from the very beginning of one of the OSCE’s largest missions, the international Election Observation Mission to Bosnia and Herzegovina. The Netherlands provided the Coordinator of the international observation mission, Ed van Thijn, former Minister of Foreign Affairs and former Mayor of Amsterdam.

During the preparations for the Istanbul OSCE Summit, held in November 1999, the Netherlands provided active support for the creation of what are referred to as Rapid Expert Assistance and Co-operation Teams (REACT). The rapid deployment of highly-qualified experts, for example in the fields of human rights and democratization, can contribute to the prevention or resolution of conflicts. The creation of these teams further strengthened the OSCE’s operational capacity. At the Istanbul Summit the Netherlands also officially announced that it was prepared to assume the responsibility for the Chairmanship of the Organization in 2003. Formal approval of this candidacy was granted at the Bucharest
meeting of the OSCE’s Ministerial Council on 3 and 4 December 2001. Consequently as from 1 January 2002 the Netherlands, together with Romania and Portugal, will form the Troika responsible for the management of the OSCE.

2. The OSCE Chairmanship

The Chairmanship of the OSCE alternates on an annual basis between the participating States; Romania occupied the Chairmanship last year, and Portugal this year. The office imposes a severe burden on the relevant minister of foreign affairs, both in terms of the time and energy that needs to be devoted to the appropriate performance of the office, and of the importance of the Chairman-in-Office’s duties. These duties entail making proposals for agendas and preparing and chairing the meetings, as well as taking initiatives, managing the organizations in the field, and endeavouring to arrive at agreement on issues on the relevant agenda. In view of the aforementioned stagnation this last task is anything but simple. In conclusion, the Chairman-in-Office is also required to provide for the continuity and consistency of the Organization’s policies and decision-making, and to represent the OSCE in its external contacts.

As a result of the restricted mandate and limited funds of the Organization’s Secretariat in Vienna the post of Chairmanship of the OSCE is of greater importance than in other international organizations. Although each Chairman-in-Office can place his own emphasis on his duties, in practice the incumbent focuses on streamlining the operations and providing the smoothest possible performance of the Organization’s everyday duties. Moreover the de facto scope for personal initiatives is further restricted by the frequent need for the Chairman-in-Office to devote all his time to his response to unexpected political or military developments (such as the escalation of ethnic conflicts, terrorist attacks, and disputed election results, etc.).

Even the current restricted scope available for personal agendas, themes and policy should be approached with caution. The introduction of a new agenda by each Chairman-in-Office would result in the risk of a great fragmentation in attention to the issues, which moreover would be only of a short duration. Furthermore in view of the aforementioned stagnation, launching new activities would not be a prudent move. The expansion of the duties and the number of new initiatives taken during the past few years have both in part resulted in the current discussion both inside and outside the OSCE as to whether it might be preferable to place the emphasis on the deepening of the Organization. In view of this situation the Netherlands Helsinki Committee (NHC) is of the opinion that the OSCE should focus strongly on activities that enhance the Organization’s core business – i.e. the three dimensions (the human dimension, politico-military aspects of security, and the economic and environmental dimension) and their mutual relationship. In other words, the OSCE should concentrate on the areas in which it excels. In addition, more attention should be drawn to the successful operations of the Organization so as to increase public support for the political weight possessed by the OSCE. Consequently the NHC is of the opinion that the Dutch Chairmanship should focus on the OSCE’s unique and most successful instruments, i.e. the field operations and the High Commissioner on National Minorities, and that it should impart both direct and indirect impetuses designed to increase the capacity of these instruments and their effectiveness.
3. The OSCE’s field operations

As of 2002 the OSCE has missions or is engaged in field operations in almost twenty regions confronted with tension or conflicts. The duties of the missions, groups of observers and field projects exhibit a large diversity. The duties can vary from combating and reporting on instances of violations of human rights and the promotion of the return of refugees to assistance in the creation of a police force, the organization of elections, and the development of a democratic constitutional state. The duration of the OSCE’s missions is not specified in advance, and consequently they can extend over a period of many years. The missions with the longest duration are the Minsk Process, the observation mission in Macedonia and the mission to Georgia, all three of which began in 1992. These missions also amongst the first group of OSCE missions that were established after the fall of the Wall. The scope of the missions varies from four persons, the OSCE centres in Central Asia, to more than two thousand, the OSCE mission to Kosovo.

At the beginning of the nineties the OSCE focused largely on conflicts that were in part the legacy of the disintegration of the Soviet Union. The best-known examples are the OSCE missions to the Baltic States, the Ukraine and Moldavia, where the most important issue was usually the position of the Russian minority. The aforementioned Minsk Process, which has mediated in the conflict between the Armenians in Nagorno-Karabakh and Azerbaijan since March 1992, also received a great deal of attention from the media when it began its operations. In addition, the OSCE was also active in the Caucasus region, in Georgia. In the first instance this Mission (established in December 1992) was designed to promote negotiations between the countries warring ethnic and political parties. The Mission’s mandate also extends to the promotion of human rights and support of the development of a democratic institutional state. In Chechnya an OSCE Mission established in April 1995 endeavoured to gain control of the conflict between the Russians and the Chechmans. This Mission is primarily engaged with emergency relief, assistance with the return of refugees and displaced persons, the registration of violations of human rights, and operations with respect to disarmament.

From the second half of the nineties onwards the OSCE has increasingly been active in regions of conflict in South-East Europe. The Organization’s first large-scale mission was to Bosnia and Herzegovina (from December 1995). At the time of the 1997 municipal elections organized by the OSCE the Mission was comprised of about 250 staff members. Other duties performed by the Organization in Bosnia also pertain to the human dimension. To this end the OSCE set up the Mission headquarters in Sarajevo, regional centres in Banja Luka, Mostar, Sarajevo and Tuzla, and 25 field offices. In Bosnia the Mission carried out its duties in close collaboration with organizations such as the Office of the Special Representative (OHR) of the United Nations, the peacekeeping force (SFOR), the UN refugee organization (UNHCR), and the Council of Europe. In the neighbouring country of Croatia a smaller OSCE Mission has been assisting in the return of both Serbian and Croatian refugees and displaced persons since 1996. In addition, the Mission has also implemented a number of tangible projects designed to assist in issues such as compliance with human rights and the rights of minorities. The biggest OSCE field operation in the Balkans – and also the largest Mission to date – is the Mission to Kosovo (since July 1999). This was managed by the Dutch Ambassador Daan Everts; the Mission has no less than 700 foreign and 1400 staff members and a budget of EUR 73 million at its disposal. The duties of this Mission within the framework of the United Nations Interim Administration Mission in Kosovo (UNMIK) encompass the support of the democratization process and the work of the non-governmental organizations in this field, as well as the promotion of human rights and the training and provision of other forms of support to the development of the independent media. At present the Mission’s top priority is to combat
criminality. In the nearby country of Albania the OSCE Mission established in March 1997 is primarily engaged in the development of a democratic constitutional state. In addition, the Mission also coordinates the activities of the (international) organizations providing assistance in the political, social and economic development of the country.

In South-East Europe the OSCE is also present in regions which are not suffering from a violent conflict, but which are nevertheless confronted with national problems that could have repercussions for the security of other OSCE participating States. For example, the Mission to Belarus established in 1997 is assisting both the authorities and non-governmental organizations in the promotion of democratic institutions and in compliance with OSCE agreements. This relatively small Mission, comprised of local staff, a team of four foreign experts and the Head of Mission, is also monitoring the democratic content of the Lukasjenko Government – a Government with which it is also at odds. What may be the least-known OSCE to the Balkans, the Spillover Monitor Mission to Skopje (August 1992), was also established whilst the region was not suffering from a violent conflict. This Mission constituted one of the international community’s first tangible endeavours to prevent the various conflicts in the Former Republic of Yugoslavia from spilling over into Macedonia. The objectives of the Mission were to promote respect for the territorial integrity of Macedonia and to maintain the internal peace, stability, and security. To this end the Mission was assigned the duty of monitoring developments along the ‘host State’s’ border with Serbia and Albania. Since 1999 the observers’ duties have focused primarily on the inter-ethnic and political relationships in the country.

During the past years the OSCE also devoted more attention to the domestic situation in the Central-Asian republics, the mutual relations between these states, and the threats to their peace and stability from outside the region. To this end the OSCE opened offices in Kazakhstan, Kyrgyzstan, Uzbekistan and Turkmenistan. The Organization had already been active in Tajikistan since February 1994, being engaged in duties such as the guarantor for the Tajikistan Peace Agreement that offered a solution for a particularly complicated civil war. In 2000 the OSCE opened offices in the Caucasus, Armenia and Azerbaijan. These offices provide training and information to ensure for the implementation of the OSCE principles in both States, and for their co-operation with the OSCE. The offices in Yerevan and Baku not only maintain contacts with the national authorities, but also with local authorities, universities, research institutes, and non-governmental organizations.

The increase in the number of missions has led to the emergence of bottlenecks that exert an influence on the performance and effectiveness of the field operations. One serious bottleneck is the restricted supply of experts available from the participating States. In spite of the development of the aforementioned Rapid Expert Assistance and Co-operation Teams (REACT) the timely location of the appropriate persons can still best be described as a process of scraping together the necessary manpower and expertise. The Mission to Kosovo, in particular, encountered serious difficulties in the timely location of an adequate number of experts, in particular police officers. Consequently during the Bucharest meeting of the Ministerial Council in December 2001 it was decided to expand the OSCE’s existing police training and consultancy activities.

A second bottleneck is the discrepancy between the onerous political and logistics efforts involved in the organization and observation of elections as compared to the limited support provided to the parliaments elected in those elections. For this reason additional attention is required for the performance of the mandate involving the construction of democratic institutions after elections; extra political and financial efforts also need to be made.

The necessity of implementing explicit and simple administrative procedures is an additional obstacle impeding an increased effectiveness of the field operations. The Organization’s cumbersome chain-of-command structure in the field is experienced as a particular problem.
As present it is often impossible to call people to account for their personal responsibilities, a situation which is not conducive to the effectiveness and efficiency of the field operations.

A fourth area in which a great deal has already been achieved, but which nevertheless is in need of improvement, is the involvement of non-governmental organizations in the OSCE’s operations. The underlying idea is that the success of the Organization’s missions can be further increased by improved co-operation with non-governmental organizations. Local and international NGOs with permanent operations in a specific region are often among the first to observe increasing tension in the region. They possess a wealth of information about the local circumstances and grievances amongst the population that can give cause to an escalation of political or ethnic conflicts. In the opinion of the Netherlands Helsinki Committee the OSCE missions could play a particularly important role as a ‘gatherer’ of experience and knowledge from these non-governmental organizations. In addition, the OSCE could also serve as the co-ordinator of the NGOs’ activities in areas such as reconciliation, compliance with human rights, and the promotion of the democratic constitutional state. Moreover the missions’ enhanced co-operation with the local NGOs would impart the latter with a certain legitimacy, in turn offering them protection from the local authorities.

4. The High Commissioner on National Minorities (HCNM)

At the beginning of the nineties it became clear that the world had allowed itself to be totally surprised by the re-emergence of the ‘old’ ethnic tensions in Mid and Eastern Europe subsequent to the collapse of Communism – tensions which were often accompanied by the concomitant violence. Internal crises in Yugoslavia and the former Soviet Union acquired both a regional and an international dimension. In view of these developments, in 1992 the Helsinki meeting of the Conference on Security and Co-operation in Europe (CSCE) decided to appoint a High Commissioner on National Minorities to provide an instrument for the prevention of conflicts and for crisis management. The proposal for the creation of this post was submitted by the Netherlands then Minister of Foreign Affairs, Hans van den Broek. A second former Minister of Foreign Affairs, Max van der Stoel, was appointed the first High Commissioner on National Minorities. He assumed his duties on 1 January 1993, initially for an eight-year period, and was based in The Hague. In the following years he made dozens of visits to potential hotbeds of conflict. In 2001 Max Van der Stoel was succeeded by the Swedish diplomat Rolf Ekéus.

The HCNM’s mandate describes the High Commissioner as an instrument for the prevention of conflicts by means of early warning and early action at the very beginning of a conflict. This mandate is based on the perception that action with respect to minorities issues should be taken as quickly as possible, and before outbreaks of violence. This pertains to issues whereby the HCNM is of the opinion that they could escalate into a conflict creating a hazard to peace, stability, and peaceful relations between OSCE participating States.

The High Commissioner on National Minorities can personally decide whether he will take action. However the High Commissioner’s mandate is subject to a number of restrictions. Consequently the High Commissioner may not become involved in issues concerning national minorities where terrorism plays a role; nor may he devote attention to the transgression of OSCE obligations pertaining to an individual of a national minority. Moreover the High Commissioner is not intended to serve as an ombudsman or complaints department for national minorities. His independence is intentionally emphasised in the name of his office: High Commissioner on National Minorities, and not ‘for’ or ‘on behalf of’ National Minorities. In addition, action in regions with acute and violent ethnic conflicts, such as Chechnya and Nagorno-Karabakh, also fall outside the scope of the High Commissioner’s
mandate. The same is applicable to action in the State of which the High Commissioner is a citizen, to mediation in a conflict involving the national group of which the High Commissioner is himself a member, and to conflicts involving minorities accompanied by terrorism.

A restriction of a completely different nature is the budget allocated to the HCNM. In 2002 the budget amounted to about EUR two million, sufficient for a staff of about ten. This budget amounts to no more than just above one percent of the Organization’s total budget, and only a fraction of the EUR 140 million budget allocated to the OSCE operations in Bosnia and Herzegovina and in Kosovo.

The HCNM has a number of tools available for the performance of his mandate. The most important of these are the collection of information, on-site consultations, and the provision of advice from experts. The High Commissioner also draws up reports, submits recommendations to governments, and co-operates with the Permanent Council, the Office for Democratic Institutions and Human Rights, and other OSCE bodies. The collection of information is an extremely important element of the High Commissioner’s work. The availability of the appropriate information at the appropriate time is indispensable to the HCNM’s ability to offer his services at as early a stage as possible in times of increasing tension. His staff in The Hague constitute the closest source of information; however a great deal of information is obtained in the field. The HCNM’s mandate also cites non-governmental organizations as potential sources of information; in addition, local partners in discussions, both governments and the minorities, also constitute an important source of information.

The on-site consultations are a second important instrument for the High Commissioner, and enable him to become personally familiar with a situation or hold discussions with the parties involved. The HCNM does not require special permission from the relevant State or other States to make these visits, and he is required to be granted the freedom to travel and talk to whom he wishes. However in spite of these freedoms it will be self-evident that the High Commissioner ultimately remains accountable to the OSCE in its entirety. The High Commissioner consults with the OSCE’s Chairman-in-Office before visiting a specific country, and on his return he submits a highly confidential report of his visit to the Chairman.

Since 1993 the HCNM has held more than one hundred on-site consultations in almost twenty OSCE participating States. His most frequent visits were to Macedonia, Slovakia, Croatia, Latvia, Estonia, and Romania. The HCNM’s work has received a particularly favourable appraisal. Max van der Stoel was able to impart the office of Commissioner with substance and prestige within a short period of time. Although it is difficult to answer the question as to the extent to which the work and the activities of the HCNM have resulted in the prevention of ethnic violence, it is at least possible to state that in the opinion of many the High Commissioner has played an important role in the de-escalation of inter-ethnic tension in regions such as the Ukraine, the Baltic States, and Macedonia. The HCNM’s on-site consultations and recommendations pertaining to these and other problems have contributed to the necessary amendment of national legislation and the implementation of consultation mechanisms – or at least a dialogue – between governments and the representatives of minorities. Moreover as a result of his on-the-spot presence or lightning visits the HCNM was able to nip a number of potentially hazardous situations and sudden developments in the bud. His presence in the right place at the right time has been a factor of major importance to the success of the High Commissioner’s work. This ability to respond rapidly to a situation is possible since the HCNM can largely operate in independence; he is not ‘hindered’ by the need to reach a compromise in the manner customary within many other (OSCE) institutions or organizations engaged in the prevention of and interventions in conflicts.

However during the past years there was less appreciation of the fact that the High Commissioner’s work is almost exclusively focused on Eastern Europe and Central Asia.
There are two reasons for this geographical concentration of his work in Eastern Europe and Central Asia: firstly, the HCNM’s mandate does not permit intervention in issues which, pursuant to an analysis employing conflict theories, exhibit a reasonable probability of developing into a rebellion at some point in the future. Secondly, the probability of a successful intervention in minority issues in the countries Max Van der Stoel visited in Eastern Europe and Central Asia is greater than in Western countries. This increased probability of success is due to the fact that both carrots and sticks can be employed to convince the authorities of former Communist states of the benefit – and necessity – of complying with the High Commissioner’s recommendations. In other words, to the extent permitted by his mandate Max van der Stoel visited those regions where the probability of success was greatest, and where the need was most pressing.

However in the opinion of the NHC the HCNM will be unable continue to focus exclusively on Eastern Europe and Central Asia. A shift in his attention will primarily be necessary for the following two reasons. Firstly, in the longer term one of the two factors resulting in the regional concentration of the HCNM’s work will cease to be valid; the probability of success, which is currently greatly influenced by the former Communist countries’ ambition to join the European Union and/or NATO, will be substantially lower once the countries have become members of these organizations. Moreover ‘bait’ in the form of accession to the European Union and NATO will cease to be effective on those countries that realize that they will not be incorporated in these structures within the foreseeable future. The second reason for a broader geographical distribution of the HCNM’s work is the additional ability of the High Commissioner to play an important role in the traditional minority issues in Western Europe, inclusive of – or possibly, in particular – those instances accompanied by sporadic outbreaks of what some (but not all) refer to as terrorism. Moreover the HCNM can also fulfil a role in the debate on ‘new’ minority issues such as Muslim groups of ethnic origin and themes such as immigration and integration. The integration of these and other groups of ‘foreigners’ is confronted with major problems, as is apparent from information from a variety of surveys and from reports published since the attacks in the United States of America. Tension between ethnic minorities and the indigenous population had already been increasing prior to these attacks; although usually referred to in terms of ‘incidents’, violence directed towards ‘foreigners’ had actually already resulted in a number of deaths. Examples of these incidents include the fire-bomb attacks in Germany that resulted in dozens of victims, and the violent riots between the indigenous population and (illegal members of) the ethnic minorities in Southern Spain. It will be self-evident that an expansion of the HCNM’s mandate of this nature is a highly-sensitive issue; however this was also the case with earlier duties adopted by the High Commissioner, as well as the actual creation of the post of HCNM.

5. Strengthening the OSCE

In the opinion of the Netherlands Helsinki Committee strengthening the field operations and the position of the High Commissioner on National Minorities involves more than solely taking new initiatives, additional resources, or extra attention for these OSCE instruments as such. Other measures of at least an equal importance are the improvement of the OSCE’s working procedures and the prevention of the emergence of a new schism in Europe (i.e. the difficult relations with the Russian Federation). These two issues are also considered to be of essential importance to the ability to strengthen the OSCE in general.

The Netherlands has previously imparted the theme of the improvement of the OSCE’s working procedures with substance by means of the submission of proposals for the relevant tangible measures. As mentioned above, at the end of the nineties the Netherlands was one of
the countries which took the initiative to submit proposals designed to strengthen the Secretariat in Vienna and improve the OSCE’s financing system. In May 2001 the German and Dutch Permanent Representatives to the OSCE submitted a number of proposals intended to strengthen the Organization. The themes and ideas given in their proposals are focused on the enhancement of the core business; they also extend to suggestions for new fields for co-operation within the scope of the OSCE, as well as the measures to improve the Organization’s working procedures. The proposals pertain to the prevention of conflicts, the maintenance of peace, arms control, the economic and environmental dimension of the OSCE, the Parliamentary Assembly, the Platform for Co-operative Security, and the improvement of the Organization’s working procedures.

However these initiatives and the joint Dutch-German paper did not result in a lively discussion on the OSCE’s working procedures. The meagre decisions on the reforms to the OSCE that were reached during the recent Ministerial Council in December 2001 were nothing less than disappointing. In his letter of 10 December 2001 to the House of Representatives the Minister of Foreign Affairs wrote that the Russian Federation had already indicated prior to the meeting that it was not of the intention to complete these discussions for the time being. Moreover the United States adopted an attitude that was less active and alert than had been customary during the past few years. As a result it had proven impossible to reach agreement on the enhancement of the management of the OSCE. Restrictions of the roles of the Chairman-in-Office and the Secretary General were not acceptable for the Western OSCE States; nor could they concur with the idea that countries accommodating OSCE institutions on their territory should be induced to voluntarily fund these institutions. However a decision – although, unfortunately, restricted – was adopted whereby it was agreed that the political dialogue within the Organization would be enhanced. The original intention of this proposal was to introduce new consultative structures in the form of subcommittees for the human dimension and for the economic dimension, as well as closer co-operation between the Permanent Council and the Forum for Security Co-operation. The last two proposals were adopted in the decision; however the proposal for the introduction of a subcommittee for the human dimension was not adopted. The United States of America was opposed to this proposal in view of its concern that this would undermine debates on this subject in the Permanent Council. In addition, according to the Netherlands Minister of Foreign Affairs countries such as Turkey and the Central Asian republics were also opposed to the proposal since they were concerned that excessive attention would be devoted to the human dimension. In spite of the disappointing results achieved during the Bucharest meeting of the Ministerial Council, the Netherlands Helsinki Committee is nevertheless of the opinion that the Netherlands Minister of Foreign Affairs should be prepared to make further efforts to impart a new impetus to the discussion about the OSCE’s working procedures. He or she should, in particular, continue to champion the enhancement of the political dialogue, either in existing or new consultative structures, as well as the streamlining of the Organization’s decision-making.

In addition, consideration could also be given to the enhancement of the OSCE’s instruments by devoting more attention to (scientific) reviews and evaluations of the field operations and the HCNM’s work. Analyses and evaluations of the operations can be to the benefit of both the future performance and legitimacy of the Organization. The subjects that would need to be addressed are the achievement of stipulated targets in relation to the mandate and the available financial resources. In addition, the (personal) knowledge and combined experience should be made accessible for the learning process in the broadest sense of the word. The interpretation of this approach in terms of the learning process for the Chairmanship could involve the improved transfer of experiences and lessons learned from one Chairman to the next. In view of the political nature of the Troika comprised of the past, present and future
Chairmen-in-Office this instrument would not appear to be appropriate for the learning process. This is certainly applicable to the transfer of knowledge at a civil-servant level. The NHC attaches great importance to the transfer of insights and experience. Within this context it is also important that the results achieved during the Dutch Chairmanship should be followed up in the best possible manner. Consequently since Bulgaria will probably fulfil the next Chairmanship the Ministry of Foreign Affairs, in this instance the OSCE Task Force, should strengthen the relations with their colleagues in Sofia and regularly inform or involve the Bulgarians in the developments during the period of the Dutch Chairmanship. In the event crises occur during the Chairmanship that warrant the appointment of a special representative of the Chairman-in-Office then the appointment of a suitable Bulgarian candidate would be conducive to the acquisition of knowledge and experience by the successor to the Netherlands. The NHC itself intends to impart substance to the transfer of knowledge and experience acquired during its operations by strengthening the relations with the Bulgarian Helsinki Committee and inviting members of this Committee to the work the NHC carries out in 2002 and 2003.

The second area in which changes are necessary for an improvement in the OSCE’s field operations and the work of the HCNM pertains to the (threat of a) schism within Europe. This problem is characterized by the sceptical, if not unfavourable, attitude towards the OSCE by the Russian Federation and a number of other States that do not possess prospects of becoming members of NATO and/or the EU (Belarus, Ukraine, Moldavia, and countries in the Caucasus and Central Asia). These States feel that they are not taken seriously by the Organization, and even perceive themselves as being excluded from the decision-making process. The Russian Federation, in particular, has complained about its subservient position within the OSCE, and is increasingly exhibiting resistance to what it presents as Western domination of the Organization. The same is applicable with respect to the emphasis on the human dimension, the sermons given to weaker states, and the OSCE’s limited attention for the provision of tangible (economic) support for these countries. This ‘post-Soviet’ perception of the current Organization is not entirely without foundation.

The geographic concentration of the field operations and the HCNM’s on-site consultations in the former Communist region of Europe can indeed give rise to the impression that the OSCE is a Western organization – or an organization dominated by the West – that adopts a paternalistic approach in assisting the East resolve its problems. The Netherlands’ repeated raising of Easter-European governments’ presumed shortcomings in the human rights dimension, both prior and subsequent to the fall of the Wall, has also contributed to the creation of this impression. As a result the non-Western states perceive the OSCE as adopting a comprehensive and co-operative approach towards peace and security only in name. In actual practice the Organization is viewed as devoting its sole or primary attention to ‘problems’ with respect to the constitutional state, human rights and democratic reforms, whereby the provision of technical or organizational assistance within the scope of the first and second OSCE dimensions is forgotten. The states in Central and Eastern Europe, and the Russian Federation in particular, perceive this (alleged) approach as a very real problem. The frustrations resulting from this perception have had not insignificant repercussions on the OSCE’s development and performance. For example, the termination of missions to Estonia and Latvia in spite of the major objections raised by the Russian Federation, which was of the opinion that the legal position of ethnic Russians in these countries still left much to be desired, gave cause to Moscow to continually raise specific barriers for a variety of the OSCE’s organizational issues. In a certain sense the organization, inclusive of its field operations, has been taken hostage in a political struggle between the Russian Federation and the West.

In view of this situation the Netherlands Helsinki Committee advocates an increased understanding of the Russian objections to and frustrations with the performance of the OSCE.
An endeavour to achieve an improved balance between the sermons on the human dimension and assistance in the first and second dimensions would help alleviate Moscow’s concerns. In addition, the OSCE should also follow developments in the constitutional state, human rights and democracy – inclusive of terrorism – just as closely in Western countries as it does on the other side of the former Wall. Moreover the OSCE should also follow future human-rights developments in those States that come to lie to the West of the boundary of the expanded European Union and NATO just as closely as in States to the East of the line.

There is a risk that the demarcation line will increasingly grow into a gulf – a development which can have major consequences for security in Europe and the decision-making process within the OSCE. It is of great importance that the Organization exhibit vigilance with respect to this development. In the opinion of the Netherlands Helsinki Committee the OSCE is in a position to play a particularly major role in the continued involvement of the Russian Federation and other former states of the Soviet Union in pan-European security and co-operation. This is also applicable to the Netherlands Government. The Netherlands’ successive periods as chairman of the OSCE, the Council of Europe and the European Union offers an ideal opportunity for the country to put the threat of a schism within Europe of the agenda for a longer period of time. Consequently it is satisfying to note that the Netherlands Minister of Foreign Affairs has indicated that he is of the intention to make use of his position to involve the Russian Federation more closely in the OSCE’s work.

6. In conclusion

The duties associated with the OSCE Chairmanship will impose a heavy burden on the Permanent Representation of the Netherlands in Vienna, the Ministry in The Hague and on the Chairman-in-Office, the Minister for Foreign Affairs. For example, eighty percent of the foreign visits made by the Romanian Minister in 2001 were connected with his duties as OSCE Chairman-in-Office. There are high expectations of the Dutch Chairmanship, both in Vienna, and at the bases of the OSCE’s various field operations. By virtue of the country’s many years’ efforts in the furtherance of the Helsinki process the Netherlands is regarded as a prominent member of the OSCE; consequently the country can be perceived as a State capable of imparting a new impetus to the development and the performance of the OSCE. To this end the Dutch Chairmanship should, in the opinion of the Netherlands Helsinki Committee, dedicate itself above all to the improvement of the Organization’s working procedures and to measures to counter the threat of a schism in Europe. In addition, and in the light of this schism, the Netherlands should impart new substance to the OSCE’s role and its position with respect to other international organizations, in particular the Council of Europe and the EU.

In conclusion, the NHC hopes that the Dutch Chairmanship of the OSCE will result in an increased awareness of the Organization amongst a wider public. This is certainly desirable, since the OSCE is an Organization which is virtually invisible to outsiders – a situation which is not beneficial to the political support for the OSCE. The public is most familiar with the operations of the OSCE’s elections observers in Bosnia and Herzegovina, and in Kosovo. However these duties constitute only a very small element of the entire range of the OSCE’s operations. The invisibility of the Organization and its operations is in part due to the fact that the OSCE is often only one of the many international organizations present in a region of conflict. However in some instances the Organization is the most important international organization in the region, and it is often at the vanguard; both of these are worthy of more attention and greater appreciation. In the opinion of the Netherlands Helsinki Committee the Dutch Chairmanship offers an ideal opportunity to increase the attention given to the OSCE and the appreciation of its work – in the Netherlands at the very least.
The NHC working group

The members of the working group affiliated with the NHC are comprised of Mr J.H.R.D. van Roijen, Dr E. Bakker, Prof. E.A. Alkema, Major-General C. Homan (Retd), Mr J.F.M. Kösters, Mr J. ter Laak, Mr T. Etty and Mr J. Jansen (trainee with the NHC).

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