

Foreword

Is the OSCE going through a crisis? This was the most frequently asked question after the foreign ministers of the OSCE participating States were unable to agree upon a common final declaration at the Ministerial Council Meeting in Vienna in November 2000 - an unprecedented event in the history of the OSCE. What are the reasons that for the first time ever no consensus on fundamental issues could be reached? What effects will the outcome of the Vienna Ministerial Council Meeting have on the future policies and work of the Organization? What effects will it have on the relations between participating States? In the first section of this Yearbook, these questions are given thorough analysis. The authors not only search for answers to these questions, but in addition expound upon possible solutions and perspectives for the future. Still under the impression of the Vienna Ministerial Council Meeting, the Romanian Foreign Minister and OSCE Chairman-in-Office for the year 2001, Mircea Geoana, right at the beginning of his period in office, suggested a process of reflection on measures to strengthen the OSCE, on possibly necessary changes to the agenda of the Organization or its working methods, as he has stated in his preface to this volume. In particular, the articles from the Netherlands and Denmark contribute to this process in the chapter on the interests of OSCE participating States.

Other concrete questions that we have asked ourselves and the authors this year were: Does the international community have a double standard when it comes to human rights and political interests? Do women play a special role in conflict prevention, crisis management and post-conflict rehabilitation? Can the OSCE play a decisive role in solving the problem of refugees and forced displacement? What is the state of the democratic, civilian control of the armed forces in the OSCE area? What circumstances are obstructing the entry into force of the adapted CFE Treaty? What importance have confidence- and security-building measures had since the end of the Cold War?

However, those questions that have not been posed explicitly, but nevertheless emerged with crystal clarity in dealing with certain topics, proved at least as exciting. They are the recurrent theme of numerous articles and reflect an obviously (and at all times) topical discussion: On the one hand, there is the "old" issue of whether the OSCE should achieve legal capacity. On the other, in view of the increase in the versatile operational tasks and practical activities of the OSCE in crisis and conflict areas, in particular in the human dimension, the question has been asked more and more frequently: Is the OSCE - as a *governmental* organization, which must naturally take national interests into consideration and as a result of the consensus principle, which

determines its decision-making process, has very little choice but to do so - at all suited to fulfilling certain tasks it has set for itself?

As to the process of achieving legal capacity, the discussions on this topic are still controversial; however, the voices that advocate the advantages of having "solely" politically binding agreements are in the majority: The latter come into being much more quickly, the negotiation process is shorter, the ratification process is unnecessary and this kind of agreement can often in substance go far beyond legally binding agreements which would perhaps not be any more effective than a politically binding agreement. Hans-Joachim Heintze has put this in a nutshell by pointing out that the frequently expressed view by states that the allegedly less binding nature of OSCE documents allows more leeway in maintaining their political interests was in peculiar contradiction to the explosive power of these agreements in the course of the CSCE process because they obviously reduced the political leeway e.g. of the socialist states more than human rights treaties under international law, which played a rather subordinate role in the public perception.

The question of the advantages and disadvantages of a governmental organization, which over and above this is an organization with comprehensive tasks, emerges for example in connection with human rights issues, state policy on minorities, questions on the equality of men and women as well as environmental issues - and it emerges generally with a view to a governmental organization's relationship with non-governmental organizations, not only co-operation but also potential competition between them. It is obvious that non-governmental organizations which are specialized in certain fields are able to formulate and also articulate critique more clearly and concretely and thus point out grievances more definitively than a governmental organization, which has to harmonize numerous different interests, orientations and views, which in addition has committed itself to co-operation in various areas and for whose decisions the consensus of its members is a prerequisite. Is it an advantage in the long run to view a given situation in an overall political and economic context or does this require too many compromises? Is the same thing valid here as is the case with non-legally binding agreements, namely that an apparently non-binding and more cautious approach is ultimately more effective? Does not the membership of each individual state in fact obligate it to recognize and implement once accepted principles? The opportunity to address problems at the governmental level is also more an advantage than a disadvantage. The perhaps tactically prudent caution exhibited in the critique of obvious evils, which may take into account the overall political situation, in turn of course holds the danger that there may be a loss in credibility if for example in the case of blatant human rights violations - as Randolph Oberschmidt has expressed it - one prefers to proceed according to the premise that it is better to content oneself with a highly limited opportunity to react to these violations by participating in an alibi event than to express fundamental criticism and thus rob oneself of having any influence at all.

The balancing act between criticizing evils in participating States and at the same time giving consideration to their national interests, the problem of overlapping and duplication of work as well as the fact that there may be competition with NGOs fulfilling tasks similar to those of the OSCE are particularly true for the work of the OSCE Representative on Freedom of the Media, projects in the economic and environmental area as well as the manifold activities of the Office for Democratic Institutions and Human Rights. However, these points are also valid for the work of the missions in the field. With this volume, incidentally, there has been a change in the presentation of the missions in the Yearbooks: Up to now, all or at least a large majority of the missions and their work have been presented every two years. Instead, in view of the rapid increase in the number of long-term missions and other forms of presences in the field in the past years, we have now decided to present a limited selection of the total field missions every year. The present Yearbook concentrates on the Missions in Kosovo and to Croatia, on the OSCE Presence in Albania as well as the Assistance Group to Chechnya. In addition, the conflict constellations in Central Asia and the state of conflict management in Georgia as well as its political background are examined. Also the article on Turkmenistan, in the chapter preceding these, deals with the work of the OSCE in the field. As was the case in previous years, there is also an article in this Yearbook devoted to the thorough capacity-building and training of future mission members, the importance of which was only understood after the failure of the Kosovo Verification Mission. Within the framework of conflict prevention and post-conflict rehabilitation, international police missions have gained increasing importance. Over and above this, in particular the training of police officers in Kosovo is an illustration of a principle of OSCE conflict management which has been incorporated in all field missions: If peace, stability and security in a country or a region are to be long-lasting, the people living in this country or region must be placed in a position to solve conflicts and problems peacefully on their own through democratic traditions and institutions.

Is Yugoslavia's return to the circle of OSCE participating States the beginning of a more peaceful future in South-eastern Europe or will the unexpected escalation of the conflict in Macedonia since the beginning of 2001 be symptomatic of the situation in this region for a longer time to come? In this connection, the discussion on a regional strategy emerged some time ago. This has also been true for Central Asia.

Overlapping and duplication of work, competition and co-operation have also arisen in the work with other international organizations, as becomes clear in particular if one views the example of the OSCE role compared to that of the UNHCR and for example the ICRC in dealing with the problem of forced displacement and refugees. The recipe for this has as always been co-operation and co-ordination according to the comparative advantages of each organization.

In the meantime, not only OSCE support of NGOs is being considered, but occasionally even their participation in the decision-making process within the Organization has been contemplated. Along these lines, the latter would be more than plausible for the OSCE Parliamentary Assembly if the Organization does not wish to be subjected to criticism for having a democracy or legitimacy deficit in the longer term. Here too the question emerges again on the self-understanding and essence of a *governmental* organization, which in the meantime in Istanbul, after all formally acknowledged the importance of the Parliamentary Assembly. Concrete recommendations for reforming the OSCE seem currently to be directed primarily at matters like restructuring the Secretariat, for example. In this connection, a special emphasis must also be placed on the history of the Conflict Prevention Centre, which is celebrating its tenth anniversary this year.

Finally, another focus this year is on the "Asian dimension" of the OSCE. Here, the question was centred on the transferability of individual OSCE characteristics and procedures to countries and regions outside the OSCE, for example the confidence- and security-building measures typical of the CSCE/OSCE.

"The floor is open", was the pronouncement in one of the articles this year. The authors of the current Yearbook have contributed manifold ideas, proposals and sometimes controversial opinions to the ongoing discussion. In this manner, they have also contributed to making the OSCE more transparent and visible, gradually reducing the still considerable information deficit to the general public on this cornerstone of European security and thus strengthening the Organization itself. Their articles give the Yearbook a unique and distinctive profile for which we at this juncture would like to express our sincere thanks.