

The OSCE Mission to the Federal Republic of Yugoslavia¹

Assisting in the Strengthening of Democratic Institutions

After the democratic changes in October 2000, the Federal Republic of Yugoslavia (FRY), following a period of more than eight years of absence from the OSCE, was admitted to the Organization on 10 November 2000. Following this, the OSCE Permanent Council decided on 11 January 2001 to establish a Mission to the Federal Republic of Yugoslavia (OMIFRY). One year after its formal inauguration on 16 March 2001 in the presence of the OSCE Chairman-in-Office Mircea Geoană and Yugoslav Foreign Minister Goran Svilanovic, the Mission had established itself as one of the leading and most active international organizations in the FRY. The Mission promotes a co-operative ethos; it sees its role as “supportive” rather than as “imposing”. In this way, the Mission works closely in co-operation with the government, providing advice and suggestions in the creation and formulation of legislation and institution building. This type of mutually beneficial relationship with the government has proven to be hugely successful and, therefore, the Mission is more often considered a partner than a watchdog by governmental authorities. The reason for adopting this type of approach is because the governmental structures and the civil society sector are already quite well developed. Thus, to pursue an approach based on creating institutions and civil society structures would be inappropriate, when the objective should be assisting existing structures. The Mission addresses both the enhancement of existing institutions and the adoption of laws and procedures in line with international standards and is enabled, because of its constructive relationship with the government, to work in conjunction with the policy makers rather than acting simply as policy advocate. Since its inception, the Mission has endeavoured to provide assistance and expertise in accordance with its mandate and has succeeded in bringing together government representatives, NGOs and other interested parties to discuss and agree on common projects and plans. The areas in which the Mission provides added value to the efforts of its various partners are as follows: reform of the judiciary and police; the retraining of public administrators at central and local levels; the strengthening of the parliamentary dimension; support for the creation of a national ombudsman/peoples advocate institution; support for governmental programmes to combat discrimination against vulnerable groups, including national minorities; the fight against trafficking in human beings; transparency of the

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media and the transformation of the national radio and television station; establishment of an environmental ministry and the drafting of environmental legislation; and assistance to the FRY in the implementation of its confidence- and security-building measures (CSBMs) commitments.

The Mission is also tasked, as elsewhere in the region, with advising the Chairman-in-Office, the Secretary General and the Permanent Council in Vienna on the political situation and developments in the FRY, particularly in as much as these relate to the stability of the country, electoral and election monitoring issues, and the overall implementation of the Mission's mandate.

General Overview

Generally, the process of political normalization in the country as a whole has been confronted by a number of problems, including issues relating to internal governance and broader geo-political relations. The main issues that characterize the political environment in the FRY, and within which the Mission operates, include the economic situation; maintenance of law and order, including the fight against organized crime and corruption; the geo-political situation in Southern Serbia and the status of the FRY, including particularly the Serbia-Montenegro relationship.

In political terms, the main issue that has confronted the Mission is the situation in Southern Serbia. The Mission has focused particularly on assisting in the implementation of the peace initiative for Southern Serbia brokered in May 2001 by Deputy Serbian Prime Minister Nebojsa Covic, the so-called Covic Plan. In fact, the Mission is the one international organization associated, by all parties concerned, with the implementation of the Covic Plan. To this end, we work intensely with all interested parties within the political equation of Southern Serbia, which has contributed to normalizing the situation on the ground. In helping to realize the Covic Plan the Mission has succeeded in promoting an amnesty for former UCPMB fighters, country-wide acceptance of diplomas issued in Kosovo and, recently, the Mission has brokered agreement on general principles for the municipal elections in Southern Serbia in June 2002.

Economic Reform

Economic reform has been one of the areas where the Democratic Opposition of Serbia (DOS) government has shown considerable success. Economic and policy performance has been impressive since the overthrow of the Milosevic regime and the initiation of reforms in late 2000. Inflation has declined by two-thirds to 40 per cent, and the foreign exchange reserves of the central bank have doubled. On the structural front, recently adopted legislation, including the privatization law and labour law, has considerably liberalized the

labour market. Rapid progress has been made in stabilizing the economy and strengthening the external position. The new institutional framework for bank and enterprise restructuring have begun to be implemented in line with the IMF and World Bank recommendations and relations with multilateral and Paris Club creditors have been normalized. While the Mission is not directly involved in the economic reforms, these positive achievements create an environment within which other reforms where the Mission does play an active part can be pursued more vigorously. In addition, the Mission has recently initiated a process to create a “focal point” within the Mission, so as to coordinate activities, projects and information-flow between the Mission and financial institutions, such as the World Bank and the European Agency for Reconstruction.

Legislative Reform

Although the legislative reform process has made many advances, including the adoption of an advanced law on the protection of minorities and a law on local self-government as well as the adoption of a judiciary package and the drafting of the anti-corruption package, there are a number of key areas of legislation still in need of reform. This is especially true for the adoption of new Constitutions in line with the Framework Agreement for Serbia and Montenegro, brokered by the European Union and signed by all parties involved on 14 March 2002. Other areas in need of reform include broadcasting and telecommunication laws, environmental law, public information law and laws and regulations relevant for the democratic control of the army and the security sector. As mentioned earlier, the Mission acts in an assisting, advisory role regarding the creation and revision of legislation. This process is enabled by the fact that the Mission is made-up of experts in fields ranging from judicial reform to media reform who are in a position to provide information regarding “best-practices” within their given field. For example, in the drafting of the law on the protection of minorities, the Mission experts provided the Ministry with advice on how the legislation could best be improved and the various sensitive issues that should be taken into account. The result is a markedly comprehensive high standard piece of legislation, which will invariably lend to both minority representation and stability within the country.

We believe the basis of the Mission’s success, which also leads to the adoption of better legislation, is founded upon two things: first, the Mission’s possession of the necessary expertise and, second, its respect for the democratic mandate of the government and its ministers.

Policing

Another sphere in specific need of reform is that of policing. The Istanbul Charter for European Security signed in November 1999 ensures participating States' support for the OSCE's role in civilian police related activities. The Mission takes its obligations regarding the creation of a modern civilian police force in the FRY seriously. In fact, it is considered by the Mission as one of the most fundamental aspects of institutional enhancement, as without a representative and competent police force, it is difficult to generate respect for government authority at a more general level. Furthermore, considering the diverse ethnic make-up of the region and the fact that some prejudice originating from the actions of the previous regime may still exist, it is important that all sections of society feel represented and protected by the new democratic police forces. In this regard, the Mission, through its Law Enforcement Department, has focused on the retraining of police with emphasis upon human rights, policing principles and ethics. Soon after the creation of the Mission, a Police Consultant was appointed to carry out a comprehensive study of policing in the FRY and to recommend what changes and international assistance were needed to modernize policing along European lines and to integrate the FRY police services into the international police community. The Police Consultant's study was jointly adopted by the Mission and the Serbian Ministry of the Interior and will serve as a basis for the Mission's ongoing support to police reforms in the FRY and provide a resource base for international donor programmes.

Southern Serbia

Regarding Southern Serbia, as previously outlined, the Mission engaged itself in this issue immediately after the signing of the peace agreement brokered by Covic on 21 May 2001 which brought an end to a spring of violence in this region. To this end, the Mission appointed a Southern Serbia Co-ordinator in order to further concentrate its activities.

The development of multi-ethnic police training is fundamental in helping the development of societal security in Southern Serbia. The Mission is conducting a multi-ethnic police-training project, aimed specifically at Southern Serbia. The first class of multi-ethnic police cadets from the Mission-led training centre in Mitrovo Polje graduated on 17 October 2001. On 18 January 2002, the graduating ceremony for the second class of the OSCE-led multi-ethnic police project took place in Bujanovac, in the presence of the Minister of Internal Affairs Dusan Mihalovic. The total number of cadets graduating from this course was 93, out of which ten were females. At the end of the series of training courses, the police force in Southern Serbia should be composed of 57 per cent ethnic Albanians and 43 per cent Serbs, while the proportion of women in the force should reach twelve per cent.

Regarding the media situation in Southern Serbia, an agreement based upon the institutionalization of a multi-ethnic media was signed on 18 January 2002 and will help create a better represented society. The document, the first of its kind in Serbia, provides for the progressive transformation - in a first phase - of the municipal media in the municipality of Bujanovac, where in the past the most delicate problems between Serbs and Albanians could be witnessed in the media sphere. Similar agreements for the municipalities of Presevo and Medvedja, whose authorities have already pledged their full collaboration, are planned to follow.

The Mission has also facilitated the creation of a Serbian/Albanian round table to enable greater co-ordination and communication between Serbs and Albanians regarding the implementation of the Covic Plan. In addition, the holding of early municipal elections in Southern Serbia has been the object of many negotiations and discussions promoted by the OSCE Mission to the FRY. At that time, discussions took place between the Head of Mission and Deputy Serbian Prime Minister Covic in order to pave the way for the holding of early municipal elections in the region.

Sandjak and Vojvodina

While the region of Southern Serbia has been the focus of concrete projects aimed at stabilizing the post-conflict situation, the region of Sandjak and the Autonomous Province of Vojvodina, because of their historical and multi-ethnic particularities, are supported by the Mission with regard to strengthening both decentralization and regionalization in Serbia, which is high on the political agenda of the DOS coalition.

In Vojvodina, a province that is characterized by great ethnic diversity and traditional tolerance among different nationalities, the Mission activities initially focused on issues connected with inter-ethnic relations and local government. Training courses aimed at building local management skills have been conducted in a number of municipalities to enable local governments to better protect their interests and foster development and local harmony. The restitution to Vojvodina of a number of competencies, particularly in the fields of economy, social security, health, culture, information and education, by a so-called "omnibus law" gives an opportunity for increased co-operation between the Mission and Vojvodina authorities. This includes the possibilities of new initiatives, such as those aimed at capacity building for the public administration in the province.

In Sandjak, where the most Muslim/Bosniak citizens of Yugoslavia live, the Mission has monitored political and other relevant events within the scope of its mandate. Through regular visits to the municipalities, good working relations with local authorities, political parties (both ruling and opposition) and non-governmental organizations have been established. There is a widespread perception of the OSCE as an objective factor in fostering inter-ethnic peace

and understanding in the region. The Mission was welcomed and encouraged to take a role in facilitating reforms on the local and regional level, including work on development of democratic values, transparency and accountability of public institutions, equal access to employment for members of different ethnic communities, improved education and improved public services.

Montenegro

The OSCE played a role in the Republic of Montenegro even before the formation of the OMIFRY; the OSCE presence in Montenegro had been established on an *ad hoc* basis in 1999 through the opening of an ODIHR office there. On 15 November 2001, the OSCE Permanent Council in Vienna decided that responsibility for the Podgorica office was to be transferred from ODIHR to the OSCE Mission to the FRY. The Podgorica office has been in operation since 1 January 2002 as a part of the OMIFRY, but is in daily direct contact with the Montenegrin authorities and can pursue initiatives of specific value for the Republic.

On 14 March 2002, an agreement regarding the future status of Serbia-Montenegro relations was finally brokered by EU High Representative for the Common Foreign and Security Policy (CFSP) Javier Solana and signed by all major political players. The agreement must now be ratified by the Federal Parliament and both Republican Parliaments and then drafted into a common Constitutional Charter. New constitutions must then be drafted by both Republics. The agreement gives both republics considerable autonomy, including economic autonomy. A number of common institutions, including Foreign Affairs and Defence, remain; they are to be governed under the Ministerial Council of Serbia and Montenegro.

The OSCE certainly holds a unique and constructive position regarding the question of Montenegro's status. The Mission endeavours to support the democratization process through the process of institution building. The advantage of this neutral position allows the Mission to support the democratic process independent of the definition of relations between Serbia and Montenegro.

On the whole, we believe that the Mission is having a stabilizing effect upon political developments in the FRY. The efforts of the Mission are based to a large extent on the OSCE functions relating to conflict prevention and preventive diplomacy. However, the Mission's role and activities are also characterized by a co-operative approach with the Yugoslav authorities at all levels and by co-ordination of its projects and initiatives with the Yugoslav government.

Specific Activities of the Mission (Departmental Activities)

In addition to general political activities of the Mission, its different departments are engaged in a number of projects in specific fields, within the Mission's overall mandate. These activities are aimed at reforming and reinforcing democratic institutions in main political and public sectors, in order to strengthen the rule of law, promote the values of civil society and bring the country closer to European standards. At the same time, the activities and projects are designed and implemented in full co-operation with the relevant Yugoslav authorities and NGOs, making the Mission a part and parcel of domestic reform. We find it very rewarding that our Yugoslav counterparts have accepted the Mission as their partner, not as a burden.

An example of this approach have been the activities of the *Law Enforcement Department*. Its major achievements, as mentioned earlier, have been the establishment of multi-ethnic police forces in the Southern Serbian municipalities of Presevo, Medvedja and Bujanovac and its engagement in supporting police reform in the FRY as a whole.

Similarly, the *Rule of Law/Human Rights Department* has been directly involved in promoting respect for law in the FRY and supporting the respect for human rights and fundamental freedoms. The Department has developed a programme for ongoing education and retraining of judges, prosecutors and lawyers.

In addition, the Department's anti-corruption activities have become particularly relevant following the Serbian government's December 2001 decision to establish the Council on Anti-Corruption, which the Head of the Mission was asked to join. The OSCE is the only international organization on the Council. The Department plans to be proactive in working with the Council and other international organizations to push forward economic reforms in areas such as taxation, privatization and anti-corruption.

Pursuant to the recommendations of a round table on the establishment of an ombudsperson institution in the FRY, the Mission and the Serbian government have agreed upon a programme which provides for legislative support, practical expert advice from existing institutions, study trips, and a public awareness campaign.

A programme for penal reform has also been arranged with the Serbian authorities and has been presented to international donors. The proposed activities include a legislative review, study trips and professional training for the staff and administrators of the penal system.

The main focus of the *Democratization Department* is capacity-building within state structures in order to create a foundation for a system of democratic government that is more responsive to its citizens and civil society. Parliamentary reform is an important focus of the Department's activities. The Department also has a number of key human rights functions, including the establishment of mechanisms to protect vulnerable groups such as minorities,

refugees and internally displaced persons (IDPs), women and the victims of trafficking in human beings.

In April 2001 the Department organized a round table under the auspices of the Stability Pact Special Task Force on Trafficking in Human Beings. The result was the establishment of a cross-sectoral national mechanism of government and NGO representatives aimed at tackling the problem of trafficking in human beings from and through the FRY. Its tasks include prevention, law enforcement, public awareness, shelter and referral issues. The Mission also organized a training seminar for lawyers from Croatia, Bosnia and Serbia on how to bring Croatian property cases to the European Court for Human Rights. The Mission participated in the drafting of the government's National Strategy on Refugees and IDPs and developed, along with local and regional international organizations and NGO's, methods to facilitate the return of the Bosnian Serbs to Bosnia.

Various initiatives have also been launched by the Democratization Department aimed at promoting the role and status of women in politics and in the workplace and establishing national gender protection and promotion mechanisms. This has primarily been done within the context of the Stability Pact Gender Task Force Action Plan, which is just one example of the co-operation between the Mission and the Stability Pact for South Eastern Europe.

As recognized both domestically and by international observers, the role of the Parliaments is one of the weaker points of the functioning democracy in the FRY. Therefore, the Mission attaches particular importance to its Parliamentary Support Programme, which has been established to help strengthen the democratic functioning and institutional and human capacities of parliamentary institutions and political parties at federal, republican and provincial levels. Programme activities include the provision of regulatory and training assistance to the Offices of the Parliamentary Speakers, to Members of Parliament and parliamentary staff through seminars, networking with other parliamentary institutions and various other *ad hoc* activities.

The media scene in the FRY is very rich and diverse, but also quite complex. The state owned and controlled media has been one of the main pillars of the Milosevic regime and acted as a disseminator of populist propaganda and hate speech. On the other hand, independent media fought bravely to provide critical and impartial information and promote freedom of expression, in the face of pressure and persecution. They created an active and highly competent body of professional and democratically committed journalists. After the October 2000 changes, the main task of the reforms in the media sector has been to introduce "normality and international accepted standards" in the functioning of the media, while maintaining the achievements of independent journalism and introducing professionalism and impartiality in the public sector as well.

With these aims in mind, the Mission's *Media Department* has been assisting relevant government authorities and journalists' associations with legal ad-

vice on new broadcasting and public information legislation. Support has also been provided to the federal and republican telecommunications authorities to help establish regulatory agencies for broadcasting and telecommunications which can ensure transparent and fair licensing procedures for private electronic media. Legal and technical support is also being provided in drafting further media legislation for freedom of information, advertising standards and a review of media-related provisions in the civil and penal codes, for example. These reforms should eliminate anachronisms from the authoritarian period such as provisions that journalists in Serbia and Montenegro can still face criminal charges for activities conducted as part of their professional obligations.

The Department is also assisting the newly appointed management of Serbian State Radio Television (RTS) in carrying out its transformation to a public broadcasting service and in reforming its news services. The Department also facilitates or directly contributes to training initiatives for media managers, editors, journalists and technicians, as part of various development projects aimed at improving professional and ethical standards, as well as promoting co-operation and confidence between different ethnic communities, particularly in Southern Serbia.

One of the unique characteristics of the Mission to the FRY is that it is also mandated to perform work in the economic and environmental fields. One of the main achievements of the Mission's *Economy and Environment Department* has been the assemblage of an international donor and advisory constituency to support the efforts of the Serbian authorities to draft new environmental legislation in line with European and international standards and to establish an Environment Ministry and an independent Environmental Agency. The Department was involved in organizing the Preparatory Meeting for the Tenth OSCE Economic Forum in Belgrade on 5-6 November 2002. Amongst the results of the Meeting was the signature of a Letter of Intent by the authorities of the FRY, Croatia and Bosnia and Herzegovina on the joint protection of the waters of the River Sava.

In late 2001, the Mission initiated a public awareness campaign on environmental issues that has received broad attention in Serbia. The campaign was financed by the Swiss, Italian, German and Norwegian governments.

Last but not least, the Mission has been mandated to assist and promote implementation in the *confidence- and security-building measures (CSBM)* area, which is closely linked to defence- and security-related issues. Together with the Conflict Prevention Centre within the Vienna OSCE Secretariat and the Yugoslav Ministry of Foreign Affairs, the Mission organized a round table on CSBM implementation for Yugoslav government officials, which included officials from the Yugoslav Ministry of Defence and the General Staff. The Mission also recently co-sponsored a seminar on parliamentary oversight of the defence and security sector.

In particular, the Mission's efforts in this field are focused on implementation of two OSCE documents - the Code of Conduct on Politico-Military Aspects of Security and the OSCE Document on Small Arms and Light Weapons (SALW). The relevance of the Code of Conduct is closely linked to the issue of democratic control of armed forces, which has steadily gained in importance in the FRY. Recent events show that in the country there is a clear and urgent need for introducing standards of established democracies in oversight of the military and security sectors. The improvement and exercising of parliamentary oversight over the defence and security sector is, therefore, also an aspect of increased focus for the Mission.

Stability and security in the FRY, and the region as whole, would benefit from the stricter control and reduction of the surpluses of small arms and light weapons which were used in past conflicts and remain in possession of organized crime, criminal groups and individuals. The Mission has supported the early implementation of the OSCE SALW Document and was involved in a programme, funded through the Stability Pact, for the destruction by the Yugoslav Army of stockpiles of surplus small arms and light weapons. The forthcoming establishment of a regional SALW clearing house in Belgrade will provide an additional opportunity for the Mission to work, together with other relevant international actors such as UNDP and the Stability Pact, in this field.

The co-operative ethos of the Mission is also borne by the fact that it has developed *concrete co-operation and working relationships with other international organizations* engaged in the FRY, such as the EU, OMIK, UNMIK, the ICTY Office, UNDP, UNHCR and ICRC.

In particular, regular contacts were established with the Office of the Special Co-ordinator of the Stability Pact for South Eastern Europe. A systematic dialogue has also been carried out with the Regional Envoy of the Stability Pact. The close working relationship was formalized through signing of a Memorandum on Co-operation between the Office of the Stability Pact for South Eastern Europe in FRY and the OSCE Mission to the FRY.

The Mission closely co-operates with the Council of Europe (CoE) and its Office in Belgrade, *inter alia*, through regular exchanges of relevant information, briefings, joint assessment visits, common projects and participation in seminars and conferences. At the initiative of our Mission, a joint "Centre for Information and Documentation", located at the National Library of Serbia, was opened in April 2002.

In carrying out all of its above mentioned activities, a particular importance is attached to the *public promotion of the Mission and its work*, and extending its "outreach" to the population beyond the bounds of Belgrade. This part of the Mission's work is concentrated in the *Spokesperson's Office*. Through regular personal contact with press and electronic media representatives, a network of press contacts has been established. Media coverage of the Mission's activities has been frequent and generally favourable, which is very

much appreciated and serves as an encouragement for our further work. The Mission's involvement in multi-ethnic policing in Southern Serbia has received particularly high profile attention. The perception of the OSCE Mission to the FRY as an organization that works closely with the Serbian public and that actively seeks the involvement of the population in its activities has also been helped by a project called "A Notebook for every First Grader". This nationwide campaign, financed by voluntary funding from the Netherlands government, consisted of the production and distribution of a notebook to all children who, in 2001, went to school for the first time in Serbia (about 100.000). The schoolbook, entitled "My house is in Europe", was produced in Serbian and five minority languages.

A generally more objective view of the OSCE, which was until recently somewhat negatively perceived in the FRY due to the Organization's previous involvement in Kosovo, is now noticeable. Outreach to the provinces has also been enhanced through regular visits to the main regional centres by a senior staff member, in order to present the OSCE and the Mission's work and to learn about the specific concerns of the local populations.

As can be seen from this summary presentation, the Mission activities in the FRY are quite diverse and multifaceted, but maintain as the main goal the consolidation of democracy in the FRY and its stabilization and accelerated integration into Europe. As such, the role of the Mission is fully compatible with the efforts of the reform-oriented political structures in the country, both in the government and NGO spheres, as well as with the activities of other international organizations active in the FRY.

A little more than a year and a half ago, the Mission was created, following democratic forces coming to power in the country. We started with a relatively small staff but a clear intention and firm commitment to the promotion of democracy-building. The role of the Mission and the vision of the democratic forces can now be best vindicated if Serbia and Montenegro further consolidate its democratic credentials, thus leading to the early integration of the country into other European and Euro-Atlantic organizations and associations, such as the Council of Europe, Partnership for Peace and, eventually, the European Union.