

## Conflict Prevention and Dispute Settlement – The OSCE Project Co-ordinator in Ukraine

### *Explaining OSCE Field Presences*

The OSCE's broad definition of security and its dimensions are described in its various documents,<sup>1</sup> as are the rationales for establishing OSCE missions: "Although no two mandates are the same, generally speaking the missions' purposes are twofold: to facilitate the political processes that are intended to prevent or settle conflicts, and to ensure that the OSCE community is kept informed of developments in the countries where missions are present."<sup>2</sup>

OSCE documents (and those of its predecessor, the CSCE) should be read in historical context. Since the foundational documents were negotiated, both the world situation and the relationships among many of the nations that signed the documents have changed. Developments set in motion a dozen years ago have since borne fruit. With the enlargements of NATO and the EU this year, the dreams of a number of the signatories of the Charter of Paris of 1990 are being realized.

The CSCE/OSCE has thus evolved, and it continues to do so. The adoption of the Charter of Paris by the participating States was the beginning of the most dramatic period of changes experienced by the CSCE/OSCE since its inception in 1975. In 1994, the *Conference* became an *Organization*. Judging by the results, but without arrogating to the CSCE/OSCE a direct or exclusive cause-and-effect relationship, it has to be seen as an effective mechanism for promoting integration among its members. It is also a means through which nations can work to realize their aspirations to integrate with other institutions and international organizations.

It is well known that the OSCE has established and maintains a number of field presences, including the OSCE Project Co-ordinator in Ukraine. Just as the OSCE is constantly adapting to the new security environment, so are its field presences also evolving. Some of the fundamental reasons for their existence, their rationales, practices, and procedures have changed and are

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1 Much of the material cited here is available on the OSCE's website (<http://www.osce.org>); some documents are not readily available to the public; a number are restricted. Restricted materials are quoted with the permission of the originators of the documents. This article covers the period up to autumn 2004.

The easiest reference is to the OSCE Handbook: OSCE Secretariat, OSCE Handbook: 1975-2000, Vienna 2000, also available at: <http://www.osce.org> (hereafter "OSCE Handbook"). See also Charter of Paris For a New Europe, Declaration of the Paris Meeting of the Heads of State or Government of the CSCE, 21 November 1990, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 537-581.

2 OSCE Handbook, cited above (Note 1), p. 45.

continuing to change. They are the subjects of articles, studies, and continuous internal committee work that all aim to describe and improve their functioning.

### *Establishing a New Form of Co-operation*

The history of Ukraine's field presences constitute a good example of this process of evolutionary change. In the mid-1990s, the OSCE established a mission in Ukraine for a specific purpose. After the mission was closed, and following a process of negotiations, the OSCE and Ukraine agreed to establish the OSCE Project Co-ordinator in Ukraine (a name given to the office as well as to the head of the office) and to vest it with a limited capacity to pursue general purposes. To achieve these goals through projects implemented in co-operation with host nation authorities, the OSCE framed its relationship with the host nation through a "Memorandum of Understanding between the OSCE and the Government of Ukraine" (MoU). The Project Co-ordinator was conceived of as a unique type of field presence, established for stated purposes, including, "to establish a new form of co-operation between the OSCE and Ukraine".<sup>3</sup>

### *Perceptions in Transition*

Notwithstanding the new, and demonstrably improved, relationship between the Organization and the host nation in the case of Ukraine, OSCE field missions are still generally seen in a negative light. For instance, on 3 July 2004, nine of the twelve CIS heads of state made the following public statement: "It is also cause for concern that the OSCE 'field missions' focus their activity not on the main statutes of their mandates providing aid and assistance to the authorities of the receiving country within the entire spectrum of the Organization's activity, but exclusively on the functions of monitoring the situation in the sphere of human rights and democratic institutions."<sup>4</sup>

It has also been stated in OSCE forums and elsewhere that an OSCE field presence in a host nation is some sort of a black mark on that country. Having such a presence, it has been said, makes a negative statement concerning the ability of the country to handle its own problems. It would be fair to say that this thought was in the minds of some of the negotiators on behalf

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3 Memorandum of Understanding between the OSCE and the Government of Ukraine, Article 1, paragraph 1 (unpublished).

4 Statement by Mr. Alexey N. Borodavkin, Permanent Representative of the Russian Federation, at the meeting of the OSCE Permanent Council, PC.DEL/630/04, 8 July 2004.

of Ukraine during discussions concerning whether there would be a follow-on presence after the first mission was closed.<sup>5</sup>

Indeed, there is still a belief, hopefully held by only a very few people in Ukraine, which is ostensibly based on outdated descriptions of the purposes of field presences and upon attitudes such as those expressed in the CIS statement referred to above, that there is no need for an OSCE field presence in Ukraine. (Ukraine endorsed the CIS statement cited above.) After all, Ukraine does not have any internal conflict the settlement of which would require international assistance. Nor does it think it needs an officially sanctioned resident watchdog to report what goes on in the country. Hence, neither of the justifications given in the above-mentioned OSCE Handbook is relevant in Ukraine. As is regularly reported in the mainstream media, Ukraine does not want foreigners meddling in its internal affairs. The question of whether Ukraine needs a presence or not depends upon definitions and purposes. In today's world, however, perhaps it may not be a question of need, but rather one of usefulness based upon a calculus of costs and benefits.

### *The Mandates*

Mandates, which form the foundations and define the activities of each field presence, are negotiated and agreed upon by the host nations and the other OSCE participating States, and are ultimately adopted by consensus by the OSCE Permanent Council. They may, but need not, be based on a mutual agreement concerning the need or desirability for assistance relating to the implementation of OSCE commitments, which all the participating States are pledged to uphold and which constitute the shared values of all OSCE participating States.<sup>6</sup> In response to the CIS statement mentioned above, the USA cited both the Charter for European Security and the 1991 Moscow Document to the effect that the participating States "categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned."<sup>7</sup>

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5 A brief description of some of the events of the time is contained in a report written by Randolph Oberschmidt under the aegis of the Netherlands Institute of International Relations "Clingendael"; see Randolph Oberschmidt, *Improving the Effectiveness of OSCE Missions: The Case of Ukraine*, The Hague 2002.

6 Cf. ODIHR/OSCE, *OSCE Human Dimension Commitments. A Reference Guide*, Warsaw 2001; also available at the website of the Office for Democratic Institutions and Human Rights (ODIHR), at: <http://www.osce.org/odihhr>.

7 United States Mission to the OSCE, *Statement in Response to Netherlands Foreign Minister Bot*, 14 July 2004; see also the *Document of the Moscow Meeting of the Human Dimension of the CSCE*, Moscow, 3 October 1991, in: Bloed (ed.), cited above (Note 1), pp. 95-97.

### *New Perceptions Needed to Match New Realities*

Obsolete general statements concerning the purposes of field presences are not helpful. Arguments over whether this or that mission is necessary are counterproductive. Whether one believes a necessity exists is probably a matter of perspective. But while there may be compelling arguments on both sides, it cannot reasonably be claimed that having a field presence creates a stigma. Every OSCE participating State could profit from a properly constructed field presence in some way, especially those aspiring to accomplish particular projects or to achieve deeper integration into any greater community. A reasonably funded, well-managed field presence with a properly crafted, mutually agreed mandate can be an important factor in helping any nation realize its goals. If perceptions are handled correctly, and can be altered to match reality, nations should actually want a field presence to supplement local expertise and to help fund projects, thereby helping them to accomplish their goals.

It might be appropriate to revise the section of the Handbook that contains the description of the purposes of missions, as it does not mention the important reasons why some of these presences are now referred to by names other than “mission”, although it does refer to offices, presences, etc., including the OSCE Project Co-ordinator in Ukraine, as “other field activities”. Many commentators have begun to refer to them as “field presences” or simply “presences,” as I have done here. None of these terms is specifically defined in OSCE documents.

### *Defining Goals*

The tasks assigned to the OSCE Project Co-ordinator in Ukraine are defined by the mandate, which, in turn, is based on the MoU. This document, a pertinent section of which is quoted below, is broad in its description of the range of permissible activities. It does, however, not specify the activities themselves, which has made it necessary to consult with the authorities and to refer to other resources to determine the host nation’s priorities.

There are some clear indications concerning what the host nation deems to be the purposes and preferred activities of the office:

The efforts of the Project Co-ordinator should be focused on projects aimed at assisting Ukrainian authorities in adapting legislation, institutions and policies to the requirements of democracy based on rule of law. As an overall goal the activities of the Office should contribute to

strengthening the rule of law and good governance, thereby furthering Ukraine's European and Euro-Atlantic integration.<sup>8</sup>

This office favours projects that improve infrastructure, provide sustainability, and have measurable results – criteria that are also emphasized by the host nation. Without the demonstration of a solid need, neither the office nor the host nation would favour the organization of conferences, seminars, colloquia, and workshops, although an exception is made for training programs for lawyers and judges, soldiers displaced by military downsizing, and victims of human trafficking. Several projects in the areas of rule of law, economic development, anti-trafficking, and defence conversion have a significant educational component.

This office has also had the benefit of written statements made by the host nation clearly stating the aspirations of the host country. These were also comprehensively set forth in various action plans it has developed in association with NATO (the latest, dated 22 March 2004, is the NATO-Ukraine 2004 Annual Target Plan) and a Partnership and Co-operation Agreement with the EU.

### *Practice and Procedure*

With respect to all of its activities, this presence is careful to stay within the limits of its mandate. From its inception, it has worked to develop a partnership with its host based upon principles of reasonableness. All proposed projects and project ideas are submitted to the Foreign Ministry for consideration prior to finalization or submission for inclusion in the OSCE Project Database. All project proposals submitted so far have been considered and approved – at least preliminarily – within a reasonable period of time. A proposed elections project represents a special case and is discussed in more detail below.

The presence aims to strike a balance between fulfilling its own determination to provide only meaningful, coherent, and above all sustainable assistance, and an often conflicting determination to satisfy occasional *ad hoc* requests for specific projects from particular host nation agencies, which may or may not fit into the system of priorities of the host nation as a whole and, therefore, that of the presence. It walks the fine line between submitting projects *for consideration* prior to implementation and submitting them *for prior approval*, between submitting reasonably specific, but still broad, descriptions of projects designed to accomplish mutually agreed goals and describing projects with such specificity that modalities may become the subject of

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8 Statement by the Delegation of Ukraine, in: Organization for Security and Co-operation in Europe, Permanent Council, Decision No. 525, Extension of the Mandate of the OSCE Project Co-ordinator in Ukraine, PC.DEC/525, 20 December 2002.

the host nation's veto power. In practice, however, these distinctions turn out to be mainly semantic: distinctions without differences. This field presence expressly avoids debates over construction of its mandate.

The presence does not attempt unilaterally to define problems within the host nation. It does not contrive proposed solutions in the abstract and does not assume the role of teacher. Nor does it need to compromise on matters of principle.

Issues articulated by or with the host nation are considered jointly, and this office attempts to assist in mutual problem solving and to help raise funds. All decisions regarding projects and priorities made by this office are made mutually following discussions with the relevant authorities. An idea for a project may be proposed by this office, by an agency or individual from the host nation, or an OSCE institution or the Secretariat. Regardless of origin, however, they are all brought to the attention of relevant authorities immediately, and project proposals evolve jointly.

All project proposals or ideas that become projects are developed with an eye towards assisting in the accomplishment of the enunciated goals of the host nation.

#### *Ensuring the Survival of the Office by Respecting the Expressed Goals of the Host Nation*

To ensure extension of its mandate, this presence requires consensus among all OSCE participating States. This presence is therefore mindful of the fact that if it engages in activities that defy the wishes of its host – especially activities of lesser priority – there might come a June or December when its mandate is not extended. Decisions on projects and the means to implement them are made on the basis of judgements of their importance. In addition, this office takes the position that if part of the rationale of providing a presence is to assist the host nation and work on its behalf, then the presence has to be sensitive enough to the interests of the host nation to use reasonable means to avoid creating a confrontation that would carry negative consequences for the host nation.

It is certainly possible to disagree with the approach this presence takes. However, a look at its achievements, and particularly its acceptance by its host nation, should confirm to any reasonable critic that its conciliatory approach has been fruitful. That acceptance has made it possible for this presence to continually accomplish important work in the fields of rule of law, defence conversion, anti-trafficking, economic development, and elections, which otherwise might not have been achieved if it had engaged in fruitless debates with its host over the meaning of imprecise terms contained in its mandate or over matters of secondary importance.

In any event, Ukraine has risen to the occasion. It has met this presence halfway on all potentially difficult issues, lending credence to the notion that there can be a truly beneficial, mutual host nation/OSCE presence relationship with respect to all matters of substance in Ukraine.

### *Staying within the Mandate*

In several areas, the presence has deferred to the host nation's interpretation of the mandate:

*The relationship between the presence and the Secretariat, OSCE institutions, the Chair-in-Office, the Parliamentary Assembly:* The host nation takes the position that this office does not represent the OSCE, that its activities are limited to projects, and that, unless a project involves some other element of the OSCE, the office neither represents nor serves them. This office has not asserted any prerogatives in this regard.

*The issue of prior approval of projects:* It is appropriate to give sufficient advance notice of proposed activities to allow the host nation to react before activities related to a given project begin. It is also fair to expect a relatively speedy response. If difficulties are foreseen, it is reasonable to expect fair, arms-length negotiations to take place, which can reasonably be anticipated to result in a mutually acceptable resolution. To date, all proposed projects have been submitted with sufficient detail, including projected costs and timetables, and all have received sufficient timely approvals to allow work to proceed. Issues raised by the host nation have been resolved by mutual agreement. Detailed project proposals or details of implementation plans have not been demanded. Except in one instance (elections), none has been provided until the projects were mature and ready for funding. There has been no attempt on the part of the government to micro-manage projects.

*The elections (2004) project:* This was the most sensitive project for both this office and the host nation. It was initiated by statements made by governmental officials at all levels up to the President expressly stating that Ukraine wished to conduct fair and transparent elections. Certain of those officials, as well as numerous members of the international community and several NGOs, determined that co-ordination by this office of the efforts of the most active potential participants in the process, including Ukrainian authorities, would be helpful. A partnership relationship was developed with the principal authorities, the Central Election Commission, and the Ombudsman. A proposed project was drafted in concert with Ukrainian authorities. It was submitted to the Foreign Ministry on 11 July 2003, along with a number of other project proposals, in the first tranche of new proposals following the appointment of the new Project Co-ordinator. The Foreign Ministry gave its preliminary approval for the project on 31 July 2003. It was posted on the OSCE project website and attracted sufficient funding. Elements of the pro-

posed project were commented upon favourably by the Permanent Representative to the OSCE from Ukraine in response to a semi-annual report of the OSCE Project Co-ordinator in Ukraine to the Permanent Council:

The first steps of the Co-ordinator aimed at assisting Ukraine in preparing for the next Presidential elections [...] deserve positive assessment. Establishment of a high-level Working Group that includes representatives of the Diplomatic Corps and the Government of Ukraine, with the purpose to discuss issues related to the elections is also important in this regard. I would like to stress that Ukraine is ready for close and transparent co-operation with the international community in this sphere.<sup>9</sup>

Subsequently, the Foreign Ministry suggested that a detailed action plan would be helpful. One was drafted in consultation with the authorities and other actors over a period of approximately three months, and was subsequently subjected to close scrutiny. The Ukrainian authorities made numerous substantive and formal suggestions on how the document could be improved, all of which were helpful and were incorporated into the draft. A “final” version was submitted in Ukrainian to the Foreign Ministry in December 2003. Because the project had already received preliminary approval, the hiring of experts and various other preparatory activities had already commenced. With the passage of time, and after several unofficial suggestions from a variety of sources that the plan was satisfactory, this office took the position that silence meant approval. However, in March 2004, a rumour emerged that the action plan might not be approved. This elicited several requests to Ukraine’s Delegation in Vienna that the Foreign Ministry should be requested at least not to disapprove of the action plan. After several months, extensive review by every relevant governmental agency, and the adoption of a number of additional modifications suggested by the authorities, none of which weakened the document, the action plan was finally approved on 18 June 2004.

*The proportion of international staff to local hires:* This office hires as many local nationals as is reasonably practicable. At this time, all staff are local hires except for three international staff (provided for in the MoU), two elections experts, and two interns.

*Staff versus project costs:* This office attempts to maximize the amount spend on projects and has substantially increased the proportion of funds spend on project implementation.

*Fair and balanced reporting concerning events in the host country:* Reporting concerning the political situation or political events in the host nation

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9 Statement of the Ukrainian Permanent Representative to the OSCE to the Permanent Council, 3 October 2003 (unpublished).

is not part of the mandate or any project and is not carried out by this presence.

### *Applying the Recommendations of Critics and Institutions*

Whatever the legitimacy or rationality of concerns over the existence of this or any field presence may be, this office is learning to deal with sensitivities created by outmoded negative connotations concerning the existence of a field presence in a country. In its activities, its language, and its relationships with external agencies, including the OSCE Secretariat, OSCE institutions, and the Chair-in-Office, this office is careful to conduct itself in a way that takes the host nation's sensitivities into account to counterbalance or overcome any misperceptions both inside and outside the host country.

In a food-for-thought paper produced in September 2003, certain countries proposed several ideas for consideration by the Organization regarding how field presences should be administered. This paper echoes the sentiment expressed in the CIS statement, but gives more specific details. All of the relevant portions of the paper have been incorporated into the practices of this field presence. Some of the most salient are quoted here.

- Bring missions' activities in strict compliance with the existing mandates, which should reflect the genuine requirements of the Host countries [...]
- An absolute priority in the field activities should be given to the implementation by the missions of specific projects embracing all three dimensions [...]
- Political impartiality – non-interference in the internal affairs of the Host country – should be an absolute rule for all missions. None of their activities should violate national legislation and effective regulations.
- Missions should have a standard period of duration of their mandates [...]
- Mission reporting [...] should primarily contain information on activities related to mandate implementation [...]
- Obtain agreement of the Host country on the nomination of the head of the mission.
- Extra-budgetary contributions of the donor States should be spent only on officially approved mission projects which have become part of their activity plan.
- Carry out regular exchange of opinions on various regional issues, and when necessary to combine efforts for the implementation of joint projects.
- Elaborate a mechanism to evaluate the effectiveness of the missions' work [...] Paragraph 41 of the Charter for European Security should be

at the core [...] In accordance with that provision, the main objective of the missions is the assistance in building the national capacity of the Host country that “would facilitate an efficient transfer of the tasks of the operation to the Host country, and consequently the closure of the field operation”.<sup>10</sup>

At the same time, this presence has assiduously avoided actions that could reasonably subject it to the criticisms or accusations voiced in the same food-for-thought paper, even before it was specifically aware of them:

- In a number of Host countries the missions have virtually ignored the calls of authorities to abide by the existing mandates.
- With time the Organization has begun to acquire more and more the features of a human rights watchdog.
- The OSCE, while continuing to claim the comprehensive approach to security, focused in fact mostly on the humanitarian dimension.
- So-called independent assessments [are] often based on subjective opinions or unverified information, which is in breach of the principle of objectiveness and impartiality.
- The main focus of field operations has shifted from the fulfilment of their specific mandates to following the internal political situation in the Host country.
- Some missions [have] made efforts to influence the political processes in a number of sovereign states, which was rightly considered as interference into the internal affairs of these countries.
- Such perceptions were further enhanced by concrete examples of using budgetary and extra-budgetary contributions to finance and subsequently implement the projects, which were not reviewed by the Host Governments nor agreed upon with them in advance.

Additional considerations were raised by a recent meeting of the Informal Group of Friends of the Chair on Improving the Functioning and Effectiveness of OSCE Field Operations, which is open to all participating States:

- An annual review of each mandate is in our view necessary in order to assess whether it responds adequately to possible developments in the host countries.
- The review should be part of [a general] and substantive annual discussion of the activities of the Mission in the preceding year.

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<sup>10</sup> Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 425-443, here: p. 437.

- [Each mission] should develop a yearly Working Plan with benchmarks against which its activities can more easily be measured.

In her remarks to the meeting, the Chair of the Group of Friends stated that

Missions are not there to impose their program activities on the host country, but offer expertise and assistance wherever needed in the context of a constructive dialogue.

As already stated, there are different kinds of field presence, and each has its own mandate. Generalizations about them are therefore likely to be inappropriate. Moreover, the OSCE Project Co-ordinator in Ukraine is unique. However, although it is a certainly not a formula that would work in every case, this office assiduously aims to act in a way that is consistent with the above criticisms, statements, and suggestions.

#### *Composition of the Office*

In accordance with the MoU, the Co-ordinator's staff is composed of a core of internationally and locally hired staff as well as internationally or locally hired experts and technical staff required for the implementation of the projects. The size of the Co-ordinator's expert staff may be changed as required by the projects.<sup>11</sup>

The first Project Co-ordinator, the Swiss diplomat Peter Burkhard, was appointed in October 1999 and served until February 2001. After a hiatus of over 13 months, the present Project Co-ordinator<sup>12</sup> was appointed on 12 March 2003 by the Chairman-in-Office. The office currently consists of three international staff members (an American, an Austrian, and a German), as provided for – and limited by – the MoU, two international election experts from Sweden and Denmark, two interns (a Canadian and a citizen of the United Kingdom), and twenty-four local hires, including two Ukrainian economists and six Ukrainian lawyers, two accounting specialists, and three drivers. Due to the small number of international staff, none of the issues raised in a report produced by the Hamburg Centre for OSCE Research (CORE) is of serious concern to this presence. This office has been fortunate to have been able to select personnel from a large pool of highly qualified prospective secondees.<sup>13</sup>

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11 OSCE Survey of OSCE Long-Term Missions and other OSCE Field Activities, 28 May 2004; see also OSCE, Mission Survey, OSCE Project Co-ordinator in Ukraine, at: <http://www.osce.org/publications/survey/survey18.htm>.

12 The current author, a US diplomat.

13 From 2002-2003, the Centre for OSCE Research (CORE) at the Institute for Peace Research and Security Policy at the University of Hamburg conducted research into the se-

*Basic Decision*

Established by: Permanent Council Decision No. 295, 1 June 1999, PC Journal No. 231<sup>15</sup>

*Tasks*

According to Permanent Council Decision No. 295 of 1 June 1999 and following the closure of the OSCE Mission to Ukraine, an OSCE Project Co-ordinator in Ukraine was established for the purpose of carrying out tasks related to the new form of co-operation between Ukraine and the OSCE. According to PC Decision No. 295, "this co-operation will be based on the planning, implementation and monitoring of projects between relevant authorities of Ukraine and the OSCE and its institutions. Such projects may cover all aspects of OSCE activities and may involve governmental as well as non-governmental bodies of Ukraine."<sup>16</sup>

*Deployment*

A memorandum of understanding was signed by the Ukrainian Government and the OSCE on 13 July 1999.

*Duration*

The Project Co-ordinator in Ukraine was established initially for the period from 1 June 1999 until 31 December 1999. It was further resolved to make the mandate renewable for periods of six months. It has so far been extended on ten occasions, most recently at the 512th Plenary Session of the Permanent Council with Decision No. 615, when it was renewed for the period from 29 June 2004 to 31 December 2004.

*Financial Implications*

The OSCE Unified Budget for 2004, adopted at the 489th plenary meeting of the Permanent Council on 24 December 2003, established the budget of the OSCE Project Co-ordinator in Ukraine at 1,085,300 euros.<sup>17</sup> Extra-budgetary contributions, which amounted to 115,000 US dollars in 2003, exceeded 1,500,000 US dollars in 2004. For 2005, they are projected to be even higher.

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lection and training of personnel for OSCE field missions, the results of which were presented to the OSCE Secretariat in December 2003. Institute for Peace Research and Security Policy at the University of Hamburg (IFSH)/Centre for OSCE Research (CORE), *Working in OSCE Field Missions*, Hamburg, November 2003 (unpublished).

14 Cf. OSCE Survey of OSCE Long-Term Missions and other OSCE Field Activities, cited above (Note 11).

15 OSCE, Permanent Council, Decision No. 295, 1 June 1999, PC.DEC/295, in: PC Journal No. 231, 1 June 1999.

16 Ibid.

17 Cf. OSCE, Permanent Council, Decision No. 590, Approval of The OSCE's 2004 Unified Budget, PC.DEC/590, 24 December 2003, Annex I, p. 5.

## *Projects in 2004*

### *Economic and Environmental Dimension Projects*

#### A. Community Development

- Zherebkovo Community Development Project (also mentioned under Defence Conversion, below)
- Improving the water supply system in Zolotonosha/Oblast Cherkasy

#### B. Economic Development

- Encouraging local economic development by improving the business infrastructure for SMEs
- Raising prosperity by promoting investment
- Assisting Ukrainian oblast administrations in attracting foreign direct investments and promoting investment opportunities
- Establishing enterprise networks ("cluster-building")
- Studying the impact of Ukraine's WTO accession on social-economic conditions in two oblasts of Ukraine

### *Human Dimension Projects*

#### A. Rule of Law

- Creating an information and documentation centre at the Ukrainian Ministry of Justice
- Adapting law (human rights legislation)
- Reforming local self-government legislation
- Assisting in elaboration of state immunity in commercial transactions
- Training staff of the Ukrainian General Prosecutor
- Assisting in setting up bar associations at local, regional, and national levels
- Assisting the Supreme Court of Ukraine – training of judges, model administrative courts
- Assisting with the publication of judicial literature
- Assisting the Ukrainian Constitutional Court in developing an information network
- Creating a database of Supreme Court rulings
- Assisting with administrative justice reform
- Assisting in applying the new civil and commercial codes
- Implementing international anti-corruption instruments
- Auditing the current Ukrainian system of residence registration (*propiska*) and considering possible reforms

- Assisting the state judicial administration
- Assisting the Ministry of Finance and the National Bank of Ukraine in holding an international conference on the legal framework of mortgage financing
- Assisting in the creation of a guidebook for detainees on their rights before, during, and after trials

#### B. Human Rights

- Anti-trafficking: supporting the implementation of the national anti-trafficking programme: prevention
- Supporting regional and national counselling hotlines and regional prevention campaigns
- Providing training to NGOs and public officials on trafficking issues in the regions
- Assisting in developing curricula on human rights and anti-trafficking issues for universities, orphanages, and public officials
- Carrying out assessment studies of labour markets in the regions; identifying needs and high-risk groups and developing sustainable economic empowerment strategies
- Publishing books for high-risk groups on “How to start my own business”, “No job, what to do?”, and “After school and now what?”

#### C. Elections

- Supporting further improvement of the election process in Ukraine

#### *Security Dimension Projects*

##### A. Defense Conversion

- Zherebkovo Community Development Project (see also Community Development, above)

##### B. Social Integration of Former Service Personnel

- Supporting the integration of military personnel being transferred to the reserves or discharged
- Supporting retraining measures aimed at social integration of military personnel being transferred to the reserves or discharged

##### C. Border Control

- Border delineation (aerial photography); border installation security

*Disclaimer: The Applicability of this Presence's Experience May Be Limited*

This field presence has been working to define its new form of co-operation ever since its inception. We believe that a mutual understanding has been achieved in practice. It is not the purpose of this article to presume to impose any specific philosophy or method of operation on any other field presence. Each one, like each host country and their leaderships, will remain unique. The experience of this field presence may or may not be applicable to other field presences. It should be recognized that there may be contradictions between OSCE commitments and conditions inside a particular country, notwithstanding that the country has subscribed to live up to OSCE commitments. Those conditions may result in negotiations that are not based on shared goals. If the activities of the presence are seen to be provocative, or if criticism of a field presence is designed merely to discredit it in order to deflect the host nation's failures to live up to OSCE commitments, then the prescription for co-operation described herein might not achieve the desired result.

The relationship described in this article depends upon discussions held in good faith between parties working towards shared goals. It presupposes that each party trusts the other enough to exclude any sinister intentions. Sometimes it takes time for that good faith to be demonstrated. In that context, this presence has, at the very least, demonstrated that some of the suggestions articulated by host countries and former host countries that have been critical of field presences are feasible at least at this one time and in this one place. It is hoped that the experience of this field presence will help dissipate negative perceptions relative to the existence of field presences generally.

*Conclusion*

Although its activities may contribute to conflict prevention and dispute settlement in an indirect way, the OSCE presence in Ukraine is not directly involved in any conflict prevention or dispute settlement activities.

The new co-operation between OSCE and its host nation envisioned at the time when the current presence was established is taking shape and bearing fruit. The view that field presences constitute a stigma is not the only view, and it should be realized that there are presences that, basing their work on mutual relationships and mutual goals, should, in fairness, not carry that stigma. It is to be hoped that perceptions are changing, in part, because of the experience of the field presence in Ukraine.