

The OSCE Missions to the Successor States of the Former Soviet Union¹

This article follows on the ones in the *OSZE-Jahrbuch* [OSCE Yearbook] 1995 on OSCE efforts to settle the conflicts in Georgia, over Nagorno-Karabakh and in the Republic of Moldova. It summarizes the activities of the OSCE Missions in these areas during the past two years. It also summarizes the work done so far by the OSCE Missions for the Crimea and to Tajikistan. It is based on (unpublished) mission reports and on orally transmitted information.

Georgia

Since its establishment at the beginning of 1993 the mandate of the OSCE Mission to Georgia has been extended every six months. Made up of 17 members - eight diplomats and nine soldiers, including one officer of the *Bundeswehr* - it has always been the largest of the OSCE long-term missions. The Heads of Mission Hansjörg Eiff and Dieter Boden were succeeded in 1996 by Ambassador Michael Libal, again a Foreign Office diplomat.

Mission headquarters is still located in the Georgian capital of Tbilisi. On 22 April 1997, OSCE Secretary General Giancarlo Aragona opened a permanent office of the Mission in Tskhinvali, run by two Mission members, which represents a significant improvement for the presence of the Mission in South Ossetia. Until then the Mission had had to maintain contact with South Ossetia by daily automobile trips. The South Ossetian leadership had refused to allow such an office because they felt the Mission would one-sidedly represent Georgian interests. Their ultimate agreement to the opening of the office represents the increased trust which the Mission has won, even amongst the South Ossetians, as a result of its active mediation work.

In accordance with its expanded mandate of 1994 the Mission helps with the settlement of the conflicts in South Ossetia and Abkhazia, supports Georgia's

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efforts to build a democratic state based on the rule of law and helps to secure human rights.²

The cease-fire in the *Georgian-Ossetian* hostilities is holding, thanks to the Russian peacekeeping forces and its commanders and also to the Georgian and Ossetian forces under Russian command. In accordance with a procedure worked out with the Russian supreme command, Mission members continue to serve as monitors with the troops in the field and at the as a rule weekly staff meetings. Thanks to growing trust between the Georgian and Ossetian parts of the population it proved possible, in the aftermath of the 7th session of the Joint Commission for the settlement of the South Ossetian conflict - held on 13 February 1997 in Vladikavkaz (North Ossetia/Russian Federation) and comprising representatives of Georgia, South Ossetia, Russia, North Ossetia and the Mission - to reduce from 26 to 16 the number of the checkpoints operated by the peacekeeping forces. These and other decisions followed on a memorandum signed on 16 May 1996 in which Georgia and South Ossetia had undertaken to reduce their battalions in the conflict zone and not to establish any new military formations. South Ossetia agreed to intensify its search for new recruits to replace veteran fighters from the period of armed conflict. There was agreement that the police functions hitherto provided by peacekeeping forces would be transferred to civil authorities. An appeal was made to Russia to help in financing the Ossetian battalion.

The Mission has also been very active in promoting practical co-operation between the parties to the dispute. In this connection, a prime subject of discussion, e.g. at the Commission's 13 February 1997 session, has been the Mission's interest in the return of refugees forced out of the area of conflict. One document adopted at that session sets forth legal and technical rules for the return which, however, has not yet begun. The return of refugees will give the Mission an additional control function. In the meantime it has been able, by bringing in or arranging for humanitarian assistance from other providers, to lighten the suffering of these refugees who have been living in temporary arrangements since 1992. Humanitarian actions that serve the interests of both sides, along with meetings arranged by the Mission, have helped to bring them closer together.

The Mission escorts official representatives of both sides - e.g. the President of the Georgian Parliament, Shvania, and the South Ossetian Defence Minister, Sanakoyev - to meetings it has arranged in the capital city of the other, a procedure that would have been inconceivable before 1994. In addition, the Mission has brought about a number of meetings between Georgian, South Ossetian

2 Cf. Hansjörg Eiff, *Die OSZE-Mission für Georgien* [The OSCE Mission to Georgia], in: *Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg* [Institute for Peace Research and Security Policy at the University of Hamburg]/IFSH (Ed.), *OSZE-Jahrbuch* [OSCE Yearbook] 1995, Baden-Baden 1995, pp. 179-186, here pp. 179-180.

and (more recently) Abkhaz journalists. It has also had success with its efforts at obtaining international economic assistance (1997: nine million ECUs from the EU) which is intended to help Georgia as a whole, including South Ossetia and Abkhazia, thus giving an indication of the future prospects that a harmonious settlement offers for all three parties to the conflict.

The Mission's policy of "change through rapprochement" could create the pre-conditions for a political solution of the South Ossetia conflict, although there has been no break-through so far. A proposal presented by the Mission in the summer of 1994 for the future status of South Ossetia³ met with support in principle from President Eduard Shevardnadze and a majority of the political spectrum in Tbilisi but was initially rejected in South Ossetia because it provided for the return of an autonomous South Ossetia into the framework of the Georgian state. One outstanding positive aspect of the settlement process was the signing of the Memorandum to Enhance Security- and Confidence-Building Measures between the parties to the Georgian-Ossetian conflict on 16 May 1996 in the Kremlin in Moscow, in the presence of Presidents Yeltsin and Shevardnadze and of the South Ossetian leader, Ludvig Chibirov, as well as the Swiss Ambassador Bucher representing the Chairman-in-Office of the OSCE; this was followed, on 27 August 1996 in Vladikavkaz, by the first bilateral meeting between Shevardnadze and Chibirov. Another high level meeting in Moscow on 4-5 March 1997 was aimed at the elaboration and implementation of the Memorandum. It made clear that the sides are still far from reaching political agreement. The most important substantive result of the meeting was the statement that in their search for a settlement the parties would be guided by the Charter of the United Nations, the principles of the OSCE and the generally accepted norms of international law, including the principles of territorial integrity of a state and the right of peoples to self-determination.

Indeed, the tension between these last two principles will have to be the main issue in further talks. For this purpose, agreement has been reached between the parties to the conflict and the representatives of Russia, North Ossetia and the OSCE, to engage in continuous negotiations. A secretariat for these negotiations was to be established by 5 April 1997, along with expert groups for individual issues. OSCE representatives will participate in both. Those who find it disappointing that the first meeting following on the Moscow Memorandum was limited to statements about the future of the process, without achieving any material progress towards a solution, should bear in mind that in South Ossetia in any case, but also amongst some of the opposition in Tbilisi memories of the armed hostilities were so vivid that there was no willingness to negotiate at all. Given this difficult Georgian situation, agreement on rules for the negotiating process should, along with the reduction of military forces on both sides, be re-

3 Cf. *ibid.*, pp. 182-184.

garded as an important contribution to a lessening of the conflict. Even so, the work in Georgia remains a genuinely long-term enterprise.⁴

The OSCE has also participated in the negotiations under UN chairmanship on the *Abkhazia conflict*, which at present are only marking time. But the Abkhaz leadership, still uncompromising, continues to reject a more active OSCE role in the search for a settlement. Mission members are going on with their visits to the region. In accordance with an agreement between the OSCE and the United Nations of 29 April 1997 the Mission has one member in the UN Human Rights Office in Sukhumi and is thus permanently represented in Abkhazia in at least one important field of activity. A continuing source of concern are the frequent outbreaks of armed hostilities in the southern Abkhaz province of Gali in connection with the uncontrolled return of Georgians who had been forced out of the area and who are now endangered by mine fields.

The situation in *Georgia as a whole* has become more stable since the introduction of a national currency, the Lari, on 2 October 1995 and of a new constitution on 17 October of the same year. The Mission made the arrangements for international monitoring of the parliamentary and presidential elections on 5 and 19 November 1995 which resulted in Shevardnadze's confirmation and reduced the large number of parties in the parliament to just three. Through its monitoring of the human rights situation - including cases such as that of the former Defence Minister Tengis Kitovani, who was arrested for carrying on his own military activities, and of the former head of the Secret Service, Igor Giorgadse, accused of an attempt on Shevardnadze's life - the Mission provides another valuable service. Together with the OSCE's Office for Democratic Institutions and Human Rights in Warsaw it is also pursuing projects aimed at the reform of the Georgian penal system. Through the mediation of the Mission it was possible for Michael Geistlinger, an expert in international and constitutional law from Salzburg who is also looking into the legal aspects of a political solution, to take a critical look at the Georgian draft of a law on ethnic minorities.

The Conflict Over Nagorno-Karabakh

The efforts of the Minsk Group (made up of Belarus, Finland, France, Germany, Italy, Russia, Sweden, Switzerland, Turkey and the United States as well as Denmark as the 1997 OSCE chair) to find a solution to this conflict⁵ have been marking time since 1994. The cease-fire, most recently reconfirmed by the Presidents of Armenia and Azerbaijan on 21 April 1996, is holding, but a series

⁴ Cf. *ibid.*, p. 186.

⁵ Cf. Helmut W. Ganser, *Die Bemühungen der OSZE um eine Beilegung des Konfliktes um Berg-Karabach* [The OSCE's Efforts to Settle the Conflict over Nagorno-Karabakh], in: *OSZE-Jahrbuch 1995*, cited above (Note 2), pp. 187-191, here esp. pp. 187-188.

of Group meetings held in various European capitals since mid-1995⁶ have failed to produce any indication of a political solution. Thus the establishment of an OSCE peacekeeping force,⁷ which was approved in principle at the 1994 Budapest Summit of the OSCE for the event of a solution, has so far remained an unused option. The failure to achieve agreement was highlighted at the Lisbon Summit of the OSCE on 2-3 December 1996 by a statement of the Swiss Chairman-in-Office expressing regret that Armenia had been unable to agree to three principles supported by all other OSCE participating States, namely the preservation of the territorial integrity of Armenia and Azerbaijan, agreement on the legal status of Nagorno-Karabakh on the basis of self-determination and the highest possible degree of self-rule within Azerbaijan, and guaranteed security for the entire population of Nagorno-Karabakh. Since the beginning of 1997 the Russian-French-American Co-chairmen have been trying to reactivate the process. They are presently working out an agenda for future action. The first series of meetings under the new Chairmanship took place in Moscow from 1-4 April 1997.

In the meantime the situation in the crisis area has worsened. There have been frequent breaches of the cease-fire. Because it is the Minsk Group that is working for a solution in Nagorno-Karabakh, the OSCE maintains no long-term mission there. Daily contact with the parties in the region of conflict is instead maintained by the Personal Representative of the OSCE Chairman-in-Office, currently the Polish diplomat Andrzej Kasprzyk. In March and April, while monitoring the cease-fire on the spot, Kasprzyk came under fire. As a result, the OSCE Chairman-in-Office, the Danish Foreign Minister Niels Helvig Petersen, ordered an interruption of the monitoring activity until such time as the parties can provide credible guarantees of security for the observers.

Republic of Moldova

In the Trans-Dniester conflict⁸ there have been indications, despite some setbacks,⁹ of prospects for a concrete political solution which are more favourable

6 On the earlier peace efforts see *ibid.*, pp. 188-190.

7 Cf. *ibid.*, pp. 190-191.

8 On the origins and background of the conflict see Klemens Büscher, *Möglichkeiten und Grenzen des OSZE-Konfliktmanagements in Moldova* [Possibilities and Limitations of OSCE Conflict Management in Moldova], in: *Ethnos-Nation* 1995, pp. 72-74; Stefan Troebst, *Internationale Vermittlungsbemühungen zwischen Moldova und der selbsternannten Transnistrischen Republik - Als OSZE-Diplomat beiderseits des Dnjestr* [Efforts at International Mediation between Moldova and the Self-styled Trans-Dniester Republic - As OSCE Diplomat on Both Banks of the Dniester], in: *Berliner Osteuropa Info* 5/1995, pp. 18-22; Rolf Welberts, *Der Einsatz der OSZE in der Republik Moldau* [The OSCE's Mission to the Republic of Moldova], in: *OSZE-Jahrbuch* 1995, cited above (Note 2), pp. 193-210, in this case pp. 193-195.

9 A cautious evaluation is given by Stefan Troebst, *Kein spektakulärer Erfolg - aber Spannungen reduziert. Die OSZE in der Republik Moldova* [No Spectacular Success - But

than those in Georgia and Nagorno-Karabakh. The Mission,¹⁰ whose American Head of Mission, Michael Wygant, was replaced at the end of June 1996 by his compatriot, Donald Johnson, has been able to make some contributions to a political solution but unable, since mid-1995, to make any headway towards participation in the military area. In comparison with the Mission, the roles of the Russian and Ukrainian mediators have grown in importance since summer 1996. As for the *military area*,¹¹ from 1994 on the Mission has participated steadily in the trilateral Joint Control Commission, in which Ukraine has also taken part as an observer since June 1996. In addition, the military members of the Mission (of whom there are usually two) keep trying to visit units of the peacekeeping forces, joint monitoring posts and other military sites. But Trans-Dniester continues to refuse them access to "strategically important military objects". Regarding the question of withdrawal of the *14th Russian Army*,¹² the Mission has not been able, beyond its contacts with the interested parties, to exercise any influence. The Russian Duma has still not ratified the Moldo-Russian Agreement on the withdrawal of Russian troops, signed in 1994, even though the Council of Europe has made this a condition of Russian membership. Thus the OSCE's offer to monitor the withdrawal, presented to the Russian government at the Budapest Summit, remains unused. Still, the transit agreement between Russia and Ukraine of November 1995 has met one of the necessary conditions for the transport of troops. Russia has held out the prospect of a fifty per cent cut in its military forces by the end of 1997 in return for (Western) financial support - which has not yet been offered, however. In the meantime it is drawing new recruits for its peacekeeping forces from the personnel of the 14th Army. Closely connected with the question of troop withdrawal is the issue of dismantling a Russian weapons depot in Trans-Dniester area which is more than fifty years old. According to Russian information its removal would fill 2,000 goods trains, blocking the Ukrainian railway net for five years. Destroying it in place, also according to Russian figures, would cost 50 million US-Dollars. The Trans-Dniester leaders are calling for partial destruction at the steel plant in Rybnitsa - an option which evokes scepticism in some places in view of rumours about secret weapons sales to the Trans-Dniester armed forces. The prospects for a rapid removal of troops and weapons are further weakened by statements

Tensions Have Been Reduced. The OSCE in the Republic of Moldova], in: *Wissenschaft und Frieden* 1/1997, pp. 23-27.

10 On the Mission's mandate see Büscher, cited above (Note 8), pp. 74-76; Troebst, cited above (Note 8); Welberts, cited above (Note 8), pp. 195-197.

11 Cf. Büscher, cited above (Note 8), pp. 81-82; Troebst, cited above (Note 8); Welberts, cited above (Note 8), pp. 197-198.

12 Cf. Büscher, cited above (Note 8), pp. 81-82; Troebst, cited above (Note 8); Welberts, cited above (Note 8), pp. 198-199.

of Russian government representatives which tie this question to the development of Russian-Moldovan relations.¹³

One member of the Mission continues to devote his efforts to *human and minority rights* issues on both banks of the Dniester. It should be pointed out here that there is still no resolution of the dispute over enforced use of the Cyrillic alphabet in Moldovan- (i.e. Romanian-) language schools in the Trans-Dniester region¹⁴ despite the efforts of the Mission and of the High Commissioner on National Minorities of the OSCE, and despite occasional conciliatory statements emanating from Tiraspol. Against the will of parents, at a number of schools the Trans-Dniester leadership continues to insist on the use of the Cyrillic writing system as an essential characteristic of the Moldovan language. Finally, the lasting imprisonment of members of the Ilascu group, condemned for assassination attempts against politicians of the Trans-Dniester region, can be viewed less as a human rights problem than as a political issue whose importance for the peace process, even without a solution, has fortunately faded into the background.¹⁵

While the Mission has continued actively to practice "round table diplomacy" with certain social groups on both sides of the Dniester¹⁶ it has in search for a *political solution of the conflict*, in comparison with the Russian mediators, ceased since summer of 1996 to be a driving force and dwindled to the status of a by-stander. Following a series of meetings between the newly elected Moldovan President, Petru Lucinschi, and the leader of the Trans-Dniester area, Igor Smirnov, and a working visit in April by Russian Foreign Minister Yevgeniy Primakov, a memorandum on the foundations for the normalization of relations, negotiated under Russian chairmanship between the Republic of Moldova and the Trans-Dniester region, was signed at the highest level on 8 May 1997 at the Kremlin in Moscow. This memorandum, which was a milestone, provides for mutual renunciation of the use of force and the harmonious working out of the status of the Trans-Dniester region, including its participation in Chisinau's foreign policy when its interests are affected and the right of the Trans-Dniester region to establish its own international contacts in economic, scientific and cultural matters. The efforts of Russia, Ukraine and the OSCE to normalize relations between the parties are to be continued. Mutual guarantees on implementation of an agreement on these relations are to be supplemented by Russian and Ukrainian guarantees of a status agreement on the Trans-Dniester region. The memorandum calls on the OSCE to monitor observance of mutual undertakings and contains a reference by the disputant parties to the necessity of having all participants in the peace process (including the OSCE) be involved in

13 In the Russian newspaper Sevodnya of 12 April 1997, for example.

14 Cf. Büscher, cited above (Note 8), p. 80; Troebst, cited above (Note 8); Welberts, cited above (Note 8), p. 203.

15 Ibid., pp. 200-201.

16 Cf. Büscher, cited above (Note 8), pp. 79-80.

working out the guarantee mechanism. It refers to the Moldovan-Russian agreement of 1992 on the principles of a peaceful settlement of the armed conflict in the Trans-Dniester region of the Republic of Moldova and to the possibility of an appeal to the guarantors in the event of a violation of agreements once they have been concluded. At Chisinau's insistence an eleventh point was added to the previous ten to preclude the impression that what is involved here is a peace process between two equal subjects of international law recording that the parties are establishing their relations in the framework of a common state within the borders of the Moldovan SSR of January 1990. The same purpose is served by an accompanying Joint Statement by the Presidents of Russia and Ukraine along with the Chairman-in-Office of the OSCE stating that the memorandum is in harmony with international norms acknowledging the territorial integrity of the Republic of Moldova. It also calls on both sides to begin right away working out an "Agreement On a Final Settlement".

As of now (mid-August 1997) no beginning has been made. On the negative side it must be noted that the OSCE Mission, which once provided the impetus for discussions on a special status for the Trans-Dniester region within the Republic of Moldova (with the proposals contained in its report No. 13 of 13 November 1993),¹⁷ has done nothing since then to develop these proposals further, despite clear requests from representatives of both parties at a round-table discussion held in July 1996 in Kiev. Moreover, its status as a mediator has been damaged by a worsening relationship with the Trans-Dniestrian leadership which has foreclosed any further co-operation in March 1997 on account of critical statements made by the Mission - statements whose substance was probably justified but which, in an unusual step, were made public.¹⁸ Another negative factor is that the Mission no longer has one or two members regularly stationed in Tiraspol but is represented there only by local employees who provide logistical support for Mission members travelling from Chisinau. A further elaborated proposal on the status of Trans-Dniestria, continuously co-ordinated with both parties, will have to come from the mediators, however, as any proposal from one of the parties is bound to be unacceptable to the other. The momentum created by the signing of the Memorandum could have been used for this purpose. Smirnov's most recent statements point to a hardening of the Trans-Dniestrian position.¹⁹

17 Cf. *ibid.*, p. 76; Troebst, cited above (Note 8); Welberts, cited above (Note 8), pp. 204-208.

18 Büscher, a former Mission member, wrote two years before this incident, not without reason, "that the position of an independent mediator is seriously compromised by the assignment of blame to parties to a dispute, especially when they are actually involved in negotiations. Conflict mediation aimed at building confidence and winning the good will of both sides cannot afford a public accounting of the past and present mistakes made by all participants." Büscher, cited above (Note 8), p. 75 (own translation).

19 A thorough description of the Trans-Dniestrian position and situation is provided by Klemens Büscher, *Die "Transnistrische Moldaurepublik" in der Sackgasse* [The 'Transnistrian Republic of Moldova' at a Dead End], *Aktuelle Analysen des Bundesinstituts für ostwissenschaftliche und internationale Studien* 26/1996.

Ukraine

The OSCE Mission in Ukraine, with headquarters in Kiev and an office in Simferopol, was established in 1994 with a mandate to work along with the High Commissioner on National Minorities in helping to find an autonomy solution for the Crimean peninsula within Ukraine. The Russian language predominates in the Crimea which under the Soviet Union was transferred from the Russian to the Ukrainian SSR and, since the collapse of the Soviet Union in 1991, has been trying to rejoin the Russian Federation. The political dispute with Kiev that resulted from this situation has in the meantime been defused. Following the Heads of Mission of Kohlschütter and Lyshchinsky, the American Michael Wygant, who has already accumulated a great deal of OSCE experience as Deputy Head of the Georgia Mission and Head of the one in Moldova, is trying to find a definitive solution. The Head of the office in Simferopol is Professor Frank Ebers from Berlin.

The constitution passed on 28 June 1996 by the Ukrainian parliament provides for an Autonomous Republic of Crimea but defines its rights more narrowly than the Crimean parliament wishes. Contrary to an important resolution of the Crimean Supreme Council of 6 June 1996, there is no mention of a Crimean constitution as such. And a number of other demands remain unfulfilled: that the Autonomous Republic have control over its own natural resources, that Russian be established as the second official language in the entire Ukraine, that the Crimean parliament have the right to initiate bills in the Supreme Council of Ukraine, and that the Crimea be permitted to have a permanent representative in Kiev. Instead, the new constitution confirms the position of the Representative of the President of Ukraine in the Autonomous Republic. Altogether there are twenty articles of the Crimean constitution that remain unconfirmed. In order to fill this gap the Ukrainian Ministry of Justice and the relevant parliamentary committee in Kiev are currently working on draft laws for the Ministerial Council and the Supreme Council of the Crimea as well as the Presidential Representative and local self-government in the Crimea. It is probably safe to predict that this one-sided approach by Kiev will meet with little favour in the Crimean parliament. According to what one hears, the drafts being considered in Kiev provide only for a temporary parliament that would meet once every three months and could be dissolved if it attempted to alter existing administrative structures. Its competencies would have been cut back in favour of the executive. And the head of this executive, however, would be subordinated to the Ukrainian government and would have to co-ordinate the selection of ministers with Kiev. If this concept is carried out, the administration of the Crimea, even though it would undoubtedly enjoy a privileged constitutional and

institutional status, will in the end not look much different from the practice in simple administrative districts of Ukraine.

Considering that ethnic Russians constitute 60 per cent of the Crimean population and that 80 per cent are native Russian speakers, the complete self-paralysis of the Crimean parliament and Kiev's intensified efforts at centralization make just as poor a contribution to lasting political stability as do the activities of Russian nationalists on the peninsula. Moreover, the claim of the Crimean Tatars, who were driven out by Stalin and have now returned, to their own autonomy has also not been fulfilled. The results of President Yeltsin's visit to Kiev at the end of May 1997 could have a stabilizing effect, however. A Treaty of Friendship was signed, along with agreements on the status of Sevastopol, the sharing of the Soviet Black Sea Fleet and the stationing of the Russian portion of that Fleet on a leasing basis in Sevastopol, which is thus acknowledged to be a Ukrainian harbour. The agreements will have to be ratified by the parliaments of both sides.

The Mission's mandate has been extended every six months, most recently until the end of December 1997. The Ukrainian government has repeatedly agreed to these extensions, even though it views the political dispute over the future of the Crimea as solved and denies that the Mission has a long-term character. In view of the issues that still need settlement, however, it is to be hoped that it will go on giving the Mission the opportunity to pursue its stabilizing work.

Tajikistan

The OSCE Mission to Tajikistan, since April 1997 under the direction of Ambassador Dimitry Manjavidze, was established in 1994 with a mandate to promote inter-Tajik dialogue so as to overcome the ongoing civil strife, monitor the refugee situation, and support the building of the institutions needed in a state based on the rule of law. The OSCE is thus a junior partner sharing responsibility with the United Nations who maintain peacekeeping forces in Tajikistan (UNMOT) and who's Special Representative, Gerdt-Dietrich Merrem, along with representatives of Russia and Iran is seeking a political solution. Meetings were held between President Rakhmonov and opposition leader Nuri on 23 December 1996 in Moscow, January 1997 in Teheran, 20/21 February 1997 in Mashkhad, and 16-18 May in Bishkek. They led *inter alia* to agreements on: extending the cease-fire between the warring parties; implementation of a prisoner exchange that had been agreed upon earlier; a protocol governing refugee issues; establishment and organization of a commission of national reconciliation; and transitional participation by the opposition in the government and the central election commission. A peace agreement signed in Moscow on 27 June 1997 stipulates that in future the opposition will have a 30

per cent share in the government of the country. The political movements that make up the opposition alliance, of which the most important is Nuri's Party of Islamic Rebirth, are to be allowed once again to go about their business legally. The establishment of a Commission on National Reconciliation has again been provided for.

The OSCE Mission's participation in a Commission on National Reconciliation remains an open question. Its current activities, which are quite intensive, are limited to maintaining contacts with government and opposition, including seminars and round-table discussions. In 1994 the Mission advised the government on the working out of a new constitution and succeeded in having fundamental principles of democracy and clauses on human rights included. In autumn of 1995 it took over three offices of the UN High Commissioner for Refugees in the south of Tajikistan (Kurgan-Tube, Shakhritus, Dusti). Because the OSCE does not, strictly speaking, take care of refugees, the Mission's mandate was expanded on 6 July 1995 to provide for monitoring human rights and the return of refugees, which began in early 1997. Its proposal, in the face of a deteriorating situation, to establish two additional bases in Garm and Tchudshand has so far not been carried out. Tajik authorities, whose co-operation, particularly at the local level, has for the most part been lacking, bear the main responsibility for this delay.

A Mixed Balance

This new OSCE instrument - long-term missions in crisis areas - has during the past two years operated with varying degrees of success, given the variety of mandates, the differing conditions in the areas where they are assigned and the diversity of their personnel.²⁰ Only two of the long-term missions - those to Georgia and the Republic of Moldova - have a mandate to mediate in the search for a political solution. As the largest of them, the *Georgia Mission*, working in a particularly difficult area in which two still unsolved conflicts are going on at the same time, has, along with its many other activities, persistently followed a policy of small steps as the prerequisite for substantive talks on a political settlement of the South Ossetia dispute. The smaller *Mission to Moldova*, by contrast, is working in a more favourable environment owing to greater stability and fewer ethnic differences; initially it was able to contribute to the improvement of the situation but more recently has failed to make use of all available opportunities.

20 Cf. also Stefan Troebst, Dicke Bretter, schwache Bohrer. Die Langzeitmissionen der OSZE [Thick Boards, Weak Drills. The Long-term Missions of the OSCE], in: Dieter Senghaas (Ed.), Frieden machen [Making Peace], Frankfurt/Main 1997, pp. 147-165.

Unlike the above-mentioned Missions, the ones to Ukraine and Tajikistan along with the OSCE Chairman's Personal Representative for Nagorno-Karabakh, have no mandate to mediate. The Ukrainian government insists that the Mission there has only an advisory function in connection with the search for a solution of the constitutional crisis between Kiev and the Crimea. But there is no doubt that the *Ukraine Mission*, in a situation where military force is happily not involved, has been able to exercise a conciliatory influence similar to that of its sister Missions to the Republic of Moldova and to Georgia. To close it now would be premature.

The long-term *Mission to Tajikistan* and the Personal Representative of the OSCE Chairman-in-Office for Nagorno-Karabakh, on the other hand, have only a flanking function - the latter in deference to the politically active Minsk Group, the former with regard to the peacekeeping and mediatory activities of the United Nations. It should be pointed out in connection with Tajikistan that the division of labour between the United Nations and the OSCE does not correspond to the principle of "OSCE first".²¹ Because the work there pursues such limited aims and, as a consequence, can hardly produce any visible success, one has to ask whether it will help the reputation of the Organization. The intensive flanking work done by this Mission is often overlooked and its importance underestimated.

21 Cf. Herbert Honsowitz, 'OSZE zuerst' ['OSCE First'], in: Vereinte Nationen [United Nations] 2/1995, pp. 49-54.